

1 A bill to be entitled

2 An act relating to water resources; amending s. 163.3167,
3 F.S.; requiring local governments to include projected
4 water use in comprehensive plans; amending s. 163.3177,
5 F.S.; requiring local governments to consider regional
6 water supply plans in their work plans for building water
7 supply facilities; requiring the updating of work plans;
8 providing that amendments to incorporate the work plan do
9 not count toward the limitation on frequency of adoption
10 of amendments to the comprehensive plan; amending s.
11 373.116, F.S.; providing that local governments may
12 receive electronic notices of applications for consumptive
13 use permits; creating s. 373.2234, F.S.; authorizing the
14 governing board of a water management district to adopt
15 rules identifying certain preferred water supply sources;
16 providing requirements with respect to such rules;
17 providing construction; amending s. 373.250, F.S.;
18 authorizing water management districts to require the use
19 of reclaimed water in lieu of surface or groundwater when
20 the use of uncommitted reclaimed water is environmentally,
21 economically, and technically feasible; providing
22 construction with respect to such authority; creating s.
23 373.228; F.S.; providing legislative findings and intent
24 with regard to landscape irrigation design; requiring
25 water management districts to develop landscape irrigation
26 and xeriscape design standards; providing an effective
27 date.

28

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

30 |

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

33 | 163.3167 Scope of act.--

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

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

42 | 163.3177 Required and optional elements of comprehensive
 43 | plan; studies and surveys.--

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

47 | (c) A general sanitary sewer, solid waste, drainage,
 48 | potable water, and natural groundwater aquifer recharge element
 49 | correlated to principles and guidelines for future land use,
 50 | indicating ways to provide for future potable water, drainage,
 51 | sanitary sewer, solid waste, and aquifer recharge protection
 52 | requirements for the area. The element may be a detailed
 53 | engineering plan including a topographic map depicting areas of
 54 | prime groundwater recharge. The element shall describe the
 55 | problems and needs and the general facilities that will be
 56 | required for solution of the problems and needs. The element

57 shall also include a topographic map depicting any areas adopted
58 by a regional water management district as prime groundwater
59 recharge areas for the Floridan or Biscayne aquifers, pursuant
60 to s. 373.0395. These areas shall be given special
61 consideration when the local government is engaged in zoning or
62 considering future land use for said designated areas. For
63 areas served by septic tanks, soil surveys shall be provided
64 which indicate the suitability of soils for septic tanks. By
65 December 1, 2006 ~~January 1, 2005, or the Evaluation and~~
66 ~~Appraisal Report adoption deadline established for the local~~
67 ~~government pursuant to s. 163.3191(a), whichever date occurs~~
68 ~~first~~, the element must consider the appropriate water
69 management district's regional water supply plan approved
70 pursuant to s. 373.0361. The element must include a work plan,
71 covering at least a 10-year planning period, for building water
72 supply facilities that are identified in the element as
73 necessary to serve existing and new development and for which
74 the local government is responsible. The work plan shall be
75 updated, at a minimum, every 5 years within 12 months after the
76 governing board of a water management district approves an
77 updated regional water supply plan. Amendments to incorporate
78 the work plan do not count toward the limitation on frequency of
79 adoption of amendments to the comprehensive plan.

80 Section 3. Subsection (2) of section 373.116, Florida
81 Statutes, is amended 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. In addition, the
88 governing board shall send, by regular or electronic mail, a
89 copy of such notice to any person who has filed a written
90 request for notification of any pending applications affecting
91 this particular designated area. At the option of the applicable
92 county or city government, notice of application for the
93 consumptive use of water shall be mailed by regular or
94 electronic mail to the county and appropriate city government
95 from which boundaries the withdrawal is proposed to be made.

96 Section 4. Section 373.2234, Florida Statutes, is created
97 to read:

98 373.2234 Preferred water supply sources.--The governing
99 board of a water management district is authorized to adopt
100 rules that identify preferred water supply sources for
101 consumptive uses for which there is sufficient data to establish
102 that a preferred source will provide a substantial new water
103 supply to meet the existing and projected reasonable-beneficial
104 uses of a water supply planning region identified pursuant to s.
105 373.0361(1), while sustaining existing water resources and
106 natural systems. At a minimum, such rules must contain a
107 description of the preferred water supply source and an
108 assessment of the water the preferred source is projected to
109 produce. If an applicant proposes to use a preferred water
110 supply source, that applicant's proposed water use is subject to
111 s. 373.223(1), except that the proposed use of a preferred water

112 supply source must be considered by a water management district
113 when determining whether a permit applicant's proposed use of
114 water is consistent with the public interest pursuant to s.
115 373.223(1)(c). A consumptive use permit issued for the use of a
116 preferred water supply source must be granted, when requested by
117 the applicant, for at least a 20-year period and may be subject
118 to the compliance reporting provisions of s. 373.236(3). Nothing
119 in this section shall be construed to exempt the use of
120 preferred water supply sources from the provisions of ss.
121 373.016(4) and 373.223(2) and (3), or be construed to provide
122 that permits issued for the use of a nonpreferred water supply
123 source must be issued for a duration of less than 20 years or
124 that the use of a nonpreferred water supply source is not
125 consistent with the public interest. Additionally, nothing in
126 this section shall be interpreted to require the use of a
127 preferred water supply source or to restrict or prohibit the use
128 of a nonpreferred water supply source. Rules adopted by the
129 governing board of a water management district to implement this
130 section shall specify that the use of a preferred water supply
131 source is not required, and that the use of a nonpreferred water
132 supply source is not restricted or prohibited.

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

135 373.250 Reuse of reclaimed water.--

136 (2)

137 (c) A water management district may require the use of
138 reclaimed water in lieu of surface water or groundwater when the
139 use of uncommitted reclaimed water is environmentally,

140 economically, and technically feasible and of such quality and
141 reliability as is necessary to the user. However, this paragraph
142 does not authorize a water management district to require a
143 provider of reclaimed water to redirect reclaimed water from one
144 user to another or to provide uncommitted water to a specific
145 user if such water is anticipated to be used by the provider, or
146 a different user selected by the provider, within a reasonable
147 amount of time.

148 Section 6. Section 373.228, Florida Statutes, is created
149 to read:

150 373.228 Landscape irrigation design.--

151 (1) The Legislature finds that multiple areas throughout
152 the state have been identified by water management districts as
153 water resource caution areas, which indicates that in the near
154 future water demand in those areas will exceed the current
155 available water supply and that conservation is one of the
156 mechanisms by which future water demand will be met.

157 (2) The Legislature finds that landscape irrigation
158 comprises a significant portion of water use and that the
159 current typical landscape irrigation system and xeriscape
160 designs offer significant potential water conservation benefits.

161 (3) It is the intent of the Legislature to improve
162 landscape irrigation water use efficiency by ensuring that
163 landscape irrigation systems meet or exceed minimum design
164 criteria.

165 (4) The water management districts shall work with the
166 Florida Nurserymen and Growers Association, the Florida Chapter
167 of the American Society of Landscape Architects, the Florida

168 Irrigation Society, the Department of Agriculture and Consumer
169 Services, the Institute of Food and Agricultural Sciences, the
170 Department of Environmental Protection, the Department of
171 Transportation, the Florida League of Cities, the Florida
172 Association of Counties, and the Florida Association of
173 Community Developers to develop landscape irrigation and
174 xeriscape design standards for new construction which
175 incorporate a landscape irrigation system and develop
176 scientifically based model guidelines for urban, commercial, and
177 residential landscape irrigation, including drip irrigation, for
178 plants, trees, sod, and other landscaping. The landscape and
179 irrigation design standards shall be based on the irrigation
180 code defined in the Florida Building Code, Plumbing Volume,
181 Appendix F. Local governments shall use the standards and
182 guidelines when developing landscape irrigation and xeriscape
183 ordinances. Every 5 years, the agencies and entities specified
184 in this subsection shall review the standards and guidelines to
185 determine whether new research findings require a change or
186 modification of the standards and guidelines.

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