

CHAMBER ACTION

1 The Committee on Appropriations recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act relating to water resources; amending s. 163.3167,
8 F.S.; requiring local governments to include projected
9 water use in comprehensive plans; amending s. 163.3177,
10 F.S.; requiring local governments to consider regional
11 water supply plans in their work plans for building water
12 supply facilities; amending s. 373.116, F.S.; providing
13 for notice by electronic mail; providing requirements for
14 notices published electronically; creating s. 373.2234,
15 F.S.; authorizing the governing board of a water
16 management district to adopt rules identifying certain
17 preferred water supply sources; providing requirements
18 with respect to such rules; providing construction;
19 amending s. 373.250, F.S.; authorizing water management
20 districts to require the use of reclaimed water in lieu of
21 surface or groundwater when the use of uncommitted
22 reclaimed water is environmentally, economically, and
23 technically feasible; providing construction with respect

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24 | to such authority; creating s. 373.228; F.S.; providing
 25 | legislative findings and intent with regard to landscape
 26 | irrigation design; requiring water management districts to
 27 | develop landscape irrigation and xeriscape design
 28 | standards; providing an effective date.

29 |

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

31 |

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

34 | 163.3167 Scope of act.--

35 | (13) Each local government shall address in its
 36 | comprehensive plan, as enumerated in this chapter, the water
 37 | supply projects necessary to meet and achieve the existing and
 38 | projected water use demand for the established planning period,
 39 | considering the applicable plan developed pursuant to s.
 40 | 373.0361.

41 | Section 2. Paragraph (c) of subsection (6) of section
 42 | 163.3177, Florida Statutes, is amended to read:

43 | 163.3177 Required and optional elements of comprehensive
 44 | plan; studies and surveys.--

45 | (6) In addition to the requirements of subsections (1)-
 46 | (5), the comprehensive plan shall include the following
 47 | elements:

48 | (c) A general sanitary sewer, solid waste, drainage,
 49 | potable water, and natural groundwater aquifer recharge element
 50 | correlated to principles and guidelines for future land use,
 51 | indicating ways to provide for future potable water, drainage,

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52 sanitary sewer, solid waste, and aquifer recharge protection
53 requirements for the area. The element may be a detailed
54 engineering plan including a topographic map depicting areas of
55 prime groundwater recharge. The element shall describe the
56 problems and needs and the general facilities that will be
57 required for solution of the problems and needs. The element
58 shall also include a topographic map depicting any areas adopted
59 by a regional water management district as prime groundwater
60 recharge areas for the Floridan or Biscayne aquifers, pursuant
61 to s. 373.0395. These areas shall be given special
62 consideration when the local government is engaged in zoning or
63 considering future land use for said designated areas. For
64 areas served by septic tanks, soil surveys shall be provided
65 which indicate the suitability of soils for septic tanks. By
66 December 1, 2006 ~~January 1, 2005~~, or the Evaluation and
67 Appraisal Report adoption deadline established for the local
68 government pursuant to s. 163.3191(1) ~~s. 163.3191(a)~~, whichever
69 date occurs first, the element must consider the appropriate
70 water management district's regional water supply plan approved
71 pursuant to s. 373.0361. The element must include a work plan,
72 covering at least a 10-year planning period, for building water
73 supply facilities that are identified in the element as
74 necessary to serve existing and new development and for which
75 the local government is responsible. The work plan shall be
76 updated, at a minimum, every 5 years within 12 months after the
77 governing board of a water management district adopts an updated
78 regional water supply plan.

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79 Section 3. Subsection (2) of section 373.116, Florida
80 Statutes, is amended, and subsection (4) is added to that
81 section, to read:

82 373.116 Procedure for water use and impoundment
83 construction permit applications.--

84 (2) Upon receipt of an application for a permit of the
85 type referred to in subsection (1), the governing board shall
86 cause a notice thereof to be published in a newspaper having
87 general circulation within the affected area or on the official
88 Internet website of the water management district. A notice
89 published on the website shall clearly state the date the notice
90 was first posted. In addition, the governing board shall send,
91 by regular or electronic mail, a copy of such notice to any
92 person who has filed a written request for notification of any
93 pending applications affecting this particular designated area.
94 At the option of the applicable county or city government,
95 notice of application for the consumptive use of water shall be
96 mailed by regular or electronic mail to the county and
97 appropriate city government from which boundaries the withdrawal
98 is proposed to be made.

99 (4) The governing board may provide constructive notice of
100 intended agency action on a permit application by publication in
101 a newspaper of general circulation within the affected area or
102 by publication on the official Internet website of the water
103 management district. A notice published on the website shall
104 clearly state the date the notice was first posted. For permit
105 applicants and for persons who have requested actual notice of

106 intended agency action for that specific permit application,
 107 such notice shall be mailed by regular or electronic mail.

108 Section 4. Section 373.2234, Florida Statutes, is created
 109 to read:

110 373.2234 Preferred water supply sources.--The governing
 111 board of a water management district is authorized to adopt
 112 rules that identify preferred water supply sources for
 113 consumptive uses for which there is sufficient data to establish
 114 that a preferred source will provide a substantial new water
 115 supply to meet the existing and projected reasonable-beneficial
 116 uses of a water supply planning region identified pursuant to s.
 117 373.0361(1), while sustaining existing water resources and
 118 natural systems. At a minimum, such rules must contain a
 119 description of the preferred water supply source and an
 120 assessment of the water the preferred source is projected to
 121 produce. If an applicant proposes to use a preferred water
 122 supply source, that applicant's proposed water use is subject to
 123 s. 373.223(1), except that the proposed use of a preferred water
 124 supply source must be considered by a water management district
 125 when determining whether a permit applicant's proposed use of
 126 water is consistent with the public interest pursuant to s.
 127 373.223(1)(c). A consumptive use permit issued for the use of a
 128 preferred water supply source must be granted for at least a 20-
 129 year period and may be subject to the compliance reporting
 130 provisions of s. 373.236(3). Nothing in this section shall be
 131 construed to exempt the use of preferred water supply sources
 132 from the provisions of ss. 373.016(4) and 373.223(2) and (3), or
 133 be construed to provide that permits issued for the use of a

134 nonpreferred water supply source must be issued for a duration
 135 of less than 20 years or that the use of a nonpreferred water
 136 supply source is not consistent with the public interest.
 137 Additionally, nothing in this section shall be interpreted to
 138 require the use of a preferred water supply source or to
 139 restrict or prohibit the use of a nonpreferred water supply
 140 source. Rules adopted by the governing board of a water
 141 management district to implement this section shall specify that
 142 the use of a preferred water supply source is not required, and
 143 that the use of a nonpreferred water supply source is not
 144 restricted or prohibited.

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

147 373.250 Reuse of reclaimed water.--

148 (2)

149 (c) A water management district may require the use of
 150 reclaimed water in lieu of surface water or groundwater when the
 151 use of uncommitted reclaimed water is environmentally,
 152 economically, and technically feasible and of such quality and
 153 reliability as is necessary to the user. However, this paragraph
 154 does not authorize a water management district to require a
 155 provider of reclaimed water to redirect reclaimed water from one
 156 user to another or to provide uncommitted water to a specific
 157 user if such water is anticipated to be used by the provider, or
 158 a different user selected by the provider, within a reasonable
 159 amount of time.

160 Section 6. Section 373.228, Florida Statutes, is created
 161 to read:

162 373.228 Landscape irrigation design.--
 163 (1) The Legislature finds that multiple areas throughout
 164 the state have been identified by water management districts as
 165 water resource caution areas, which indicates that in the near
 166 future water demand in those areas will exceed the current
 167 available water supply and that conservation is one of the
 168 mechanisms by which future water demand will be met.
 169 (2) The Legislature finds that landscape irrigation
 170 comprises a significant portion of water use and that the
 171 current typical landscape irrigation system and xeriscape
 172 designs offer significant potential water conservation benefits.
 173 (3) It is the intent of the Legislature to improve
 174 landscape irrigation water use efficiency by ensuring that
 175 landscape irrigation systems meet or exceed minimum design
 176 criteria.
 177 (4) The water management districts shall work with the
 178 Florida Nurserymen and Growers Association, the Florida Chapter
 179 of the American Society of Landscape Architects, the Florida
 180 Irrigation Society, the Department of Agriculture and Consumer
 181 Services, the Institute of Food and Agricultural Sciences, the
 182 Department of Environmental Protection, the Department of
 183 Transportation, the Florida League of Cities, the Florida
 184 Association of Counties, and the Florida Association of
 185 Community Developers to develop landscape irrigation and
 186 xeriscape design standards for new construction which
 187 incorporate a landscape irrigation system and develop
 188 scientifically based model guidelines for urban, commercial, and
 189 residential landscape irrigation, including drip irrigation, for

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190 | plants, trees, sod, and other landscaping. The landscape and
191 | irrigation design standards shall be based on the irrigation
192 | code defined in the Florida Building Code, Plumbing Volume,
193 | Appendix F. Local governments shall use the standards and
194 | guidelines when developing landscape irrigation and xeriscape
195 | ordinances. Every 5 years, the agencies and entities specified
196 | in this subsection shall review the standards and guidelines to
197 | determine whether new research findings require a change or
198 | modification of the standards and guidelines.

199 | Section 7. This act shall take effect upon becoming a law.