

By the Committees on Comprehensive Planning; Natural Resources; and Senator Dockery

316-2382-04

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 address water supply sources necessary to meet
5 projected water use demand included in
6 comprehensive plans; amending s. 163.3177,
7 F.S.; requiring local governments to update
8 work plans for building water supply facilities
9 to incorporate revised regional water supply
10 plans; providing that amendments to a
11 comprehensive plan to incorporate updated work
12 plans are not included in the limitation on the
13 frequency of adoption of amendments to a
14 comprehensive plan; amending s. 373.116, F.S.;
15 providing that local governments may receive
16 electronic notices of applications for
17 consumptive use permits; creating s. 373.2234,
18 F.S.; authorizing the governing board of a
19 water management district to adopt rules
20 identifying certain preferred water supply
21 sources; providing requirements with respect to
22 such rules; providing construction; amending s.
23 373.250, F.S.; authorizing water management
24 districts to require the use of reclaimed water
25 in lieu of surface or groundwater when the use
26 of uncommitted reclaimed water is
27 environmentally, economically, and technically
28 feasible; providing construction with respect
29 to such authority; providing legislative
30 findings and intent with regard to landscape
31 irrigation design; requiring water management

1 districts to develop landscape irrigation and
2 xeriscape design standards; providing an
3 effective date.

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

6
7 Section 1. Subsection (13) is added to section
8 163.3167, Florida Statutes, to read:

9 163.3167 Scope of act.--

10 (13) Each local government shall address in its
11 comprehensive plan, as enumerated in this chapter, the water
12 supply sources necessary to meet and achieve the existing and
13 projected water use demand for the established planning
14 period, considering the applicable plan developed pursuant to
15 s. 373.0361.

16 Section 2. Paragraph (c) of subsection (6) of section
17 163.3177, Florida Statutes, is amended to read:

18 163.3177 Required and optional elements of
19 comprehensive plan; studies and surveys.--

20 (6) In addition to the requirements of subsections
21 (1)-(5), the comprehensive plan shall include the following
22 elements:

23 (c) A general sanitary sewer, solid waste, drainage,
24 potable water, and natural groundwater aquifer recharge
25 element correlated to principles and guidelines for future
26 land use, indicating ways to provide for future potable water,
27 drainage, sanitary sewer, solid waste, and aquifer recharge
28 protection requirements for the area. The element may be a
29 detailed engineering plan including a topographic map
30 depicting areas of prime groundwater recharge. The element
31 shall describe the problems and needs and the general

1 facilities that will be required for solution of the problems
2 and needs. The element shall also include a topographic map
3 depicting any areas adopted by a regional water management
4 district as prime groundwater recharge areas for the Floridan
5 or Biscayne aquifers, pursuant to s. 373.0395. These areas
6 shall be given special consideration when the local government
7 is engaged in zoning or considering future land use for said
8 designated areas. For areas served by septic tanks, soil
9 surveys shall be provided which indicate the suitability of
10 soils for septic tanks. By December 1, 2006 ~~January 1, 2005,~~
11 ~~or the Evaluation and Appraisal Report adoption deadline~~
12 ~~established for the local government pursuant to s.~~
13 ~~163.3191(a), whichever date occurs first,~~ the element must
14 consider the appropriate water management district's regional
15 water supply plan approved pursuant to s. 373.0361. The
16 element must include a work plan, covering at least a 10-year
17 planning period, for building water supply facilities that are
18 identified in the element as necessary to serve existing and
19 new development and for which the local government is
20 responsible. The work plan shall be updated, at a minimum,
21 every 5 years within 12 months after the approval of the
22 revised regional water supply plan. Amendments to incorporate
23 the work plan do not count toward the limitation on the
24 frequency of adoption of amendments to a comprehensive plan.

25 Section 3. Subsection (2) of section 373.116, Florida
26 Statutes, is amended to read:

27 373.116 Procedure for water use and impoundment
28 construction permit applications.--

29 (2) Upon receipt of an application for a permit of the
30 type referred to in subsection (1), the governing board shall
31 cause a notice thereof to be published in a newspaper having

1 general circulation within the affected area. In addition, the
2 governing board shall send, by regular or electronic mail, a
3 copy of such notice to any person who has filed a written
4 request for notification of any pending applications affecting
5 this particular designated area. At the option of the
6 applicable county or city government, notice of application
7 for the consumptive use of water shall be mailed by regular or
8 electronic mail to the county and appropriate city government
9 from which boundaries the withdrawal is proposed to be made.

10 Section 4. Section 373.2234, Florida Statutes, is
11 created to read:

12 373.2234 Preferred water supply sources.--The
13 governing board of a water management district is authorized
14 to adopt rules that identify preferred water supply sources
15 for consumptive uses for which there is sufficient data to
16 establish that a preferred source will provide a substantial
17 new water supply to meet the existing and projected
18 reasonable-beneficial uses of a water supply planning region
19 identified pursuant to s. 373.0361(1), while sustaining
20 existing water resources and natural systems. At a minimum,
21 such rules must contain a description of the preferred water
22 supply source and an assessment of the water the preferred
23 source is projected to produce. If an applicant proposes to
24 use a preferred water supply source, that applicant's proposed
25 water use is subject to s. 373.223(1), except that the
26 proposed use of a preferred water supply source must be
27 considered by a water management district when determining
28 whether a permit applicant's proposed use of water is
29 consistent with the public interest pursuant to s.
30 373.223(1)(c). A consumptive use permit issued for the use of
31 a preferred water supply source must be granted for at least a

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

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

19 373.250 Reuse of reclaimed water.--

20 (2)

21 (c) A water management district may require the use of
22 reclaimed water in lieu of surface water or groundwater when
23 the use of uncommitted reclaimed water is environmentally,
24 economically, and technically feasible and of such quality and
25 reliability as is necessary to the user. However, this
26 paragraph does not authorize a water management district to
27 require a provider of reclaimed water to redirect reclaimed
28 water from one user to another or to provide uncommitted water
29 to a specific user if such water is anticipated to be used by
30 the provider, or a different user selected by the provider,
31 within a reasonable amount of time.

1 Section 6. Landscape irrigation design.--
2 (1) The Legislature finds that multiple areas
3 throughout the state have been identified by water management
4 districts as water resource caution areas, which indicates
5 that in the near future water demand in those areas will
6 exceed the current available water supply and that
7 conservation is one of the mechanisms by which future water
8 demand will be met.
9 (2) The Legislature finds that landscape irrigation
10 comprises a significant portion of water use and that the
11 current typical landscape irrigation system and xeriscape
12 designs offer significant potential water conservation
13 benefits.
14 (3) It is the intent of the Legislature to improve
15 landscape irrigation water use efficiency by ensuring that
16 landscape irrigation systems meet or exceed minimum design
17 criteria.
18 (4) The water management districts shall work with the
19 Florida Chapter of the American Society of Landscape
20 Architects, the Florida Irrigation Society, the Florida
21 Nurserymen and Growers Association, the Department of
22 Agriculture and Consumer Services, the Institute of Food and
23 Agricultural Sciences, the Department of Environmental
24 Protection, the Department of Transportation, the Florida
25 League of Cities, the Florida Association of Counties, and the
26 Florida Association of Community Developers to develop
27 landscape irrigation and xeriscape design standards for new
28 construction which incorporate a landscape irrigation system
29 and develop scientifically based model guidelines for urban,
30 commercial, and residential landscape irrigation, including
31 drip irrigation for plants, trees, sod, and other landscaping.

1 The landscape and irrigation design standards must be based on
2 the irrigation code defined in the Florida Building Code,
3 Plumbing Volume, Appendix F. Local governments must use the
4 standards and guidelines when developing landscape irrigation
5 and xeriscape ordinances. Every 5 years, the agencies and
6 entities specified in this subsection must review the
7 standards and guidelines to determine whether new research
8 findings require a change or modification of the standards and
9 guidelines.

10 Section 7. This act shall take effect upon becoming a
11 law.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 CS/SB 1104

16 The committee substitute for the committee substitute (CS)
17 deletes language allowing the water management districts, in
18 addition to publishing notice in a newspaper of general
19 circulation, to electronically post consumptive use permit
applications on their website. The CS also deletes language
that authorized the district to electronically provide
constructive notice of intended agency action.

20 This CS deletes language requiring the water management
21 districts to develop and adopt by rule landscape and xeriscape
22 design standards. Instead, the districts are required to work
23 with various entities to develop landscape irrigation and
24 xeriscape design standards for new construction based on the
irrigation code defined in the Florida Building Code. Finally,
the CS requires specified agencies and entities to review
certain standards and guidelines every 5 years, instead of 3
years, and determine if any modifications are needed.