

By the Committees on Appropriations; Natural Resources; and  
Senator Dockery

309-2380-04

1                                   A bill to be entitled  
2           An act relating to water resources; amending s.  
3           159.803, F.S.; revising the definition of  
4           "priority project"; creating s. 373.227, F.S.;  
5           requiring the development of a comprehensive  
6           statewide water conservation program for public  
7           water supply; establishing the purposes of the  
8           program; requiring the creation of a  
9           clearinghouse or inventory to provide an  
10          integrated database for information on public  
11          water supply conservation programs; authorizing  
12          public water supply utilities to propose  
13          goal-based water conservation plans with  
14          measurable goals; providing that goal-based  
15          water conservation plans that are developed by  
16          public water supply utilities and that provide  
17          reasonable assurance of achieving water  
18          conservation at least as well as conservation  
19          requirements adopted by the appropriate water  
20          management district meet water conservation  
21          requirements imposed as a condition of  
22          obtaining a consumptive use permit; requiring  
23          the submission of a report by the Department of  
24          Environmental Protection; providing rulemaking  
25          authority to the Department of Environmental  
26          Protection and the water management districts;  
27          amending s. 373.0361, F.S.; providing for a  
28          public workshop on the development of regional  
29          water supply plans that include the  
30          consideration of population projections;  
31          providing for a list of water source options in

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

1 rate structures to the department; creating s.  
2 403.0645, F.S.; requiring certain uses of  
3 reclaimed water at state facilities; requiring  
4 state agencies and water management districts  
5 to submit to the Secretary of Environmental  
6 Protection periodic reports concerning  
7 reclaimed water use; amending s. 403.1835,  
8 F.S.; authorizing the Department of  
9 Environmental Protection to make specified  
10 deposits for the purpose of enabling  
11 below-market interest rate loans for treatment  
12 of polluted water; providing for a study of the  
13 feasibility of discharging reclaimed wastewater  
14 into canals and the aquifer system in a  
15 specified area as an environmentally acceptable  
16 means of accomplishing described objectives;  
17 requiring reports; providing an appropriation;  
18 providing an effective date.

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

Section 1. 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.

1           Section 2. Section 373.227, Florida Statutes, is  
2 created to read:

3           373.227 Water conservation; legislative findings;  
4 legislative intent; objectives; comprehensive statewide water  
5 conservation program requirements.--

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

29           (2) To implement the findings in subsection (1), the  
30 department, in cooperation with the water management districts  
31 and other stakeholders, shall develop a comprehensive

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

1 provide for continual assessment of the effectiveness of water  
2 conservation programs and practices;

3 (g) Develop a standardized water conservation planning  
4 process for utilities; and

5 (h) Develop and maintain a Florida-specific water  
6 conservation guidance document containing a menu of affordable  
7 and effective water conservation practices to assist public  
8 water supply utilities in the design and implementation of  
9 goal-based, utility-specific water conservation plans tailored  
10 for their individual service areas as provided in subsection  
11 (4).

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

21 (4) As part of an application for a consumptive use  
22 permit, a public water supply utility may propose a goal-based  
23 water conservation plan that is tailored to its individual  
24 circumstances. Progress towards goals must be measurable. If  
25 the utility provides reasonable assurance that the plan will  
26 achieve effective water conservation at least as well as the  
27 water conservation requirements adopted by the appropriate  
28 water management district and is otherwise consistent with s.  
29 373.223, the district must approve the plan that shall satisfy  
30 water conservation requirements imposed as a condition of  
31 obtaining a consumptive use permit. The conservation measures

1 included in an approved goal-based water conservation plan may  
2 be reviewed periodically and updated as needed to ensure  
3 efficient water use for the duration of the permit. If the  
4 plan fails to meet the water conservation goal or goals by the  
5 timeframes specified in the permit, the public water supply  
6 utility shall revise the plan to address the deficiency or  
7 employ the water conservation requirements that would  
8 otherwise apply in the absence of an approved goal-based plan.

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

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

21 Section 3. Subsections (1), (2), (5), and (6) of  
22 section 373.0361, Florida Statutes, are amended to read:

23 373.0361 Regional water supply planning.--

24 (1) By October 1, 1998, the governing board shall  
25 initiate water supply planning for each water supply planning  
26 region identified in the district water management plan under  
27 s. 373.036, where it determines that sources of water are not  
28 adequate for the planning period to supply water for all  
29 existing and projected reasonable-beneficial uses and to  
30 sustain the water resources and related natural systems. The  
31 planning must be conducted in an open public process, in

1 coordination and cooperation with local governments, regional  
2 water supply authorities, government-owned and privately owned  
3 water utilities, self-suppliers, and other affected and  
4 interested parties. During development but prior to completion  
5 of the regional water supply plan, the district must conduct  
6 at least one public workshop to discuss the technical data and  
7 modeling tools anticipated to be used to support the plan.A  
8 determination by the governing board that initiation of a  
9 regional water supply plan for a specific planning region is  
10 not needed pursuant to this section shall be subject to s.  
11 120.569. The governing board shall reevaluate such a  
12 determination at least once every 5 years and shall initiate a  
13 regional water supply plan, if needed, pursuant to this  
14 subsection.

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

18 (a) A water supply development component that  
19 includes:

20 1. A quantification of the water supply needs for all  
21 existing and reasonably projected future uses within the  
22 planning horizon. The level-of-certainty planning goal  
23 associated with identifying the water supply needs of existing  
24 and future reasonable-beneficial uses shall be based upon  
25 meeting those needs for a 1-in-10-year drought event.

26 Population projections used for determining public water  
27 supply needs must be based upon the best available data. In  
28 determining the best available data, the district shall  
29 consider the University of Florida's Bureau of Economic and  
30 Business Research (BEBR) medium population projections and any  
31 population projection data and analysis submitted by a local

1 government pursuant to the public workshop described in  
2 subsection (1) if the data and analysis support the local  
3 government's comprehensive plan. Any adjustment of or  
4 deviation from the BEBR projections must be fully described,  
5 and the original BEBR data must be presented along with the  
6 adjusted data.

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

15         3. For each option listed in subparagraph 2., the  
16 estimated amount of water available for use and the estimated  
17 costs of and potential sources of funding for water supply  
18 development.

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

21         (b) A water resource development component that  
22 includes:

23             1. A listing of those water resource development  
24 projects that support water supply development.

25             2. For each water resource development project listed:

26                 a. An estimate of the amount of water to become  
27 available through the project.

28                 b. The timetable for implementing or constructing the  
29 project and the estimated costs for implementing, operating,  
30 and maintaining the project.

31                 c. Sources of funding and funding needs.

1           d. Who will implement the project and how it will be  
2 implemented.

3           (c) The recovery and prevention strategy described in  
4 s. 373.0421(2).

5           (d) A funding strategy for water resource development  
6 projects, which shall be reasonable and sufficient to pay the  
7 cost of constructing or implementing all of the listed  
8 projects.

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

16           (f) The technical data and information applicable to  
17 the planning region which are contained in the district water  
18 management plan and are necessary to support the regional  
19 water supply plan.

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

22           (h) Reservations of water adopted by rule pursuant to  
23 s. 373.223(4).

24           (i) An analysis, developed in cooperation with the  
25 department, of areas or instances in which the variance  
26 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to  
27 create water supply development or water resource development  
28 projects.

29  
30 Within the boundaries of a regional water supply authority in  
31 the Southwest Florida Water Management District, the water

1 supply development component of the regional water supply plan  
2 relating to the use of water by the authority shall be  
3 developed jointly by the authority and the district.

4 (5) ~~By November 15, 1997, and Annually and in~~  
5 conjunction with the reporting requirements of s.  
6 373.536(6)(a)4. ~~thereafter,~~ the department shall submit to the  
7 Governor and the Legislature a report on the status of  
8 regional water supply planning in each district. The report  
9 shall include:

10 (a) A compilation of the estimated costs of and  
11 potential sources of funding for water resource development  
12 and water supply development projects, as identified in the  
13 water management district regional water supply plans.

14 (b) A description of each district's progress toward  
15 achieving its water resource development objectives, as  
16 directed by s. 373.0831(3), including the district's  
17 implementation of its 5-year water resource development work  
18 program.

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

23 (6) Nothing contained in the water supply development  
24 component of the district water management plan shall be  
25 construed to require local governments, government-owned or  
26 privately owned water utilities, self-suppliers, or other  
27 water suppliers to select a water supply development option  
28 identified in the component merely because it is identified in  
29 the plan, nor may the plan be used in the review of permits  
30 under part II unless the plan, or an applicable portion  
31 thereof, has been adopted by rule. However, this subsection

1 does not prohibit a water management district from employing  
2 the data or other information used to establish the plan in  
3 reviewing permits under part II, nor does it ~~shall not be~~  
4 ~~construed to~~ limit the authority of the department or  
5 governing board under part II.

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

9 373.0831 Water resource development; water supply  
10 development.--

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

19 (4)

20 (c) If a proposed alternative water supply development  
21 project is identified in the relevant approved regional water  
22 supply plan, the project shall receive:

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

26 2. Consideration for priority funding pursuant to s.  
27 373.1961(2) if the project meets one of the criteria in this  
28 subsection.

29 Section 5. Subsection (2) of section 373.1961, Florida  
30 Statutes, is amended to read:

31 373.1961 Water production.--

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

1           (a) The governing boards of the water management  
2 districts where water resource caution areas have been  
3 designated shall include in their annual budgets an amount for  
4 the development of alternative water supply systems, including  
5 reclaimed water systems, pursuant to the requirements of this  
6 subsection. Beginning in 1996, such amounts shall be made  
7 available to water providers and users no later than December  
8 31 of each year, through grants, matching grants, revolving  
9 loans, or the use of district lands or facilities pursuant to  
10 the requirements of this subsection and guidelines established  
11 by the districts. In making grants or loans, funding priority  
12 must be given to projects in accordance with s. 373.0831(4).  
13 Without diminishing amounts available through other means  
14 described in this paragraph, the governing boards are  
15 encouraged to consider establishing revolving loan funds to  
16 expand the total funds available to accomplish the objectives  
17 of this section. A revolving loan fund created under this  
18 paragraph must be a nonlapsing fund from which the water  
19 management district may make loans with interest rates below  
20 prevailing market rates to public or private entities for the  
21 purposes described in this section. The governing board may  
22 adopt resolutions to establish revolving loan funds which must  
23 specify the details of the administration of the fund, the  
24 procedures for applying for loans from the fund, the criteria  
25 for awarding loans from the fund, the initial capitalization  
26 of the fund, and the goals for future capitalization of the  
27 fund in subsequent budget years. Revolving loan funds created  
28 under this paragraph must be used to expand the total sums and  
29 sources of cooperative funding available for the development  
30 of alternative water supplies. The Legislature does not intend  
31 for the creation of revolving loan funds to supplant or

1 otherwise reduce existing sources or amounts of funds  
2 currently available through other means.

3 (b) It is the intent of the Legislature that for each  
4 reclaimed water utility, or any other utility, which receives  
5 funds pursuant to this subsection, the appropriate  
6 rate-setting authorities should develop rate structures for  
7 all water, wastewater, and reclaimed water and other  
8 alternative water supply utilities in the service area of the  
9 funded utility, which accomplish the following:

10 1. Provide meaningful progress toward the development  
11 and implementation of alternative water supply systems,  
12 including reclaimed water systems;

13 2. Promote the conservation of fresh water withdrawn  
14 from natural systems;

15 3. Provide for an appropriate distribution of costs  
16 for all water, wastewater, and alternative water supply  
17 utilities, including reclaimed water utilities, among all of  
18 the users of those utilities; and

19 4. Prohibit rate discrimination within classes of  
20 utility users.

21 (c) Funding assistance provided by the water  
22 management districts for a water reuse system project may  
23 include the following grant or loan conditions for that  
24 project if the water management district determines that such  
25 conditions will encourage water use efficiency:

26 1. Metering of reclaimed water use for the following  
27 activities: residential irrigation, agricultural irrigation,  
28 industrial uses except for electric utilities as defined in s.  
29 366.02(2), landscape irrigation, irrigation of other public  
30 access areas, commercial and institutional uses such as toilet  
31 flushing, and transfers to other reclaimed water utilities.

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

4           3. Implementation of education programs to inform the  
5 public about water issues, water conservation, and the  
6 importance and proper use of reclaimed water.

7           4. Development of location data for key reuse  
8 facilities.

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

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

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

26           1. An application process and a deadline for filing  
27 applications annually.

28           2. A process for determining project eligibility  
29 pursuant to the requirements of paragraphs ~~(d)(c)~~ and ~~(e)~~  
30 ~~(d)~~.

31

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

4           (g)~~(f)~~ The governing board of each water management  
5 district shall establish an alternative water supplies grants  
6 advisory committee to recommend to the governing board  
7 projects for funding pursuant to this subsection. The advisory  
8 committee members shall include, but not be limited to, one or  
9 more representatives of county, municipal, and investor-owned  
10 private utilities, and may include, but not be limited to,  
11 representatives of agricultural interests and environmental  
12 interests. Each committee member shall represent his or her  
13 interest group as a whole and shall not represent any specific  
14 entity. The committee shall apply the guidelines and project  
15 eligibility criteria established by the governing board in  
16 reviewing proposed projects. After one or more hearings to  
17 solicit public input on eligible projects, the committee shall  
18 rank the eligible projects and shall submit them to the  
19 governing board for final funding approval. The advisory  
20 committee may submit to the governing board more projects than  
21 the available grant money would fund.

22           (h)~~(g)~~ All revenues made available annually pursuant  
23 to this subsection must be encumbered annually by the  
24 governing board if it approves projects sufficient to expend  
25 the available revenues. Funds must be disbursed within 36  
26 months after encumbrance.

27           (i)~~(h)~~ For purposes of this subsection, alternative  
28 water supplies are supplies of water that have been reclaimed  
29 after one or more public supply, municipal, industrial,  
30 commercial, or agricultural uses, or are supplies of  
31 stormwater, or brackish or salt water, that have been treated

1 in accordance with applicable rules and standards sufficient  
2 to supply the intended use.

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

5 (k)~~(j)~~ By January 30 of each year, each water  
6 management district shall submit an annual report to the  
7 Governor, the President of the Senate, and the Speaker of the  
8 House of Representatives which accounts for the disbursal of  
9 all budgeted amounts pursuant to this subsection. Such report  
10 shall describe all projects funded and shall account  
11 separately for moneys provided through grants, matching  
12 grants, revolving loans, and the use of district lands or  
13 facilities.

14 (l)~~(k)~~ The Florida Public Service Commission shall  
15 allow entities under its jurisdiction constructing alternative  
16 water supply facilities, including but not limited to aquifer  
17 storage and recovery wells, to recover the full, prudently  
18 incurred cost of such facilities through their rate structure.  
19 Every component of an alternative water supply facility  
20 constructed by an investor-owned utility shall be recovered in  
21 current rates.

22 Section 6. Paragraph (a) of subsection (6) of section  
23 373.536, Florida Statutes, is amended to read:

24 373.536 District budget and hearing thereon.--

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

27 (a) Each district must, by the date specified for each  
28 item, furnish copies of the following documents to the  
29 Governor, the President of the Senate, the Speaker of the  
30 House of Representatives, the chairs of all legislative  
31 committees and subcommittees having substantive or fiscal

1 jurisdiction over the districts, as determined by the  
2 President of the Senate or the Speaker of the House of  
3 Representatives as applicable, the secretary of the  
4 department, and the governing board of each county in which  
5 the district has jurisdiction or derives any funds for the  
6 operations of the district:

7         1. The adopted budget, to be furnished within 10 days  
8 after its adoption.

9         2. A financial audit of its accounts and records, to  
10 be furnished within 10 days after its acceptance by the  
11 governing board. The audit must be conducted in accordance  
12 with the provisions of s. 11.45 and the rules adopted  
13 thereunder. In addition to the entities named above, the  
14 district must provide a copy of the audit to the Auditor  
15 General within 10 days after its acceptance by the governing  
16 board.

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

22         4. A 5-year water resource development work program to  
23 be furnished within 45 days after the adoption of the final  
24 budget. The program must describe the district's  
25 implementation strategy for the water resource development  
26 component of each approved regional water supply plan  
27 developed or revised under s. 373.0361. The work program must  
28 address all the elements of the water resource development  
29 component in the district's approved regional water supply  
30 plans and must identify which projects in the work program  
31 will provide water, explain how each water resource

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

24 (b) If any entity listed in paragraph (a) provides  
25 written comments to the district regarding any document  
26 furnished under this subsection, the district must respond to  
27 the comments in writing and furnish copies of the comments and  
28 written responses to the other entities.

29 Section 7. Subsections (1) and (6) of section 403.064,  
30 Florida Statutes, are amended, and subsection (16) is added to  
31 that section, to read:

1           403.064 Reuse of reclaimed water.--

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

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

29           (16) Utilities implementing reuse projects are  
30 encouraged, except in the case of use by electric utilities as  
31 defined in s. 366.02(2), to meter use of reclaimed water by

1 all end users and to charge for the use of reclaimed water  
2 based on the actual volume used when such metering and charges  
3 can be shown to encourage water conservation. Metering and the  
4 use of volume-based rates are effective water management tools  
5 for the following reuse activities: residential irrigation,  
6 agricultural irrigation, industrial uses, landscape  
7 irrigation, irrigation of other public access areas,  
8 commercial and institutional uses such as toilet flushing, and  
9 transfers to other reclaimed water utilities. Beginning with  
10 the submittal due on January 1, 2005, each domestic wastewater  
11 utility that provides reclaimed water for the reuse activities  
12 listed in this section shall include a summary of its metering  
13 and rate structure as part of its annual reuse report to the  
14 department.

15 Section 8. Section 403.0645, Florida Statutes, is  
16 created to read:

17 403.0645 Reclaimed water use at state facilities.--

18 (1) The encouragement and promotion of reuse of  
19 reclaimed water has been established as a state objective in  
20 ss. 373.250 and 403.064. Reuse has become an integral part of  
21 water and wastewater management in Florida, and Florida is  
22 recognized as a national leader in water reuse.

23 (2) The state and various state agencies and water  
24 management districts should take a leadership role in using  
25 reclaimed water in lieu of other water sources. The use of  
26 reclaimed water by state agencies and facilities will conserve  
27 potable water and will serve an important public education  
28 function.

29 (3) Each state agency and water management district  
30 shall use reclaimed water to the greatest extent practicable  
31 for landscape irrigation, toilet flushing, aesthetic features

1 such as decorative ponds and fountains, cooling water, and  
2 other useful purposes allowed by department rules at state  
3 facilities, including, but not limited to, parks, rest areas,  
4 visitor welcome centers, buildings, college campuses, and  
5 other facilities.

6 (4) Each state agency and water management district  
7 shall submit to the Secretary of Environmental Protection by  
8 February 1 of each year a summary of activities designed to  
9 utilize reclaimed water at its facilities along with a summary  
10 of the amounts of reclaimed water actually used for beneficial  
11 purposes.

12 Section 9. Paragraph (b) of subsection (3) of section  
13 403.1835, Florida Statutes, is amended to read:

14 403.1835 Water pollution control financial  
15 assistance.--

16 (3) The department may provide financial assistance  
17 through any program authorized under s. 603 of the Federal  
18 Water Pollution Control Act (Clean Water Act), Pub. L. No.  
19 92-500, as amended, including, but not limited to, making  
20 grants and loans, providing loan guarantees, purchasing loan  
21 insurance or other credit enhancements, and buying or  
22 refinancing local debt. This financial assistance must be  
23 administered in accordance with this section and applicable  
24 federal authorities. The department shall administer all  
25 programs operated from funds secured through the activities of  
26 the Florida Water Pollution Control Financing Corporation  
27 under s. 403.1837, to fulfill the purposes of this section.

28 (b) The department may make or request the corporation  
29 to make loans, grants, and deposits to other entities eligible  
30 to participate in the financial assistance programs authorized  
31 under the Federal Water Pollution Control Act, or as a result

1 of other federal action, which entities may pledge any revenue  
2 available to them to repay any funds borrowed. Notwithstanding  
3 s. 17.57, the department may make deposits to financial  
4 institutions which earn less than the prevailing rate for  
5 United States Treasury securities with corresponding  
6 maturities for the purpose of enabling such financial  
7 institutions to make below-market interest rate loans to  
8 entities qualified to receive loans under this section and the  
9 rules of the department.

10 Section 10. The Legislature finds that within the area  
11 identified in the Lower East Coast Regional Water Supply Plan  
12 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, cost savings may  
22 be possible by collocating enclosed conduits for conveyance of  
23 water for reuse in this area within canal rights-of-way which  
24 should be investigated. The Department of Environmental  
25 Protection, in consultation with the South Florida Water  
26 Management District, southeast Florida utilities, affected  
27 local governments, including local governments with principal  
28 responsibility for the operation and maintenance of a water  
29 control system capable of conveying reclaimed wastewater for  
30 reuse, representatives of the environmental and engineering  
31 communities, public health professionals, and individuals who

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

22       Section 11. For the 2004-2005 fiscal year, \$200,000  
23 from nonrecurring General Revenue is appropriated to the  
24 Department of Environmental Protection for the purpose of  
25 conducting a feasibility study on discharging reclaimed  
26 wastewater in the canals and aquifer in South Florida.

27       Section 12. This act shall take effect upon becoming a  
28 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/SB 1142

The committee substitute:

(1) Provides an appropriation for the 2004-2005 fiscal year of \$200,000 in non-recurring general revenue to fund the South Florida feasibility study.

(2) Clarifies that the feasibility study for augmentation of groundwater supplies in South Florida must meet applicable federal and state standards.