

1 A bill to be entitled
2 An act relating to construction and maintenance of
3 water systems; amending s. 153.04, F.S.; providing
4 requirements for independent special districts that
5 choose to exercise certain powers; providing an
6 exception for certain entities to construct or
7 maintain water supply or sewage disposal systems;
8 amending s. 403.928, F.S.; requiring the Office of
9 Economic and Demographic Research to include an
10 analysis of certain expenditures in its annual
11 assessment; creating s. 403.9301, F.S.; providing
12 definitions; requiring counties, municipalities, and
13 special districts that provide wastewater services to
14 develop a needs analysis that includes certain
15 information by a specified date; requiring
16 municipalities and special districts to submit such
17 analyses to a certain county; requiring the county to
18 file a compiled document with the coordinator of the
19 Office of Economic and Demographic Research by a
20 specified date; requiring the office to evaluate the
21 document and include an analysis in its annual
22 assessment; creating s. 403.9302, F.S.; providing
23 definitions; requiring counties, municipalities, and
24 special districts that provide stormwater management
25 to develop a needs analysis that includes certain

26 information by a specified date; requiring
 27 municipalities and special districts to submit such
 28 analyses to a certain county; requiring the county to
 29 file a compiled document with the Secretary of
 30 Environmental Protection and the coordinator of the
 31 Office of Economic and Demographic Research by a
 32 specified date; requiring the office to evaluate the
 33 document and include an analysis in its annual
 34 assessment; providing a determination and declaration
 35 of important state interest; providing an effective
 36 date.

37

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

39

40 Section 1. Section 153.04, Florida Statutes, is amended to
 41 read:

42 153.04 Construction of water supply systems, water system
 43 improvements, sewage disposal systems, and sewer improvements.-

44 (1) Whenever a the county commission of any of the several
 45 counties of the state by resolution chooses to exercise the
 46 powers granted by this chapter, or the governing board of an
 47 independent special district chooses to exercise the powers
 48 granted in the charter of the special district that are
 49 coextensive with the powers granted by this chapter, it shall
 50 make or cause to be made ~~such~~ surveys, investigations, studies,

51 borings, maps, plans, drawings, and estimates of costs and ~~of~~
52 revenues as it deems ~~may deem~~ necessary to prepare or have
53 prepared so that the such county commission, or the county
54 commission for each county in which the independent special
55 district is exercising the authority of this section, has ~~shall~~
56 ~~have~~ available to it a comprehensive study and report.

57 (a) The study and report must include ~~setting forth~~ either
58 or both of the following:

59 1.(1) The type and estimate of costs of each water supply
60 system, the purchase or construction of which is ~~shall be~~ deemed
61 by the county commission or governing board of the independent
62 special district ~~it~~ to be desirable and feasible, together with
63 the location thereof, and of each integral part, and also
64 setting forth what water system improvements, if any, are deemed
65 ~~it deems~~ necessary to purchase or construct to protect the
66 health of and render fire protection to the inhabitants of the
67 county or independent special district, as applicable, together
68 with the location by terminal points and route of each ~~such~~
69 improvement, a description thereof by its material, nature,
70 character, and size and an estimate of the cost of its purchase
71 or construction.

72 2.(2)(a) The type of treatment and estimate of cost of
73 each sewage disposal plant or system, the purchase, or
74 construction of which is ~~shall be~~ deemed by the county
75 commission or governing board of the independent special

76 | district to be desirable and feasible, together with the
 77 | location thereof and of each integral part, and also setting
 78 | forth what sewer improvements, if any, are deemed ~~it deems~~
 79 | necessary to purchase or construct to protect the health of the
 80 | inhabitants of the county or independent special district, as
 81 | applicable, together with the location by terminal points and
 82 | route of each such improvement, a description thereof by its
 83 | material, nature, character, and size and an estimate of the
 84 | cost of its purchase or construction.

85 | (b) If the ~~such~~ study and report reveals, or if it is a
 86 | fact that any parcel, plot, or area of land proposed to be
 87 | served by facilities owned and operated by a county or an
 88 | independent special district pursuant to ~~county-owned and~~
 89 | ~~operated facilities as contemplated by~~ this chapter is being
 90 | served by ~~or there is available to it for service such~~
 91 | facilities ~~which are~~ owned and operated by private individuals,
 92 | copartnerships, corporations, or associations or service by such
 93 | facilities is available to the parcel, plot, or area of land,
 94 | ~~then~~ the county or independent special district is ~~hereby~~
 95 | prohibited from furnishing the facilities provided by this
 96 | chapter to such land property without the written consent of the
 97 | owner or owners of the ~~such~~ privately owned and operated
 98 | facilities.

99 | (c) The obtaining of ~~such~~ surveys, investigations,
 100 | studies, borings, maps, plans, drawings, and estimates pursuant

101 to this subsection serves ~~is hereby declared to be~~ a public
 102 ~~county~~ purpose and the costs thereof may be paid out of the
 103 general funds of the county or independent special district.

104 (d) Upon receipt of the ~~such~~ report, the county commission
 105 or the county commission for each county in which the
 106 independent special district is exercising the authority of this
 107 section may authorize the purchase and ~~and/or~~ construction of
 108 ~~such~~ facilities as it deems ~~may deem~~ feasible and practicable.

109 (e) All public or private property damaged or destroyed in
 110 carrying out the powers granted by this chapter shall be
 111 restored or repaired and placed in its original condition as
 112 nearly as practicable or adequate compensation made therefor out
 113 of the funds provided to the county by this chapter or, if the
 114 damage or destruction is caused by an independent special
 115 district, out of the funds derived from the revenue sources
 116 authorized for the special district in its charter.

117 (f) The state ~~hereby~~ consents to the use of all state
 118 lands lying under water which are necessary for the
 119 accomplishments or purposes of this chapter.

120 (2) The construction or maintenance of a water supply or
 121 sewage disposal system on sovereign submerged lands by a county
 122 or an independent special district is exempt from the
 123 requirements of s. 253.77, provided that the county or
 124 independent special district completes the requirements of
 125 subsection (1).

126 Section 2. Paragraph (e) is added to subsection (1) of
127 section 403.928, Florida Statutes, to read:

128 403.928 Assessment of water resources and conservation
129 lands.—The Office of Economic and Demographic Research shall
130 conduct an annual assessment of Florida's water resources and
131 conservation lands.

132 (1) WATER RESOURCES.—The assessment must include all of
133 the following:

134 (e) Beginning with the assessment due January 1, 2022, an
135 analysis of the expenditures necessary to repair, replace, and
136 expand water-related infrastructure. As part of this analysis,
137 the office shall periodically survey public and private
138 utilities.

139 Section 3. Section 403.9301, Florida Statutes, is created
140 to read:

141 403.9301 Wastewater services projections.—

142 (1) The Legislature intends for each county, municipality,
143 or special district providing wastewater services to create a
144 20-year needs analysis.

145 (2) As used in this section, the term:

146 (a) "Domestic wastewater" has the same meaning as provided
147 in s. 367.021.

148 (b) "Facility" means any equipment, structure, or other
149 property, including sewerage systems and treatment works, used
150 to provide wastewater services.

151 (c) "Treatment works" has the same meaning as provided in
152 s. 403.031(11).

153 (d) "Wastewater services" means service to a sewerage
154 system, as defined in s. 403.031(9), or service to domestic
155 wastewater treatment works.

156 (3) By June 30, 2022, and every 5 years thereafter, each
157 county, municipality, or special district providing wastewater
158 services shall develop a needs analysis for its jurisdiction
159 over the subsequent 20 years. In projecting such needs, each
160 local government shall include the following:

161 (a) A detailed description of the facilities used to
162 provide wastewater services.

163 (b) The number of current and projected connections and
164 residents served calculated in 5-year increments.

165 (c) The current and projected service area for wastewater
166 services.

167 (d) The current and projected cost of providing wastewater
168 services calculated in 5-year increments.

169 (e) The estimated remaining useful life of each facility
170 or its major components.

171 (f) The most recent 5-year history of annual contributions
172 to, expenditures from, and balances of any capital account for
173 maintenance or expansion of any facility or its major
174 components.

175 (g) The local government's plan to fund the maintenance or

176 expansion of any facility or its major components. The plan must
177 include historical and estimated future revenues and
178 expenditures with an evaluation of how the local government
179 expects to close any projected funding gap.

180 (4) Upon completing the requirements of subsection (3),
181 each municipality or special district shall submit its needs
182 analysis, as well as the methodology and any supporting data
183 necessary to interpret the results, to the county within which
184 the largest portion of its service area is located. Each county
185 shall compile all analyses submitted to it under this subsection
186 into a single document and include its own analysis in the
187 document. The county shall file the compiled document with the
188 coordinator of the Office of Economic and Demographic Research
189 no later than July 31, 2022, and every 5 years thereafter.

190 (5) The Office of Economic and Demographic Research shall
191 evaluate the compiled documents from the counties for the
192 purpose of developing a statewide analysis for inclusion in the
193 assessment due January 1, 2023, pursuant to s. 403.928.

194 Section 4. Section 403.9302, Florida Statutes, is created
195 to read:

196 403.9302 Stormwater management projections.—

197 (1) The Legislature intends for each county, municipality,
198 or special district providing a stormwater management program or
199 stormwater management system to create a 20-year needs analysis.

200 (2) As used in this section, the term:

201 (a) "Facility" means any equipment, structure, or other
202 property, including conveyance systems, used or useful in
203 connection with providing a stormwater management program or
204 stormwater management system.

205 (b) "Stormwater management program" has the same meaning
206 as provided in s. 403.031(15).

207 (c) "Stormwater management system" has the same meaning as
208 provided in s. 403.031(16).

209 (3) By June 30, 2022, and every 5 years thereafter, each
210 county, municipality, or special district providing a stormwater
211 management program or stormwater management system shall develop
212 a needs analysis for its jurisdiction over the subsequent 20
213 years. In projecting such needs, each local government shall
214 include the following:

215 (a) A detailed description of the stormwater management
216 program or stormwater management system and its facilities and
217 projects.

218 (b) The number of current and projected residents served
219 calculated in 5-year increments.

220 (c) The current and projected service area for the
221 stormwater management program or stormwater management system.

222 (d) The current and projected cost of providing services
223 calculated in 5-year increments.

224 (e) The estimated remaining useful life of each facility
225 or its major components.

226 (f) The most recent 5-year history of annual contributions
227 to, expenditures from, and balances of any capital account for
228 maintenance or expansion of any facility or its major
229 components.

230 (g) The local government's plan to fund the maintenance or
231 expansion of any facility or its major components. The plan must
232 include historical and estimated future revenues and
233 expenditures with an evaluation of how the local government
234 expects to close any projected funding gap.

235 (4) Upon completing the requirements of subsection (3),
236 each municipality or special district shall submit its needs
237 analysis, as well as the methodology and any supporting data
238 necessary to interpret the results, to the county within which
239 the largest portion of its stormwater management program or
240 stormwater management system is located. Each county shall
241 compile all analyses submitted to it under this subsection into
242 a single document and include its own analysis in the document.
243 The county shall file the compiled document with the Secretary
244 of Environmental Protection and the coordinator of the Office of
245 Economic and Demographic Research no later than July 31, 2022,
246 and every 5 years thereafter.

247 (5) The Office of Economic and Demographic Research shall
248 evaluate the compiled documents from the counties for the
249 purpose of developing a statewide analysis for inclusion in the
250 assessment due January 1, 2023, pursuant to s. 403.928.

251 Section 5. The Legislature determines and declares that
252 this act fulfills an important state interest.

253 Section 6. This act shall take effect July 1, 2021.