

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; amending s. 159.803, F.S.;
27 revising the definition of "priority project"; creating s.
28 373.227, F.S.; requiring the development of a

29 | comprehensive statewide water conservation program for
30 | public water supply; establishing the purposes of the
31 | program; requiring the creation of a clearinghouse or
32 | inventory to provide an integrated database for
33 | information on public water supply conservation programs;
34 | authorizing public water supply utilities to propose goal-
35 | based water conservation plans with measurable goals;
36 | providing that goal-based water conservation plans that
37 | are developed by public water supply utilities and that
38 | provide reasonable assurance of achieving water
39 | conservation at least as well as conservation requirements
40 | adopted by the appropriate water management district meet
41 | water conservation requirements imposed as a condition of
42 | obtaining a consumptive use permit; requiring the
43 | submission of a report by the Department of Environmental
44 | Protection; providing rulemaking authority to the
45 | Department of Environmental Protection and the water
46 | management districts; amending s. 373.0361, F.S.;
47 | providing for a public workshop on the development of
48 | regional water supply plans that include the consideration
49 | of population projections; providing for a list of water
50 | source options in regional water supply plans; providing
51 | additional regional water supply plan components;
52 | including conservation measures in regional water supply
53 | plans; revising specified reporting requirements of the
54 | Department of Environmental Protection; providing that a
55 | district water management plan may not be used as criteria
56 | for the review of permits for consumptive uses of water

57 | unless the plan or applicable portion thereof has been
58 | adopted by rule; providing construction; amending s.
59 | 373.0831, F.S.; revising the criteria by which water
60 | supply development projects may receive priority
61 | consideration for funding assistance; providing for
62 | permitting and funding of a proposed alternative water
63 | supply project identified in the relevant approved
64 | regional water supply plan; amending s. 373.1961, F.S.;
65 | providing funding priority; providing for the
66 | establishment of a revolving loan fund for alternative
67 | water supply projects; providing conditions for certain
68 | projects to receive funding assistance; amending s.
69 | 373.536, F.S.; expanding requirements of the 5-year water
70 | resource development work program for water management
71 | districts; amending s. 403.064, F.S.; revising provisions
72 | relating to reuse feasibility studies; providing for
73 | metering use of reclaimed water and volume-based rates
74 | therefor; requiring wastewater utilities to submit plans
75 | for metering use and volume-based rate structures to the
76 | department; creating s. 403.0645, F.S.; requiring certain
77 | uses of reclaimed water at state facilities; requiring
78 | state agencies and water management districts to submit to
79 | the Secretary of Environmental Protection periodic reports
80 | concerning reclaimed water use; amending s. 403.121, F.S.;
81 | conforming administrative penalties assessed against
82 | certain public water systems to federal regulations;
83 | amending s. 403.1835, F.S.; authorizing the Department of
84 | Environmental Protection to make specified deposits for

85 | the purpose of enabling below-market interest rate loans
 86 | for treatment of polluted water; providing for a study of
 87 | the feasibility of discharging reclaimed wastewater into
 88 | canals and the aquifer system in a specified area as an
 89 | environmentally acceptable means of accomplishing
 90 | described objectives; requiring reports; providing an
 91 | effective date.

92 |

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

94 |

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

97 | 163.3167 Scope of act.--

98 | (13) Each local government shall address in its
 99 | comprehensive plan, as enumerated in this chapter, the water
 100 | supply sources necessary to meet and achieve the existing and
 101 | projected water use demand for the established planning period,
 102 | considering the applicable plan developed pursuant to s.
 103 | 373.0361.

104 | Section 2. Paragraph (c) of subsection (6) of section
 105 | 163.3177, Florida Statutes, is amended to read:

106 | 163.3177 Required and optional elements of comprehensive
 107 | plan; studies and surveys.--

108 | (6) In addition to the requirements of subsections (1)-
 109 | (5), the comprehensive plan shall include the following
 110 | elements:

111 | (c) A general sanitary sewer, solid waste, drainage,
 112 | potable water, and natural groundwater aquifer recharge element

113 correlated to principles and guidelines for future land use,
 114 indicating ways to provide for future potable water, drainage,
 115 sanitary sewer, solid waste, and aquifer recharge protection
 116 requirements for the area. The element may be a detailed
 117 engineering plan including a topographic map depicting areas of
 118 prime groundwater recharge. The element shall describe the
 119 problems and needs and the general facilities that will be
 120 required for solution of the problems and needs. The element
 121 shall also include a topographic map depicting any areas adopted
 122 by a regional water management district as prime groundwater
 123 recharge areas for the Floridan or Biscayne aquifers, pursuant
 124 to s. 373.0395. These areas shall be given special
 125 consideration when the local government is engaged in zoning or
 126 considering future land use for said designated areas. For
 127 areas served by septic tanks, soil surveys shall be provided
 128 which indicate the suitability of soils for septic tanks. By
 129 December 1, 2006 ~~January 1, 2005, or the Evaluation and~~
 130 ~~Appraisal Report adoption deadline established for the local~~
 131 ~~government pursuant to s. 163.3191(a), whichever date occurs~~
 132 ~~first~~, the element must consider the appropriate water
 133 management district's regional water supply plan approved
 134 pursuant to s. 373.0361. The element must include a work plan,
 135 covering at least a 10-year planning period, for building water
 136 supply facilities that are identified in the element as
 137 necessary to serve existing and new development and for which
 138 the local government is responsible. The work plan shall be
 139 updated, at a minimum, every 5 years within 12 months after the
 140 governing board of a water management district approves an

141 updated regional water supply plan. Amendments to incorporate
 142 the work plan do not count toward the limitation on frequency of
 143 adoption of amendments to the comprehensive plan.

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

146 373.116 Procedure for water use and impoundment
 147 construction permit applications.--

148 (2) Upon receipt of an application for a permit of the
 149 type referred to in subsection (1), the governing board shall
 150 cause a notice thereof to be published in a newspaper having
 151 general circulation within the affected area. In addition, the
 152 governing board shall send, by regular or electronic mail, a
 153 copy of such notice to any person who has filed a written
 154 request for notification of any pending applications affecting
 155 this particular designated area. At the option of the applicable
 156 county or city government, notice of application for the
 157 consumptive use of water shall be mailed by regular or
 158 electronic mail to the county and appropriate city government
 159 from which boundaries the withdrawal is proposed to be made.

160 Section 4. Section 373.2234, Florida Statutes, is created
 161 to read:

162 373.2234 Preferred water supply sources.--The governing
 163 board of a water management district is authorized to adopt
 164 rules that identify preferred water supply sources for
 165 consumptive uses for which there is sufficient data to establish
 166 that a preferred source will provide a substantial new water
 167 supply to meet the existing and projected reasonable-beneficial
 168 uses of a water supply planning region identified pursuant to s.

169 373.0361(1), while sustaining existing water resources and
170 natural systems. At a minimum, such rules must contain a
171 description of the preferred water supply source and an
172 assessment of the water the preferred source is projected to
173 produce. If an applicant proposes to use a preferred water
174 supply source, that applicant's proposed water use is subject to
175 s. 373.223(1), except that the proposed use of a preferred water
176 supply source must be considered by a water management district
177 when determining whether a permit applicant's proposed use of
178 water is consistent with the public interest pursuant to s.
179 373.223(1)(c). A consumptive use permit issued for the use of a
180 preferred water supply source must be granted, when requested by
181 the applicant, for at least a 20-year period and may be subject
182 to the compliance reporting provisions of s. 373.236(3). Nothing
183 in this section shall be construed to exempt the use of
184 preferred water supply sources from the provisions of ss.
185 373.016(4) and 373.223(2) and (3), or be construed to provide
186 that permits issued for the use of a nonpreferred water supply
187 source must be issued for a duration of less than 20 years or
188 that the use of a nonpreferred water supply source is not
189 consistent with the public interest. Additionally, nothing in
190 this section shall be interpreted to require the use of a
191 preferred water supply source or to restrict or prohibit the use
192 of a nonpreferred water supply source. Rules adopted by the
193 governing board of a water management district to implement this
194 section shall specify that the use of a preferred water supply
195 source is not required, and that the use of a nonpreferred water
196 supply source is not restricted or prohibited.

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

199 373.250 Reuse of reclaimed water.--

200 (2)

201 (c) A water management district may require the use of
202 reclaimed water in lieu of surface water or groundwater when the
203 use of uncommitted reclaimed water is environmentally,
204 economically, and technically feasible and of such quality and
205 reliability as is necessary to the user. However, this paragraph
206 does not authorize a water management district to require a
207 provider of reclaimed water to redirect reclaimed water from one
208 user to another or to provide uncommitted water to a specific
209 user if such water is anticipated to be used by the provider, or
210 a different user selected by the provider, within a reasonable
211 amount of time.

212 Section 6. Section 373.228, Florida Statutes, is created
213 to read:

214 373.228 Landscape irrigation design.--

215 (1) The Legislature finds that multiple areas throughout
216 the state have been identified by water management districts as
217 water resource caution areas, which indicates that in the near
218 future water demand in those areas will exceed the current
219 available water supply and that conservation is one of the
220 mechanisms by which future water demand will be met.

221 (2) The Legislature finds that landscape irrigation
222 comprises a significant portion of water use and that the
223 current typical landscape irrigation system and xeriscape
224 designs offer significant potential water conservation benefits.

225 (3) It is the intent of the Legislature to improve
 226 landscape irrigation water use efficiency by ensuring that
 227 landscape irrigation systems meet or exceed minimum design
 228 criteria.

229 (4) The water management districts shall work with the
 230 Florida Nurserymen and Growers Association, the Florida Chapter
 231 of the American Society of Landscape Architects, the Florida
 232 Irrigation Society, the Department of Agriculture and Consumer
 233 Services, the Institute of Food and Agricultural Sciences, the
 234 Department of Environmental Protection, the Department of
 235 Transportation, the Florida League of Cities, the Florida
 236 Association of Counties, and the Florida Association of
 237 Community Developers to develop landscape irrigation and
 238 xeriscape design standards for new construction which
 239 incorporate a landscape irrigation system and develop
 240 scientifically based model guidelines for urban, commercial, and
 241 residential landscape irrigation, including drip irrigation, for
 242 plants, trees, sod, and other landscaping. The landscape and
 243 irrigation design standards shall be based on the irrigation
 244 code defined in the Florida Building Code, Plumbing Volume,
 245 Appendix F. Local governments shall use the standards and
 246 guidelines when developing landscape irrigation and xeriscape
 247 ordinances. Every 5 years, the agencies and entities specified
 248 in this subsection shall review the standards and guidelines to
 249 determine whether new research findings require a change or
 250 modification of the standards and guidelines.

251 Section 7. Subsection (5) of section 159.803, Florida
 252 Statutes, is amended to read:

253 159.803 Definitions.--As used in this part, the term:

254 (5) "Priority project" means a solid waste disposal
 255 facility or a sewage facility, as such terms are defined in s.
 256 142 of the Code, or water facility, as defined in s. 142 of the
 257 Code, which is operated by a member-owned, not-for-profit
 258 utility, or any project which is to be located in an area which
 259 is an enterprise zone designated pursuant to s. 290.0065.

260 Section 8. Section 373.227, Florida Statutes, is created
 261 to read:

262 373.227 Water conservation; legislative findings;
 263 legislative intent; objectives; comprehensive statewide water
 264 conservation program requirements.--

265 (1) The Legislature recognizes that the proper
 266 conservation of water is an important means of achieving the
 267 economical and efficient utilization of water necessary, in
 268 part, to constitute a reasonable-beneficial use. The overall
 269 water conservation goal of the state is to prevent and reduce
 270 wasteful, uneconomical, impractical, or unreasonable use of
 271 water resources. The Legislature finds that the social,
 272 economic, and cultural conditions of the state relating to the
 273 use of public water supply vary by service area and that public
 274 water supply utilities must have the flexibility to tailor water
 275 conservation measures to best suit their individual
 276 circumstances. The Legislature encourages the use of efficient,
 277 effective, and affordable water conservation measures. Where
 278 water is provided by a public water supply utility, the
 279 Legislature intends that a variety of conservation measures be
 280 made available and used to encourage efficient water use. To

281 achieve these conservation objectives, the state should
282 emphasize goal-based, accountable, tailored, and measurable
283 water conservation programs for public water supply. For
284 purposes of this section, the term "public water supply utility"
285 includes both publicly owned and privately owned public water
286 supply utilities that sell potable water on a retail basis to
287 end users.

288 (2) To implement the findings in subsection (1), the
289 department, in cooperation with the water management districts
290 and other stakeholders, shall develop a comprehensive statewide
291 water conservation program for public water supply. The program
292 should:

293 (a) Encourage utilities to implement water conservation
294 programs that are economically efficient, effective, affordable,
295 and appropriate;

296 (b) Allow no reduction in, and increase where possible,
297 utility-specific water conservation effectiveness over current
298 programs;

299 (c) Be goal-based, accountable, measurable, and
300 implemented collaboratively with water suppliers, water users,
301 and water management agencies;

302 (d) Include cost and benefit data on individual water
303 conservation practices to assist in tailoring practices to be
304 effective for the unique characteristics of particular utility
305 service areas, focusing upon cost-effective measures;

306 (e) Use standardized public water supply conservation
307 definitions and standardized quantitative and qualitative
308 performance measures for an overall system of assessing and

309 benchmarking the effectiveness of water conservation programs
310 and practices;

311 (f) Create a clearinghouse or inventory for water
312 conservation programs and practices available to public water
313 supply utilities which will provide an integrated statewide
314 database for the collection, evaluation, and dissemination of
315 quantitative and qualitative information on public water supply
316 conservation programs and practices and their effectiveness. The
317 clearinghouse or inventory should have technical assistance
318 capabilities to aid in the design, refinement, and
319 implementation of water conservation programs and practices. The
320 clearinghouse or inventory shall also provide for continual
321 assessment of the effectiveness of water conservation programs
322 and practices;

323 (g) Develop a standardized water conservation planning
324 process for utilities; and

325 (h) Develop and maintain a Florida-specific water
326 conservation guidance document containing a menu of affordable
327 and effective water conservation practices to assist public
328 water supply utilities in the design and implementation of goal-
329 based, utility-specific water conservation plans tailored for
330 their individual service areas as provided in subsection (4).

331 (3) Regarding the use of water conservation or drought
332 rate structures as a conservation practice, a water management
333 district shall afford a public water supply utility wide
334 latitude in selecting a rate structure and shall limit its
335 review to whether the utility has provided reasonable assurance
336 that the rate structure contains a schedule of rates designed to

337 promote efficient use of water by providing economic incentives.
338 A water management district shall not fix or revise rates.

339 (4) As part of an application for a consumptive use
340 permit, a public water supply utility may propose a goal-based
341 water conservation plan that is tailored to its individual
342 circumstances. Progress towards goals must be measurable. If the
343 utility provides reasonable assurance that the plan will achieve
344 effective water conservation at least as well as the water
345 conservation requirements adopted by the appropriate water
346 management district and is otherwise consistent with s. 373.223,
347 the district must approve the plan which shall satisfy water
348 conservation requirements imposed as a condition of obtaining a
349 consumptive use permit. The conservation measures included in
350 an approved goal-based water conservation plan may be reviewed
351 periodically and updated as needed to ensure efficient water use
352 for the duration of the permit. If the plan fails to meet the
353 water conservation goal or goals by the timeframes specified in
354 the permit, the public water supply utility shall revise the
355 plan to address the deficiency or employ the water conservation
356 requirements that would otherwise apply in the absence of an
357 approved goal-based plan.

358 (5) By December 1, 2005, the department shall submit a
359 written report to the President of the Senate, the Speaker of
360 the House of Representatives, and the appropriate substantive
361 committees of the Senate and the House of Representatives on the
362 progress made in implementing the comprehensive statewide water
363 conservation program for public water supply required by this
364 section. The report must include any statutory changes and

365 funding requests necessary for the continued development and
366 implementation of the program.

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

370 Section 9. Subsections (1), (2), (5), and (6) of section
371 373.0361, Florida Statutes, are amended to read:

372 373.0361 Regional water supply planning.--

373 (1) By October 1, 1998, the governing board shall initiate
374 water supply planning for each water supply planning region
375 identified in the district water management plan under s.
376 373.036, where it determines that sources of water are not
377 adequate for the planning period to supply water for all
378 existing and projected reasonable-beneficial uses and to sustain
379 the water resources and related natural systems. The planning
380 must be conducted in an open public process, in coordination and
381 cooperation with local governments, regional water supply
382 authorities, government-owned and privately owned water
383 utilities, self-suppliers, and other affected and interested
384 parties. During development but prior to completion of the
385 regional water supply plan, the district must conduct at least
386 one public workshop to discuss the technical data and modeling
387 tools anticipated to be used to support the plan. A
388 determination by the governing board that initiation of a
389 regional water supply plan for a specific planning region is not
390 needed pursuant to this section shall be subject to s. 120.569.
391 The governing board shall reevaluate such a determination at

392 | least once every 5 years and shall initiate a regional water
 393 | supply plan, if needed, pursuant to this subsection.

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

397 | (a) A water supply development component that includes:

398 | 1. A quantification of the water supply needs for all
 399 | existing and reasonably projected future uses within the
 400 | planning horizon. The level-of-certainty planning goal
 401 | associated with identifying the water supply needs of existing
 402 | and future reasonable-beneficial uses shall be based upon
 403 | meeting those needs for a 1-in-10-year drought event. Population
 404 | projections used for determining public water supply needs must
 405 | be based upon the best available data. In determining the best
 406 | available data, the district shall consider the University of
 407 | Florida's Bureau of Economic and Business Research (BEBR) medium
 408 | population projections and any population projection data and
 409 | analysis submitted by a local government pursuant to the public
 410 | workshop described in subsection (1) if the data and analysis
 411 | support the local government's comprehensive plan. Any
 412 | adjustment of or deviation from the BEBR projections must be
 413 | fully described, and the original BEBR data must be presented
 414 | along with the adjusted data.

415 | 2. A list of water source options ~~for water supply~~
 416 | ~~development~~, including traditional and alternative source
 417 | options ~~sources~~, from which local government, government-owned
 418 | and privately owned utilities, self-suppliers, and others may
 419 | choose, for water supply development, the total capacity of

420 | which will, in conjunction with water conservation and other
 421 | demand management measures, exceed the needs identified in
 422 | subparagraph 1.

423 | 3. For each option listed in subparagraph 2., the
 424 | estimated amount of water available for use and the estimated
 425 | costs of and potential sources of funding for water supply
 426 | development.

427 | 4. A list of water supply development projects that meet
 428 | the criteria in s. 373.0831(4).

429 | (b) A water resource development component that includes:

430 | 1. A listing of those water resource development projects
 431 | that support water supply development.

432 | 2. For each water resource development project listed:

433 | a. An estimate of the amount of water to become available
 434 | through the project.

435 | b. The timetable for implementing or constructing the
 436 | project and the estimated costs for implementing, operating, and
 437 | maintaining the project.

438 | c. Sources of funding and funding needs.

439 | d. Who will implement the project and how it will be
 440 | implemented.

441 | (c) The recovery and prevention strategy described in s.
 442 | 373.0421(2).

443 | (d) A funding strategy for water resource development
 444 | projects, which shall be reasonable and sufficient to pay the
 445 | cost of constructing or implementing all of the listed projects.

446 | (e) Consideration of how the options addressed in
 447 | paragraphs (a) and (b) serve the public interest or save costs

448 overall by preventing the loss of natural resources or avoiding
449 greater future expenditures for water resource development or
450 water supply development. However, unless adopted by rule, these
451 considerations do not constitute final agency action.

452 (f) The technical data and information applicable to the
453 planning region which are contained in the district water
454 management plan and are necessary to support the regional water
455 supply plan.

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

458 (h) Reservations of water adopted by rule pursuant to s.
459 373.223(4).

460 (i) An analysis, developed in cooperation with the
461 department, of areas or instances in which the variance
462 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
463 create water supply development or water resource development
464 projects.

465
466 The water supply development component of a regional water
467 supply plan which deals with or affects public utilities and
468 public water supply for those areas served by a regional water
469 supply authority and its member governments within the
470 boundaries of the Southwest Florida Water Management District
471 shall be developed jointly by the authority and the district.

472 (5) ~~By November 15, 1997, and~~ Annually and in conjunction
473 with the reporting requirements of s. 373.536(6)(a)4.
474 ~~thereafter,~~ the department shall submit to the Governor and the

475 Legislature a report on the status of regional water supply
 476 planning in each district. The report shall include:

477 (a) A compilation of the estimated costs of and potential
 478 sources of funding for water resource development and water
 479 supply development projects, as identified in the water
 480 management district regional water supply plans.

481 (b) A description of each district's progress toward
 482 achieving its water resource development objectives, as directed
 483 by s. 373.0831(3), including the district's implementation of
 484 its 5-year water resource development work program.

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

489 (6) Nothing contained in the water supply development
 490 component of the district water management plan shall be
 491 construed to require local governments, government-owned or
 492 privately owned water utilities, self-suppliers, or other water
 493 suppliers to select a water supply development option identified
 494 in the component merely because it is identified in the plan,
 495 nor may the plan be used in the review of permits under part II
 496 unless the plan, or an applicable portion thereof, has been
 497 adopted by rule. However, this subsection does not prohibit a
 498 water management district from employing the data or other
 499 information used to establish the plan in reviewing permits
 500 under part II, nor does it ~~shall not be construed~~ to limit the
 501 authority of the department or governing board under part II.

502 Section 10. Subsection (3) of section 373.0831, Florida
 503 Statutes, is amended, and paragraph (c) is added to subsection
 504 (4) of that section, to read:

505 373.0831 Water resource development; water supply
 506 development.--

507 (3) The water management districts shall fund and
 508 implement water resource development as defined in s. 373.019.
 509 The water management districts are encouraged to implement water
 510 resource development as expeditiously as possible in areas
 511 subject to regional water supply plans. Each governing board
 512 shall include in its annual budget the amount needed for the
 513 fiscal year to implement water resource development projects, as
 514 prioritized in its regional water supply plans.

515 (4)

516 (c) If a proposed alternative water supply development
 517 project is identified in the relevant approved regional water
 518 supply plan, the project shall receive:

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

522 2. Consideration for priority funding pursuant to s.
 523 373.1961(2) if the project meets one of the criteria in this
 524 subsection.

525 Section 11. Subsection (2) of section 373.1961, Florida
 526 Statutes, is amended to read:

527 373.1961 Water production.--

528 (2) The Legislature finds that, due to a combination of
 529 factors, vastly increased demands have been placed on natural

530 supplies of fresh water, and that, absent increased development
531 of alternative water supplies, such demands may increase in the
532 future. The Legislature also finds that potential exists in the
533 state for the production of significant quantities of
534 alternative water supplies, including reclaimed water, and that
535 water production includes the development of alternative water
536 supplies, including reclaimed water, for appropriate uses. It is
537 the intent of the Legislature that utilities develop reclaimed
538 water systems, where reclaimed water is the most appropriate
539 alternative water supply option, to deliver reclaimed water to
540 as many users as possible through the most cost-effective means,
541 and to construct reclaimed water system infrastructure to their
542 owned or operated properties and facilities where they have
543 reclamation capability. It is also the intent of the Legislature
544 that the water management districts which levy ad valorem taxes
545 for water management purposes should share a percentage of those
546 tax revenues with water providers and users, including local
547 governments, water, wastewater, and reuse utilities, municipal,
548 industrial, and agricultural water users, and other public and
549 private water users, to be used to supplement other funding
550 sources in the development of alternative water supplies. The
551 Legislature finds that public moneys or services provided to
552 private entities for such uses constitute public purposes which
553 are in the public interest. In order to further the development
554 and use of alternative water supply systems, including reclaimed
555 water systems, the Legislature provides the following:

556 (a) The governing boards of the water management districts
557 where water resource caution areas have been designated shall

558 | include in their annual budgets an amount for the development of
559 | alternative water supply systems, including reclaimed water
560 | systems, pursuant to the requirements of this subsection.
561 | Beginning in 1996, such amounts shall be made available to water
562 | providers and users no later than December 31 of each year,
563 | through grants, matching grants, revolving loans, or the use of
564 | district lands or facilities pursuant to the requirements of
565 | this subsection and guidelines established by the districts. In
566 | making grants or loans, funding priority must be given to
567 | projects in accordance with s. 373.0831(4). Without diminishing
568 | amounts available through other means described in this
569 | paragraph, the governing boards are encouraged to consider
570 | establishing revolving loan funds to expand the total funds
571 | available to accomplish the objectives of this section. A
572 | revolving loan fund created under this paragraph must be a
573 | nonlapsing fund from which the water management district may
574 | make loans with interest rates below prevailing market rates to
575 | public or private entities for the purposes described in this
576 | section. The governing board may adopt resolutions to establish
577 | revolving loan funds which must specify the details of the
578 | administration of the fund, the procedures for applying for
579 | loans from the fund, the criteria for awarding loans from the
580 | fund, the initial capitalization of the fund, and the goals for
581 | future capitalization of the fund in subsequent budget years.
582 | Revolving loan funds created under this paragraph must be used
583 | to expand the total sums and sources of cooperative funding
584 | available for the development of alternative water supplies. The
585 | Legislature does not intend for the creation of revolving loan

586 funds to supplant or otherwise reduce existing sources or
 587 amounts of funds currently available through other means.

588 (b) It is the intent of the Legislature that for each
 589 reclaimed water utility, or any other utility, which receives
 590 funds pursuant to this subsection, the appropriate rate-setting
 591 authorities should develop rate structures for all water,
 592 wastewater, and reclaimed water and other alternative water
 593 supply utilities in the service area of the funded utility,
 594 which accomplish the following:

595 1. Provide meaningful progress toward the development and
 596 implementation of alternative water supply systems, including
 597 reclaimed water systems;

598 2. Promote the conservation of fresh water withdrawn from
 599 natural systems;

600 3. Provide for an appropriate distribution of costs for
 601 all water, wastewater, and alternative water supply utilities,
 602 including reclaimed water utilities, among all of the users of
 603 those utilities; and

604 4. Prohibit rate discrimination within classes of utility
 605 users.

606 (c) Funding assistance provided by the water management
 607 districts for a water reuse system project may include the
 608 following grant or loan conditions for that project if the water
 609 management district determines that such conditions will
 610 encourage water use efficiency:

611 1. Metering of reclaimed water use for the following
 612 activities: residential irrigation, agricultural irrigation,
 613 industrial uses except for electric utilities as defined in s.

614 366.02(2), landscape irrigation, irrigation of other public
615 access areas, commercial and institutional uses such as toilet
616 flushing, and transfers to other reclaimed water utilities.

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

620 3. Implementation of education programs to inform the
621 public about water issues, water conservation, and the
622 importance and proper use of reclaimed water.

623 4. Development of location data for key reuse facilities.

624 (d)(e) In order to be eligible for funding pursuant to
625 this subsection, a project must be consistent with a local
626 government comprehensive plan and the governing body of the
627 local government must require all appropriate new facilities
628 within the project's service area to connect to and use the
629 project's alternative water supplies. The appropriate local
630 government must provide written notification to the appropriate
631 district that the proposed project is consistent with the local
632 government comprehensive plan.

633 (e)(d) Any and all revenues disbursed pursuant to this
634 subsection shall be applied only for the payment of capital or
635 infrastructure costs for the construction of alternative water
636 supply systems that provide alternative water supplies.

637 (f)(e) By January 1 of each year, the governing boards
638 shall make available written guidelines for the disbursement of
639 revenues pursuant to this subsection. Such guidelines shall
640 include at minimum:

641 1. An application process and a deadline for filing
642 applications annually.

643 2. A process for determining project eligibility pursuant
644 to the requirements of paragraphs (d) ~~(e)~~ and (e) ~~(d)~~.

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

648 (g)~~(f)~~ The governing board of each water management
649 district shall establish an alternative water supplies grants
650 advisory committee to recommend to the governing board projects
651 for funding pursuant to this subsection. The advisory committee
652 members shall include, but not be limited to, one or more
653 representatives of county, municipal, and investor-owned private
654 utilities, and may include, but not be limited to,
655 representatives of agricultural interests and environmental
656 interests. Each committee member shall represent his or her
657 interest group as a whole and shall not represent any specific
658 entity. The committee shall apply the guidelines and project
659 eligibility criteria established by the governing board in
660 reviewing proposed projects. After one or more hearings to
661 solicit public input on eligible projects, the committee shall
662 rank the eligible projects and shall submit them to the
663 governing board for final funding approval. The advisory
664 committee may submit to the governing board more projects than
665 the available grant money would fund.

666 (h)~~(g)~~ All revenues made available annually pursuant to
667 this subsection must be encumbered annually by the governing
668 board if it approves projects sufficient to expend the available

669 revenues. Funds must be disbursed within 36 months after
670 encumbrance.

671 (i)~~(h)~~ For purposes of this subsection, alternative water
672 supplies are supplies of water that have been reclaimed after
673 one or more public supply, municipal, industrial, commercial, or
674 agricultural uses, or are supplies of stormwater, or brackish or
675 salt water, that have been treated in accordance with applicable
676 rules and standards sufficient to supply the intended use.

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

679 (k)~~(j)~~ By January 30 of each year, each water management
680 district shall submit an annual report to the Governor, the
681 President of the Senate, and the Speaker of the House of
682 Representatives which accounts for the disbursement of all budgeted
683 amounts pursuant to this subsection. Such report shall describe
684 all projects funded and shall account separately for moneys
685 provided through grants, matching grants, revolving loans, and
686 the use of district lands or facilities.

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

694 Section 12. Paragraph (a) of subsection (6) of section
695 373.536, Florida Statutes, is amended to read:

696 373.536 District budget and hearing thereon.--

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

699 (a) Each district must, by the date specified for each
 700 item, furnish copies of the following documents to the Governor,
 701 the President of the Senate, the Speaker of the House of
 702 Representatives, the chairs of all legislative committees and
 703 subcommittees having substantive or fiscal jurisdiction over the
 704 districts, as determined by the President of the Senate or the
 705 Speaker of the House of Representatives as applicable, the
 706 secretary of the department, and the governing board of each
 707 county in which the district has jurisdiction or derives any
 708 funds for the operations of the district:

709 1. The adopted budget, to be furnished within 10 days
 710 after its adoption.

711 2. A financial audit of its accounts and records, to be
 712 furnished within 10 days after its acceptance by the governing
 713 board. The audit must be conducted in accordance with the
 714 provisions of s. 11.45 and the rules adopted thereunder. In
 715 addition to the entities named above, the district must provide
 716 a copy of the audit to the Auditor General within 10 days after
 717 its acceptance by the governing board.

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

723 4. A 5-year water resource development work program to be
 724 furnished within 45 days after the adoption of the final budget.

725 The program must describe the district's implementation strategy
726 for the water resource development component of each approved
727 regional water supply plan developed or revised under s.
728 373.0361. The work program must address all the elements of the
729 water resource development component in the district's approved
730 regional water supply plans and must identify which projects in
731 the work program will provide water, explain how each water
732 resource development project will produce additional water
733 available for consumptive uses, estimate the quantity of water
734 to be produced by each project, and provide an assessment of the
735 contribution of the district's regional water supply plans in
736 providing sufficient water to meet the water supply needs of
737 existing and future reasonable-beneficial uses for a 1-in-10-
738 year drought event. Within 45 days after its submittal, the
739 department shall review the proposed work program and submit its
740 findings, questions, and comments to the district. The review
741 must include a written evaluation of the program's consistency
742 with the furtherance of the district's approved regional water
743 supply plans, and the adequacy of proposed expenditures. As part
744 of the review, the department shall give interested parties the
745 opportunity to provide written comments on each district's
746 proposed work program. Within 60 days after receipt of the
747 department's evaluation, the governing board shall state in
748 writing to the department which changes recommended in the
749 evaluation it will incorporate into its work program or specify
750 the reasons for not incorporating the changes. The department
751 shall include the district's responses in a final evaluation
752 report and shall submit a copy of the report to the Governor,

753 the President of the Senate, and the Speaker of the House of
754 Representatives.

755 (b) If any entity listed in paragraph (a) provides written
756 comments to the district regarding any document furnished under
757 this subsection, the district must respond to the comments in
758 writing and furnish copies of the comments and written responses
759 to the other entities.

760 Section 13. Subsections (1) and (6) of section 403.064,
761 Florida Statutes, are amended, and subsection (16) is added to
762 that section, to read:

763 403.064 Reuse of reclaimed water.--

764 (1) The encouragement and promotion of water conservation,
765 and reuse of reclaimed water, as defined by the department, are
766 state objectives and are considered to be in the public
767 interest. The Legislature finds that the reuse of reclaimed
768 water is a critical component of meeting the state's existing
769 and future water supply needs while sustaining natural systems.
770 The Legislature further finds that for those wastewater
771 treatment plants permitted and operated under an approved reuse
772 program by the department, the reclaimed water shall be
773 considered environmentally acceptable and not a threat to public
774 health and safety. The Legislature encourages the development of
775 incentive-based programs for reuse implementation.

776 (6) A reuse feasibility study prepared under subsection
777 (2) satisfies a water management district requirement to conduct
778 a reuse feasibility study imposed on a local government or
779 utility that has responsibility for wastewater management. The
780 data included in the study and the conclusions of the study must

781 be given significant consideration by the applicant and the
 782 appropriate water management district in an analysis of the
 783 economic, environmental, and technical feasibility of providing
 784 reclaimed water for reuse under part II of chapter 373 and must
 785 be presumed relevant to the determination of feasibility. A
 786 water management district may not require a separate study when
 787 a reuse feasibility study has been completed under subsection
 788 (2).

789 (16) Utilities implementing reuse projects are encouraged,
 790 except in the case of use by electric utilities as defined in s.
 791 366.02(2), to meter use of reclaimed water by all end users and
 792 to charge for the use of reclaimed water based on the actual
 793 volume used when such metering and charges can be shown to
 794 encourage water conservation. Metering and the use of volume-
 795 based rates are effective water management tools for the
 796 following reuse activities: residential irrigation, agricultural
 797 irrigation, industrial uses, landscape irrigation, irrigation of
 798 other public access areas, commercial and institutional uses
 799 such as toilet flushing, and transfers to other reclaimed water
 800 utilities. Beginning with the submittal due on January 1, 2005,
 801 each domestic wastewater utility that provides reclaimed water
 802 for the reuse activities listed in this section shall include a
 803 summary of its metering and rate structure as part of its annual
 804 reuse report to the department.

805 Section 14. Section 403.0645, Florida Statutes, is created
 806 to read:

807 403.0645 Reclaimed water use at state facilities.--

808 (1) The encouragement and promotion of reuse of reclaimed
809 water has been established as a state objective in ss. 373.250
810 and 403.064. Reuse has become an integral part of water and
811 wastewater management in Florida, and Florida is recognized as a
812 national leader in water reuse.

813 (2) The state and various state agencies and water
814 management districts should take a leadership role in using
815 reclaimed water in lieu of other water sources. The use of
816 reclaimed water by state agencies and facilities will conserve
817 potable water and will serve an important public education
818 function.

819 (3) Each state agency and water management district shall
820 use reclaimed water to the greatest extent practicable for
821 landscape irrigation, toilet flushing, aesthetic features such
822 as decorative ponds and fountains, cooling water, and other
823 useful purposes allowed by department rules at state facilities,
824 including, but not limited to, parks, rest areas, visitor
825 welcome centers, buildings, college campuses, and other
826 facilities.

827 (4) Each state agency and water management district shall
828 submit to the Secretary of Environmental Protection by February
829 1 of each year a summary of activities designed to utilize
830 reclaimed water at its facilities along with a summary of the
831 amounts of reclaimed water actually used for beneficial
832 purposes.

833 Section 15. Paragraph (b) of subsection (2), paragraph (f)
834 of subsection (4) and subsection (5) of section 403.121, Florida
835 Statutes, are amended to read:

836 403.121 Enforcement; procedure; remedies.--The department
837 shall have the following judicial and administrative remedies
838 available to it for violations of this chapter, as specified in
839 s. 403.161(1).

840 (2) Administrative remedies:

841 (b) If the department has reason to believe a violation
842 has occurred, it may institute an administrative proceeding to
843 order the prevention, abatement, or control of the conditions
844 creating the violation or other appropriate corrective action.
845 Except for violations involving hazardous wastes, asbestos, or
846 underground injection, the department shall proceed
847 administratively in all cases in which the department seeks
848 administrative penalties that do not exceed \$10,000 per
849 assessment as calculated in accordance with subsections (3),
850 (4), (5), (6), and (7). Pursuant to 42 U.S.C. s.300g-2, the
851 administrative penalty assessed pursuant to subsections (3),
852 (4), or (5) against a public water system serving a population
853 of more than 10,000 shall be not less than \$1,000 per day per
854 violation. The department shall not impose administrative
855 penalties in excess of \$10,000 in a notice of violation. The
856 department shall not have more than one notice of violation
857 seeking administrative penalties pending against the same party
858 at the same time unless the violations occurred at a different
859 site or the violations were discovered by the department
860 subsequent to the filing of a previous notice of violation.

861 (4) In an administrative proceeding, in addition to the
862 penalties that may be assessed under subsection (3), the

863 department shall assess administrative penalties according to
 864 the following schedule:

865 (f) Except as provided in subsection (2) with respect to
 866 public water systems serving a population of more than 10,000,
 867 for failure to prepare, submit, maintain, or use required
 868 reports or other required documentation, \$500.

869 (5) Except as provided in subsection (2) with respect to
 870 public water systems serving a population of more than 10,000,
 871 for failure to comply with any other departmental regulatory
 872 statute or rule requirement not otherwise identified in this
 873 section, the department may assess a penalty of \$500.

874 Section 16. Paragraph (b) of subsection (3) of section
 875 403.1835, Florida Statutes, is amended to read:

876 403.1835 Water pollution control financial assistance.--

877 (3) The department may provide financial assistance
 878 through any program authorized under s. 603 of the Federal Water
 879 Pollution Control Act (Clean Water Act), Pub. L. No. 92-500, as
 880 amended, including, but not limited to, making grants and loans,
 881 providing loan guarantees, purchasing loan insurance or other
 882 credit enhancements, and buying or refinancing local debt. This
 883 financial assistance must be administered in accordance with
 884 this section and applicable federal authorities. The department
 885 shall administer all programs operated from funds secured
 886 through the activities of the Florida Water Pollution Control
 887 Financing Corporation under s. 403.1837, to fulfill the purposes
 888 of this section.

889 (b) The department may make or request the corporation to
 890 make loans, grants, and deposits to other entities eligible to

891 participate in the financial assistance programs authorized
892 under the Federal Water Pollution Control Act, or as a result of
893 other federal action, which entities may pledge any revenue
894 available to them to repay any funds borrowed. Notwithstanding
895 s. 17.57, the department may make deposits to financial
896 institutions which earn less than the prevailing rate for United
897 States Treasury securities with corresponding maturities for the
898 purpose of enabling such financial institutions to make below-
899 market interest rate loans to entities qualified to receive
900 loans under this section and the rules of the department.

901 Section 17. The Legislature finds that within the area
902 identified in the Lower East Coast Regional Water Supply Plan
903 approved by the South Florida Water Management District pursuant
904 to section 373.0361, Florida Statutes, the groundwater levels
905 can benefit from augmentation. The Legislature finds that the
906 direct or indirect discharge of reclaimed water into canals and
907 the aquifer system for transport and subsequent reuse may
908 provide an environmentally acceptable means to augment water
909 supplies and enhance natural systems; however, the Legislature
910 also recognizes that there are water quality and water quantity
911 issues that must be better understood and resolved. In addition,
912 cost savings may be possible by collocating enclosed conduits
913 for conveyance of water for reuse in this area within canal
914 rights-of-way which should be investigated. The Department of
915 Environmental Protection, in consultation with the South Florida
916 Water Management District, southeast Florida utilities, affected
917 local governments, including local governments with principal
918 responsibility for the operation and maintenance of a water

919 | control system capable of conveying reclaimed wastewater for
920 | reuse, representatives of the environmental and engineering
921 | communities, public health professionals, and individuals who
922 | have expertise in water quality, shall conduct a study to
923 | investigate the feasibility of discharging reclaimed wastewater
924 | into canals and the aquifer system as an environmentally
925 | acceptable means of augmenting groundwater supplies, enhancing
926 | natural systems, and conveying reuse water within enclosed
927 | conduits within the canal right-of-way. The South Florida Water
928 | Management District shall provide the necessary financial and
929 | in-kind resources to assist the department in undertaking this
930 | study. In the event any discharges are made as part of the
931 | study, such discharges must comply with applicable federal,
932 | state, and local law, including applicable regulations. The
933 | study must include an assessment of the water quality, water
934 | supply, public health, technical, and legal implications related
935 | to the canal discharge and collocation concepts. The department
936 | shall issue a preliminary written report containing draft
937 | findings and recommendations for public comment by November 1,
938 | 2005. The department shall provide a written report on the
939 | results of its study, including public comments received, to the
940 | Governor and the relevant substantive committees of the Senate
941 | and the House of Representatives by January 31, 2006. This
942 | section may not be used to alter the purpose of the
943 | Comprehensive Everglades Restoration Plan or the implementation
944 | of the Water Resources Development Act of 2000.

945 | Section 18. This act shall take effect upon becoming a
946 | law.