

By the Committee on Natural Resources; and Senator Dockery

312-2183-04

1                                   A bill to be entitled  
2           An act relating to water resources; amending s.  
3           163.3167, F.S.; requiring local governments to  
4           include projected water use in comprehensive  
5           plans; amending s. 163.3177, F.S.; requiring  
6           local governments to consider regional water  
7           supply plans in their work plans for building  
8           water supply facilities; amending s. 373.116,  
9           F.S.; providing for notice by electronic mail;  
10          providing requirements for notices published  
11          electronically; creating s. 373.2234, F.S.;  
12          authorizing the governing board of a water  
13          management district to adopt rules identifying  
14          certain preferred water supply sources;  
15          providing requirements with respect to such  
16          rules; providing construction; amending s.  
17          373.250, F.S.; authorizing water management  
18          districts to require the use of reclaimed water  
19          in lieu of surface or groundwater when the use  
20          of uncommitted reclaimed water is  
21          environmentally, economically, and technically  
22          feasible; providing construction with respect  
23          to such authority; providing legislative  
24          findings and intent with regard to landscape  
25          irrigation design; requiring water management  
26          districts to develop landscape irrigation and  
27          xeriscape design standards; providing an  
28          effective date.

30 Be It Enacted by the Legislature of the State of Florida:  
31

1           Section 1. Subsection (13) is added to section  
2 163.3167, Florida Statutes, to read:

3           163.3167 Scope of act.--

4           (13) Each local government shall address in its  
5 comprehensive plan, as enumerated in this chapter, the water  
6 supply projects necessary to meet and achieve the existing and  
7 projected water use demand for the established planning  
8 period, considering the applicable plan developed pursuant to  
9 s. 373.0361.

10          Section 2. Paragraph (c) of subsection (6) of section  
11 163.3177, Florida Statutes, is amended to read:

12          163.3177 Required and optional elements of  
13 comprehensive plan; studies and surveys.--

14          (6) In addition to the requirements of subsections  
15 (1)-(5), the comprehensive plan shall include the following  
16 elements:

17          (c) A general sanitary sewer, solid waste, drainage,  
18 potable water, and natural groundwater aquifer recharge  
19 element correlated to principles and guidelines for future  
20 land use, indicating ways to provide for future potable water,  
21 drainage, sanitary sewer, solid waste, and aquifer recharge  
22 protection requirements for the area. The element may be a  
23 detailed engineering plan including a topographic map  
24 depicting areas of prime groundwater recharge. The element  
25 shall describe the problems and needs and the general  
26 facilities that will be required for solution of the problems  
27 and needs. The element shall also include a topographic map  
28 depicting any areas adopted by a regional water management  
29 district as prime groundwater recharge areas for the Floridan  
30 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
31 shall be given special consideration when the local government

1 is engaged in zoning or considering future land use for said  
2 designated areas. For areas served by septic tanks, soil  
3 surveys shall be provided which indicate the suitability of  
4 soils for septic tanks. By December 1, 2006 ~~January 1, 2005~~,  
5 or the Evaluation and Appraisal Report adoption deadline  
6 established for the local government pursuant to s.  
7 163.3191(1)~~s. 163.3191(a)~~, whichever date occurs first, the  
8 element must consider the appropriate water management  
9 district's regional water supply plan approved pursuant to s.  
10 373.0361. The element must include a work plan, covering at  
11 least a 10-year planning period, for building water supply  
12 facilities that are identified in the element as necessary to  
13 serve existing and new development and for which the local  
14 government is responsible. The work plan shall be updated, at  
15 a minimum, every 5 years within 12 months after the governing  
16 board of a water management district adopts an updated  
17 regional water supply plan.

18 Section 3. Subsection (2) of section 373.116, Florida  
19 Statutes, is amended, and subsection (4) is added to that  
20 section, to read:

21 373.116 Procedure for water use and impoundment  
22 construction permit applications.--

23 (2) Upon receipt of an application for a permit of the  
24 type referred to in subsection (1), the governing board shall  
25 cause a notice thereof to be published in a newspaper having  
26 general circulation within the affected area or on the  
27 official Internet website of the water management district. A  
28 notice published on the website shall clearly state the date  
29 the notice was first posted. In addition, the governing board  
30 shall send, by regular or electronic mail, a copy of such  
31 notice to any person who has filed a written request for

1 notification of any pending applications affecting this  
2 particular designated area. At the option of the applicable  
3 county or city government, notice of application for the  
4 consumptive use of water shall be mailed by regular or  
5 electronic mail to the county and appropriate city government  
6 from which boundaries the withdrawal is proposed to be made.

7 (4) The governing board may provide constructive  
8 notice of intended agency action on a permit application by  
9 publication in a newspaper of general circulation within the  
10 affected area or by publication on the official Internet  
11 website of the water management district. A notice published  
12 on the website shall clearly state the date the notice was  
13 first posted. For permit applicants and for persons who have  
14 requested actual notice of intended agency action for that  
15 specific permit application, such notice shall be mailed by  
16 regular or electronic mail.

17 Section 4. Section 373.2234, Florida Statutes, is  
18 created to read:

19 373.2234 Preferred water supply sources.--The  
20 governing board of a water management district is authorized  
21 to adopt rules that identify preferred water supply sources  
22 for consumptive uses for which there is sufficient data to  
23 establish that a preferred source will provide a substantial  
24 new water supply to meet the existing and projected  
25 reasonable-beneficial uses of a water supply planning region  
26 identified pursuant to s. 373.0361(1), while sustaining  
27 existing water resources and natural systems. At a minimum,  
28 such rules must contain a description of the preferred water  
29 supply source and an assessment of the water the preferred  
30 source is projected to produce. If an applicant proposes to  
31 use a preferred water supply source, that applicant's proposed

1 water use is subject to s. 373.223(1), except that the use of  
2 a preferred water supply source shall be deemed a factor  
3 consistent with the public interest pursuant to s.  
4 373.223(1)(c). A consumptive use permit issued for the use of  
5 a preferred water supply source must be granted for at least a  
6 20-year period and may be subject to the compliance reporting  
7 provisions of s. 373.236(3). Nothing in this section shall be  
8 construed to exempt the use of preferred water supply sources  
9 from the provisions of ss. 373.016(4) and 373.223(2) and (3),  
10 or be construed to provide that permits issued for the use of  
11 a nonpreferred water supply source must be issued for a  
12 duration of less than 20 years or that the use of a  
13 nonpreferred water supply source is not consistent with the  
14 public interest. Additionally, nothing in this section shall  
15 be interpreted to require the use of a preferred water supply  
16 source or to restrict or prohibit the use of a nonpreferred  
17 water supply source. Rules adopted by the governing board of  
18 a water management district to implement this section shall  
19 specify that the use of a preferred water supply source is not  
20 required, and that the use of a nonpreferred water supply  
21 source is not restricted or prohibited.

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

24 373.250 Reuse of reclaimed water.--

25 (2)

26 (c) A water management district may require the use of  
27 reclaimed water in lieu of surface water or groundwater when  
28 the use of uncommitted reclaimed water is environmentally,  
29 economically, and technically feasible and of such quality and  
30 reliability as is necessary to the user. However, this  
31 paragraph does not authorize a water management district to

1 require a provider of reclaimed water to redirect reclaimed  
2 water from one user to another or to provide uncommitted water  
3 to a specific user if such water is anticipated to be used by  
4 the provider, or a different user selected by the provider,  
5 within a reasonable amount of time.

6 Section 6. Landscape irrigation design.--

7 (1) The Legislature finds that multiple areas  
8 throughout the state have been identified by water management  
9 districts as water resource caution areas, which indicates  
10 that in the near future water demand in those areas will  
11 exceed the current available water supply and that  
12 conservation is one of the mechanisms by which future water  
13 demand will be met.

14 (2) The Legislature finds that landscape irrigation  
15 comprises a significant portion of water use and that the  
16 current typical landscape irrigation system and xeriscape  
17 designs offer significant potential water conservation  
18 benefits.

19 (3) It is the intent of the Legislature to improve  
20 landscape irrigation water use efficiency by ensuring that  
21 landscape irrigation systems meet or exceed minimum design  
22 criteria.

23 (4) The water management districts shall develop and  
24 adopt by rule landscape irrigation and xeriscape design  
25 standards for new construction which incorporate a landscape  
26 irrigation system. The standards must be based on the  
27 irrigation code defined in the Florida Building Code,  
28 Plumber's Volume, Appendix F. Such design standards should  
29 promote the effective and efficient use of irrigation water  
30 and include a consideration of local demographic, hydrologic,  
31 and other considerations as they apply to landscape irrigation

1 water use. When adopting an ordinance or regulation, local  
2 governments shall use these approved irrigation design  
3 standards.

4 (5) The water management districts shall work with the  
5 Florida Chapter of the American Society of Landscape  
6 Architects, the Florida Irrigation Society, the Florida  
7 Nurserymen and Growers Association, the Department of  
8 Agriculture and Consumer Services, the Institute of Food and  
9 Agricultural Sciences, the Department of Environmental  
10 Protection, the Department of Transportation, the Florida  
11 League of Cities, and the Florida Association of Counties to  
12 develop scientifically based model guidelines for urban,  
13 commercial, and residential landscape irrigation, including  
14 drip irrigation, for plants, trees, sod, and other  
15 landscaping. Local governments shall use the scientific  
16 information when developing landscape irrigation ordinances or  
17 guidelines. Every 3 years, the agencies and entities  
18 specified in this subsection shall review the model guidelines  
19 to determine whether new research findings require a change or  
20 modification of the guidelines.

21 Section 7. This act shall take effect upon becoming a  
22 law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1104

The committee substitute retains original provisions of the bill relating to water supply projects addressed in local comprehensive plans and amends the date by which certain local comprehensive plan elements must consider a regional water supply plan. The committee substitute clarifies original provisions of the bill relating to preferred water supply sources and provides that the use of a preferred water source must be consistent with current provisions of law providing for the conditions of a consumptive use permit. The committee substitute further provides that the use of a preferred water source must comply with state laws governing the use of water from local sources first. Original provisions relating to the reuse of reclaimed water and landscape irrigation design are retained. The committee substitute provides the water management districts with the authority to electronically post consumptive use permit applications on their official websites. At the option of a local government, the water management district may also provide electronic notice of consumptive use permit applications. Finally, the committee substitute provides that the water management districts can electronically provide constructive notice of intended agency action.