

STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

IN RE:)
)
Application of Farnton Water Resources,)
LLC for original Water Certificate in Volusia) DOCKET NO. 021256-WU
and Brevard Counties, Florida)
)
_____)

BREVARD COUNTY'S REQUEST FOR OFFICIAL RECOGNITION

Brevard County, by and through its undersigned attorney, hereby requests the Public Service Commission panel to take official recognition of the following statutes and agency rules:

1. Section 163.3177(10) and (11) Florida Statutes (2003);
2. Section 163.3184(1)(b) Florida Statutes (2003);
3. Section 163.2511 Florida Statutes (2003);
4. Rule 9J-5.003(134) Florida Administrative Code (attached as Exhibit 1 hereto);
5. 9J-5.006 Florida Administrative Code (attached as Exhibit 2 hereto);
6. 9J-5.011 Florida Administrative Code (attached as Exhibit 3 hereto).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was mailed by U.S. Mail to F. Marshall Deterding, Esquire, 2548 Blairstone Pines Drive, Tallahassee, Florida, 32301, Edward P. de la Parte, Jr., Esquire, 101 E. Kennedy Blvd., Suite 3400, Tampa, Florida, 33602-5195, Jennifer A. Rodan, Esquire, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850 and William J.

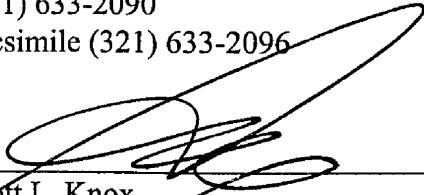
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TPSD-CENT. REGISTRATION

Bosch, III, County Attorney, 123 West Indiana Ave., DeLand, Florida, 32720-4613, on this the 26th day of March, 2004.

OFFICE OF THE COUNTY ATTORNEY
2725 Judge Fran Jamieson Way
Viera, Florida 32940
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County Attorney
Florida Bar No. 211291
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EXHIBIT 1

Rule 9J-5.003, F.A.C.

Fla. Admin. Code Ann. r. 9J-5.003

FLORIDA ADMINISTRATIVE CODE ANNOTATED
TITLE 09. DEPARTMENT OF COMMUNITY AFFAIRS
SUBTITLE 9J. DIVISION OF COMMUNITY PLANNING
CHAPTER 9J-5. MINIMUM CRITERIA FOR REVIEW OF LOCAL GOVERNMENT
COMPREHENSIVE
PLANS AND PLAN AMENDMENTS, EVALUATION AND APPRAISAL REPORTS, LAND
DEVELOPMENT
REGULATIONS AND DETERMINATIONS OF COMPLIANCE
Current through February 1, 2004
9J-5.003. Definitions.

As used in this rule chapter, the terms defined in Section 163.3164, F.S., shall have the meanings provided in that section. In addition, the following definitions are provided to clarify terms used in this rule chapter and not to establish or limit regulatory authority of other agencies or programs; however, local governments may choose alternative definitions which the Department shall review to determine whether such definitions accomplish the intent of both this rule chapter and of Chapter 163, Part II, F.S. The use of definitions in this rule which were adopted by rule amendment shall not have the effect of rendering not in compliance a plan or plan amendment adopted prior to the effective date of the rule amendment, nor of changing definitions of terms used in a plan or plan amendment adopted prior to the effective date of the rule amendment...

(134) "Urban sprawl" means urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low- intensity or low-density urban uses, and which are characterized by one or more of the following conditions: (a) The premature or poorly planned conversion of rural land to other uses; (b) The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or (c) The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: Leapfrog or scattered development; ribbon or strip commercial or other development; or large expanses of predominantly low-intensity, low-density, or single-use development...

Specific Authority 163.3177(9), (10) FS. Law Implemented 163.3177, 163.3178 FS.
History--New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23- 94, 5-18-94, 3-21-99,
2-25-01.

EXHIBIT 2

Rule 9J-5.006, F.A.C.

Fla. Admin. Code Ann. r. 9J-5.006

FLORIDA ADMINISTRATIVE CODE ANNOTATED
TITLE 09. DEPARTMENT OF COMMUNITY AFFAIRS
SUBTITLE 9J. DIVISION OF COMMUNITY PLANNING
CHAPTER 9J-5. MINIMUM CRITERIA FOR REVIEW OF LOCAL GOVERNMENT
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9J-5.006. Future Land Use Element.

The purpose of the future land use element is the designation of future land use patterns as reflected in the goals, objectives and policies of the local government comprehensive plan elements. Future land use patterns are depicted on the future land use map or map series within the element.

(1) Existing Land Use Data Requirements. The element shall be based upon the following data requirements pursuant to subsection 9J-5.005(2), F.A.C.

(a) The following generalized land uses or conditions shall be shown on the existing land use map or map series:

1. Residential use;
2. Commercial use;
3. Industrial use;
4. Agricultural use;
5. Recreational use;
6. Conservation use;
7. Educational use;
8. Public buildings and grounds;
9. Other public facilities;
10. Vacant or undeveloped land; and
11. Historic resources.

(b) The following natural resources shall be shown on the existing land use map or map series:

1. Existing and planned public potable waterwells and wellhead protection areas;
2. Beaches and shores, including estuarine systems;
3. Rivers, bays, lakes, floodplains, and harbors;
4. Wetlands; and
5. Minerals and soils.

(c) The approximate acreage and the general range of density or intensity of use shall be provided in tabular form for the gross land area included in each existing land use category.

(d) If determined by the local government to be appropriate, educational uses, public buildings and grounds, and other public facilities may be shown as one land use category on the existing land use map or map series.

(e) If the local government has determined it necessary to utilize other categories of the public and private use of land, such categories of land use shall be shown on the existing land use map or map series, and clearly identified in the legend.

(f) The existing land use map or map series shall:

1. Indicate the generalized land uses of land adjacent to its boundaries; municipalities shall also indicate unincorporated enclaves located within their corporate limits;

2. Identify any areas that fall within a designated area of critical state concern, pursuant to Section 380.05, Florida Statutes; and

3. Identify any existing dredge spoil disposal sites for coastal counties and municipalities that have dredge spoil disposal responsibilities.

(g) Population projections as prescribed in the general requirements section of this Chapter.

(2) Land Use Analysis Requirements. The element shall be based upon the following analyses which support the comprehensive plan pursuant to subsection 9J-5.005(2), F.A.C.

(a) An analysis of the availability of facilities and services as identified in the traffic circulation, transportation, and sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge elements, to serve existing land uses included in the data requirements above and land for which development orders have been issued;

(b) An analysis of the character and magnitude of existing vacant or undeveloped land in order to determine its suitability for use, including where available:

1. Gross vacant or undeveloped land area, as indicated in paragraph (1)(b);

2. Soils;

3. Topography;

4. Natural resources; and

5. Historic resources;

(c) An analysis of the amount of land needed to accommodate the projected population, including:

1. The categories of land use and their densities or intensities of use,

2. The estimated gross acreage needed by category, and

3. A description of the methodology used;

(d) An analysis of the need for redevelopment including:

1. Renewal of blighted areas, and

2. Elimination or reduction of uses inconsistent with the community's character and proposed future land uses;

(e) An analysis of the proposed development and redevelopment of flood prone areas based upon a suitability determination from Flood Insurance Rate Maps, Flood Hazard Boundary Maps, or other most accurate information available.

(f) For coastal counties and municipalities with dredge spoil responsibilities, include an analysis of the need for additional dredge spoil disposal sites through the long term planning period established in the plan.

(g) An analysis of proposed development and redevelopment based on recommendations, deemed appropriate by the local government, contained in any existing or future hazard mitigation reports.

(3) Requirements for Future Land Use Goals, Objectives and Policies.

(a) The element shall contain one or more goal statements which establish the long-term end toward which land use programs and activities are ultimately directed.

(b) The element shall contain one or more specific objectives for each goal statement which address the requirements of paragraph 163.3177(6)(a), Florida Statutes, and which:

1. Coordinate future land uses with the appropriate topography and soil conditions, and the availability of facilities and services;
2. Encourage the redevelopment and renewal of blighted areas;
3. Encourage the elimination or reduction of uses inconsistent with the community's character and future land uses;
4. Ensure the protection of natural resources and historic resources;
5. Coordinate coastal planning area population densities with the appropriate local or regional hurricane evacuation plan, when applicable;
6. Coordinate future land uses by encouraging the elimination or reduction of uses that are inconsistent with any interagency hazard mitigation report recommendations that the local government determines to be appropriate;
7. Coordinate with any appropriate resource planning and management plan prepared pursuant to Chapter 380, Florida Statutes, and approved by the Governor and Cabinet;
8. Discourage the proliferation of urban sprawl;
9. Ensure the availability of suitable land for utility facilities necessary to support proposed development;
10. Encourage the use of innovative land development regulations which may include provisions for planned unit developments and other mixed land use development techniques; and
11. Ensure the availability of dredge spoil disposal sites for coastal counties and municipalities that have spoil disposal responsibilities.

(c) The element shall contain one or more policies for each objective which address implementation activities for the:

1. Regulation of land use categories included on the future land use map or map series; subdivisions; signage; and areas subject to seasonal or periodic flooding;
2. Provision for compatibility of adjacent land uses;
3. Provision that facilities and services meet the locally established level of service standards, and are available concurrent with the impacts of development, or that development orders and permits are specifically conditioned on the availability of the facilities and services necessary to serve the proposed development; and that facilities that provide utility service to the various land uses are authorized at the same time as the land uses are authorized;
4. Provision for drainage and stormwater management, open space, and safe and convenient on-site traffic flow, considering needed vehicle parking;
5. Provision of mixed land use designation policies, if locally desired;
6. Protection of potable water wellfields by designating appropriate activities and land uses within wellhead protection areas, and environmentally sensitive land;
7. Establishment of standards for densities or intensities of use for each future land use category;
8. Identification, designation and protection of historically significant properties; and
9. Designation of dredge spoil disposal sites for counties and municipalities located in the coastal area and include the criteria for site selection established in consultation with navigation and inlet districts and other appropriate state and federal agencies and the public. Site selection criteria

shall ensure sufficient sites to meet future needs, be consistent with environmental and natural resource protection policies established in the elements of this plan and meet reasonable cost and transportation requirements.

(4) Future Land Use Map.

(a) The proposed distribution, extent, and location of the following generalized land uses shall be shown on the future land use map or map series:

1. Residential use;
2. Commercial use;
3. Industrial use;
4. Agricultural use;
5. Recreational use;
6. Conservation use;
7. Educational use;
8. Public buildings and grounds;
9. Other public facilities;
10. Historic district boundaries and designated historically significant properties meriting protection;
11. Transportation concurrency management area boundaries or transportation concurrency exception area boundaries, if any such areas have been designated; and
12. Multimodal transportation district boundaries, if any such areas have been designated.

(b) The following natural resources or conditions shall be shown on the future land use map or map series:

1. Existing and planned public potable waterwells and wellhead protection areas;
2. Beaches and shores, including estuarine systems;
3. Rivers, bays, lakes, flood plains, and harbors;
4. Wetlands;
5. Minerals and soils; and
6. Coastal high hazard areas.

(c) Mixed use categories of land use are encouraged. If used, policies for the implementation of such mixed uses shall be included in the comprehensive plan, including the types of land uses allowed, the percentage distribution among the mix of uses, or other objective measurement, and the density or intensity of each use.

(d) If determined by the local government to be appropriate, educational uses, public buildings and grounds, and other public facilities may be shown as one land use category on the future land use map or map series.

(e) If the local government has determined it necessary to utilize other categories of the public and private use of land, such categories of land use shall be shown on the future land use map or map series.

(f) The future land use map or map series of a county may also designate areas for possible future municipal incorporation.

(5) Review of Plans and Plan Amendments for Discouraging the Proliferation of Urban Sprawl.

(a) Purpose. The purpose of this subsection is to give guidance to local governments and other interested parties about how to make sure that plans and plan amendments are consistent with relevant provisions of the state comprehensive plan, regional policy plans, Chapter 163, Part II, F.S., and the remainder of this chapter regarding discouraging urban sprawl, including provisions

concerning the efficiency of land use, the efficient provision of public facilities and services, the separation of urban and rural land uses, and the protection of agriculture and natural resources.

(b) Determination. The determination of whether a plan or plan amendment discourages the proliferation of urban sprawl shall be based upon the standards contained in this subsection.

(c) In general. The discouragement of urban sprawl accomplishes many related planning objectives. The purpose of this subsection is to provide a general methodology for examining whether or not a plan or plan amendment discourages the proliferation of urban sprawl. This subsection is organized into twelve paragraphs, paragraphs (5)(a) through (5)(l). Nothing in this paragraph (5) shall be interpreted to require that a local government submit information beyond the information required by other provisions of this chapter.

(d) Use of indicators. Paragraph (5)(g) describes those aspects or attributes of a plan or plan amendment which, when present, indicate that the plan or plan amendment may fail to discourage urban sprawl. For purposes of reviewing the plan for discouragement of urban sprawl, an evaluation shall be made whether any of these indicators is present in a plan or plan amendment. If an indicator is present, the extent, amount or frequency of that indicator shall be considered. The presence and potential effects of multiple indicators shall be considered to determine whether they collectively reflect a failure to discourage urban sprawl.

(e) Methodology for determining indicators. Paragraphs (5)(h) through (5)(j) describe the three major components of a methodology to determine the presence of urban sprawl indicators. Paragraph (5)(h) describes how land use aspects of a plan shall be analyzed. The land use element, including both the future land use map and associated objectives and policies, represents the focal point of the local government's planning effort. Paragraph (5)(i) describes the unique features and characteristics of each jurisdiction which provide the context of the analysis and which are needed to evaluate the extent, amount or frequency of an indicator and the significance of an indicator for a specific jurisdiction. Paragraph (5)(j) recognizes that land use plans generally may be significantly affected by other development policies in a plan which may serve to mitigate the presence of urban sprawl indicators based on the land use plan alone. Paragraph (5)(j) describes development controls which may be used by a local government to mitigate the presence of sprawl.

(f) Analysis components. Subsection (5)(k) describes how the analysis components described in subsections (5)(h) through (5)(j) are combined in a systematic way to determine the presence of urban sprawl indicators.

(g) Primary indicators. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

1. Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.
2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.
3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.
4. As a result of premature or poorly planned conversion of rural land to other uses, fails

adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

5. Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.

6. Fails to maximize use of existing public facilities and services.

7. Fails to maximize use of future public facilities and services.

8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

9. Fails to provide a clear separation between rural and urban uses.

10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

11. Fails to encourage an attractive and functional mix of uses.

12. Results in poor accessibility among linked or related land uses.

13. Results in the loss of significant amounts of functional open space.

(h) Evaluation of land uses. The comprehensive plan must be reviewed in its entirety to make the determinations in (5)(g) above. Plan amendments must be reviewed individually and for their impact on the remainder of the plan. However, in either case, a land use analysis will be the focus of the review and constitute the primary factor for making the determinations. Land use types cumulatively (within the entire jurisdiction and areas less than the entire jurisdiction, and in proximate areas outside the jurisdiction) will be evaluated based on density, intensity, distribution and functional relationship, including an analysis of the distribution of urban and rural land uses. Each land use type will be evaluated based on:

1. Extent.

2. Location.

3. Distribution.

4. Density.

5. Intensity.

6. Compatibility.

7. Suitability.

8. Functional relationship.

9. Land use combinations.

10. Demonstrated need over the planning period.

(i) Local conditions. Each of the land use factors in (5)(h) above will be evaluated within the context of features and characteristics unique to each locality. These include:

1. Size of developable area.

2. Projected growth rate (including population, commerce, industry, and agriculture).

3. Projected growth amounts (acres per land use category).

4. Facility availability (existing and committed).

5. Existing pattern of development (built and vested), including an analysis of the extent to which the existing pattern of development reflects urban sprawl.

6. Projected growth trends over the planning period, including the change in the overall density

or intensity of urban development throughout the jurisdiction.

7. Costs of facilities and services, such as per capita cost over the planning period in terms of resources and energy.

8. Extra-jurisdictional and regional growth characteristics.

9. Transportation networks and use characteristics (existing and committed).

10. Geography, topography and various natural features of the jurisdiction.

(j) Development controls. Development controls in the comprehensive plan may affect the determinations in (5)(g) above. The following development controls, to the extent they are included in the comprehensive plan, will be evaluated to determine how they discourage urban sprawl:

1. Open space requirements.

2. Development clustering requirements.

3. Other planning strategies, including the establishment of minimum development density and intensity, affecting the pattern and character of development.

4. Phasing of urban land use types, densities, intensities, extent, locations, and distribution over time, as measured through the permitted changes in land use within each urban land use category in the plan, and the timing and location of those changes.

5. Land use locational criteria related to the existing development pattern, natural resources and facilities and services.

6. Infrastructure extension controls, and infrastructure maximization requirements and incentives.

7. Allocation of the costs of future development based on the benefits received.

8. The extent to which new development pays for itself.

9. Transfer of development rights.

10. Purchase of development rights.

11. Planned unit development requirements.

12. Traditional neighborhood developments.

13. Land use functional relationship linkages and mixed land uses.

14. Jobs-to-housing balance requirements.

15. Policies specifying the circumstances under which future amendments could designate new lands for the urbanizing area.

16. Provision for new towns, rural villages or rural activity centers.

17. Effective functional buffering requirements.

18. Restriction on expansion of urban areas.

19. Planning strategies and incentives which promote the continuation of productive agricultural areas and the protection of environmentally sensitive lands.

20. Urban service areas.

21. Urban growth boundaries.

22. Access management controls.

(k) Evaluation of factors. Each of the land use types and land use combinations analyzed in paragraph (5)(h) above will be evaluated within the context of the features and characteristics of the locality, individually and together (as appropriate), as listed in paragraph (5)(i). If a local government has in place a comprehensive plan found in compliance, the Department shall not find a plan amendment to be not in compliance on the issue of discouraging urban sprawl solely because of preexisting indicators if the amendment does not exacerbate existing indicators of urban sprawl within the jurisdiction.

(l) Innovative and flexible planning and development strategies. Notwithstanding and as a means of addressing any provisions contained in Rules 9J-5.006(3)(b)8., 9J-5.011(2)(b)3., 9J-5.003(140), F.A.C., and this subsection, the Department encourages innovative and flexible planning and development strategies and creative land use planning techniques in local plans. Planning strategies and techniques such as urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development and sector planning that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services, will be recognized as methods of discouraging urban sprawl and will be determined consistent with the provisions of the state comprehensive plan, regional policy plans, Chapter 163, Part II, and this chapter regarding discouraging the proliferation of urban sprawl.

(6) Multimodal Transportation District. Multimodal transportation districts may be established by local option for areas for which the local government assigns priority for a safe, comfortable, and attractive pedestrian environment. The local government must establish community design standards for the district to reduce vehicle miles traveled and to support an integrated, multimodal transportation system that includes the elements for community design specified in Section 163.3180(15)(b), Florida Statutes.

Specific Authority 163.3177(9), (10), 163.3180(14) FS. Law Implemented 163.3177(1), (2), (4), (5), (6)(a), (d), (8), (9), (10), (11), 163.3178, 163.3180(13), (15) FS. History--New 3-6-86, Amended 10-20-86, 4-2-92, 3-23-94, 5-18-94, 3-21-99, 2-25-01.

EXHIBIT 3

Rule 9J-5.011, F.A.C.

Fla. Admin. Code Ann. r. 9J-5.011

FLORIDA ADMINISTRATIVE CODE ANNOTATED
TITLE 09. DEPARTMENT OF COMMUNITY AFFAIRS
SUBTITLE 9J. DIVISION OF COMMUNITY PLANNING
CHAPTER 9J-5. MINIMUM CRITERIA FOR REVIEW OF LOCAL GOVERNMENT
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9J-5.011. Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element.

The purpose of this element is to provide for necessary public facilities and services correlated to future land use projections.

(1) Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water, and Natural Groundwater Aquifer Recharge Element Data and Analysis Requirements. The element shall be based upon the following data and analyses requirements pursuant to subsection 9J-5.005(2), F.A.C.

(a) Each local government shall address in the data and analyses required by this subsection those facilities which provide service within the local government's jurisdiction.

(b) Local governments which provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this subsection, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection.

(c) For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

(d) Public and private sanitary sewer facilities, solid waste facilities, stormwater management, and potable water facilities, as defined in Rule 9J- 5.003, F.A.C., shall be identified.

(e) The following data shall be included for the facilities identified above:

1. The entity having operational responsibility for the facility;
2. The geographic service area of the facility and the predominant types of land uses served by the facility;
3. The design capacity of the facility;
4. The current demand on the facility capacity; and
5. The level of service provided by the facility.

(f) Existing and projected sanitary sewer, solid waste, stormwater management and potable water facility needs shall be identified based on the following analyses:

1. A facility capacity analysis, by geographic service area, indicating capacity surpluses and deficiencies for:

- a. Existing conditions, based on the facility design capacity and the current demand on the facility capacity;
 - b. The initial increment of the planning period, at least five years in length, based on the projected demand at current local level of service standards for the facility, resulting from development permitted by local government, the projected population, land use distributions as indicated in the future land use element, and available surplus capacity identified in the existing conditions capacity analysis; and
 - c. The remaining increment of the planning period, in the same manner as the initial incremental capacity analysis, using the appropriate projected population and future land use distributions for the increment and any available surplus capacity identified in the initial five-year incremental capacity analysis;
2. The general performance of existing facilities, based on best available data, evaluating the adequacy of the current level of service provided by facilities, the general condition and expected life of the facilities, and the impact of the facilities upon adjacent natural resources;
 3. An analysis of the problems and opportunities for sanitary sewer, solid waste, stormwater management and potable water facilities replacement, expansion and new facility siting; and
 4. An analysis of soil surveys for areas served by septic tanks and an explanation of suitability of those soils for such facilities shall be included, based upon best available data from the United States Department of Agriculture, Soil Conservation Service.
- (g) Major natural drainage features and natural groundwater aquifer recharge areas within the local government's jurisdiction shall be identified and a topographic map if available shall be included depicting any areas adopted or identified by the regional water management district governing board as prime or high groundwater recharge areas.
- (h) Existing regulations and programs which govern land use and development of natural drainage features and groundwater recharge areas, or portions thereof, shall be identified and assessed and the strengths and deficiencies in those regulations and programs in maintaining the functions of the natural drainage features and groundwater recharge areas shall be assessed.
- (2) Requirements for Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water, and Natural Groundwater Aquifer Recharge Goals, Objectives, and Policies.
- (a) The element shall contain one or more goal statements for each of the facilities or resources addressed in this element which establish the long-term end toward which programs and activities are ultimately directed.
- (b) The element shall contain one or more specific objectives for each goal statement for each of the facilities or resources addressed in the element which address the requirements of paragraph 163.3177(6)(c), Florida Statutes, and which:
1. Address correcting existing facility deficiencies;
 2. Address coordinating the extension of, or increase in the capacity of, facilities to meet future needs;
 3. Address maximizing the use of existing facilities and discouraging urban sprawl;
 4. Address conserving potable water resources; and
 5. Address protecting the functions of natural groundwater recharge areas and natural drainage features. High recharge and prime recharge areas shall receive a level of protection commensurate with their significance to natural systems or their status as current or future sources of potable water.
- (c) The element shall contain one or more policies for each objective for each of the facilities or

resources addressed in the element which address implementation activities for:

1. Establishing priorities for replacement, correcting existing facility deficiencies and providing for future facility needs;
2. Establishing and utilizing level of service standards provided by facilities as provided by subsection 9J-5.005(3) and subparagraph 9J- 5.015(3)(b)3., F.A.C., of this chapter, such as:
 - a. Average and peak flow design capacity for sanitary sewer facilities;
 - b. Design capacity for solid waste facilities;
 - c. Design storm return frequency for stormwater facilities capacity;
 - d. Minimum design flow, storage capacity, and pressure for potable water facilities;
3. Establishing and utilizing potable water conservation strategies and techniques; and
4. Regulating land use and development to protect the functions of natural drainage features and natural groundwater aquifer recharge areas.
5. Establishing water quality standards for stormwater discharge.
 - a. Water quality standards for stormwater discharge shall be set for all new and existing stormwater management systems. These standards need not be the same for all systems. Local governments shall consider Chapter 17-40, F.A.C., in formulating water quality standards and may adopt by reference Chapter 17-25, F.A.C., as standards for water quality.
 - b. This chapter shall not be interpreted or applied to:
 - i. Mandate that local governments require existing facilities to be retrofitted to meet stormwater discharge water quality standards or stormwater management level of service standards.
 - ii. Eliminate any presumption provided by state or regional law or regulation that stormwater management systems which satisfy appropriate state or regional regulatory design and performance criteria also satisfy applicable stormwater discharge water quality standards.
 - iii. Prevent local governments from providing that compliance with adequate locally or regionally established level of service standards other than the design and performance criteria of Chapter 17-25, F.A.C., shall also be presumed to satisfy the stormwater discharge water quality standards.
 - iv. Prevent local governments from incorporating by reference stormwater management water quality standard exemptions to the extent they appear in state or regional stormwater management water quality laws or regulations.
 - v. Mandate that local governments conduct water quality sampling or testing of stormwater discharge receiving waters to implement the standards described in this subsection.

Specific Authority 163.3177(9), (10) FS. Law Implemented 163.3177(1), (5), (6)(c), (8), (9), (10) FS. History--New 3-6-86, Amended 10-20-86, 5-18-94, 3-21-99.