

By Senator Aronberg

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1 A bill to be entitled
2 An act relating to water conservation; amending s.
3 373.227, F.S.; revising the components for a
4 comprehensive statewide water conservation program;
5 specifying that the program includes the creation of a
6 Conserve Florida Clearinghouse and a Conserve Florida
7 Clearinghouse Guide by the Department of Environmental
8 Protection; providing for the guide to be used for
9 certain purposes; deleting an obsolete provision;
10 requiring a public water supply utility that develops
11 a goal-based water conservation plan to submit the
12 plan to the appropriate water management district for
13 approval; providing standards for approval; providing
14 an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 373.227, Florida Statutes, is amended to
19 read:

20 373.227 ~~Water conservation; legislative findings;~~
21 ~~legislative intent; objectives;~~ Comprehensive statewide water
22 conservation program ~~requirements.~~-

23 (1) The Legislature recognizes that the proper conservation
24 of water is an important means for ~~of~~ achieving the economical
25 and efficient utilization of water necessary, in part, to
26 constitute a reasonable-beneficial use. The overall water
27 conservation goal of the state is to prevent and reduce
28 wasteful, uneconomical, impractical, or unreasonable use of
29 water resources. The Legislature finds that the social,

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30 economic, and cultural conditions ~~of the state~~ relating to the
31 use of public water supply vary by service area and that public
32 water supply utilities must have the flexibility to tailor water
33 conservation measures to best suit their individual
34 circumstances. ~~The Legislature encourages the use of efficient,~~
35 ~~effective, and affordable water conservation measures.~~ Where
36 water is provided by a public water supply utility, the
37 Legislature intends that a variety of conservation measures be
38 made available and used to encourage efficient water use. To
39 achieve these conservation objectives, the state should
40 emphasize goal-based, accountable, tailored, and measurable
41 water conservation programs for public water supply. For
42 purposes of this section, the term "public water supply utility"
43 includes both publicly owned and privately owned public water
44 supply utilities that sell potable water on a retail basis to
45 end users.

46 (2) To implement the findings in subsection (1), the
47 department, in cooperation with the water management districts
48 and other stakeholders, shall develop a comprehensive statewide
49 water conservation program for public water supply. The program
50 should:

51 (a) Encourage utilities to implement water conservation
52 programs that are economically efficient, effective, affordable,
53 and appropriate;

54 (b) Allow no reduction in, and increase where possible,
55 utility-specific water conservation effectiveness over current
56 programs;

57 (c) Be goal-based, accountable, and measurable, and be
58 implemented collaboratively with water suppliers, water users,

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59 and water management agencies;

60 (d) Include cost and benefit data on individual water
61 conservation practices to assist in tailoring practices ~~to be~~
62 ~~effective~~ for the unique characteristics of particular utility
63 service areas, focusing upon cost-effective measures;

64 (e) Use standardized public water supply conservation
65 definitions and standardized quantitative and qualitative
66 performance measures for an overall system of assessing and
67 benchmarking the effectiveness of water conservation programs
68 and practices;

69 (f) Develop a standardized water conservation planning
70 process for utilities;

71 (g) ~~(f)~~ Create the Conserve Florida a Clearinghouse to make
72 ~~an inventory for~~ water conservation programs and practices
73 available to public water supply utilities and ~~which will~~
74 provide an integrated statewide database for the collection,
75 evaluation, and dissemination of quantitative and qualitative
76 information on public water supply conservation programs and
77 practices and their effectiveness. The clearinghouse ~~or~~
78 ~~inventory~~ should have technical assistance capabilities to aid
79 in the design, refinement, and implementation of water
80 conservation programs and practices. The clearinghouse ~~or~~
81 ~~inventory~~ shall also provide for continual assessment of the
82 effectiveness of water conservation programs and practices; and

83 ~~(g) Develop a standardized water conservation planning~~
84 ~~process for utilities; and~~

85 (h) Develop and maintain a Florida-specific water Conserve
86 Florida Clearinghouse Guide that contains ~~conservation guidance~~
87 ~~document containing~~ a menu of affordable and effective water

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88 conservation practices to assist public water supply utilities
89 in designing and implementing ~~the design and implementation of~~
90 goal-based, utility-specific water conservation plans tailored
91 ~~to~~ for their individual service areas as provided in subsection
92 (5) ~~(4)~~.

93 (3) The Conserve Florida Clearinghouse Guide developed
94 pursuant to paragraph (2) (h) is an appropriate tool for
95 assisting public water suppliers with developing a plan to
96 achieve the water conservation requirements necessary for
97 obtaining a consumptive use permit. Water management districts
98 and public water supply utilities are encouraged to use the
99 guide for developing water conservation plans, reporting on the
100 implementation of water conservation practices and measures
101 included in consumptive use permits, evaluating proposals for
102 financial cost sharing of water conservation activities, and
103 assessing the effectiveness of water conservation projects.

104 (4) ~~(3)~~ If a public water supply utility is using ~~Regarding~~
105 ~~the use of~~ water conservation or drought rate structures as a
106 conservation practice, a water management district shall afford
107 the a public water supply utility wide latitude in selecting a
108 rate structure and shall limit its review to whether the utility
109 has provided reasonable assurance that the rate structure
110 contains a schedule of rates designed to promote efficient use
111 of water through the use of ~~by providing~~ economic incentives. A
112 water management district may ~~shall~~ not fix or revise rates.

113 (5) ~~(4)~~ As part of an application for a consumptive use
114 permit, a public water supply utility may propose a goal-based
115 water conservation plan that is tailored to its individual
116 circumstances as a partial or entire alternative to the water

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117 conservation requirements adopted by the appropriate water
118 management district. The utility is encouraged, but not
119 required, to develop the plan through the use of the Conserve
120 Florida Clearinghouse Guide. The plan may contain an
121 implementation schedule and must have a means of measuring
122 progress toward meeting its stated goals. Progress towards goals
123 ~~must be measurable. If the utility provides reasonable assurance~~
124 ~~that the plan will achieve effective water conservation at least~~
125 ~~as well as the water conservation requirements adopted by the~~
126 ~~appropriate water management district and is otherwise~~
127 ~~consistent with s. 373.223, the district must approve the plan~~
128 ~~which shall satisfy water conservation requirements imposed as a~~
129 ~~condition of obtaining a consumptive use permit. The~~
130 ~~conservation measures included in an approved goal-based water~~
131 ~~conservation plan may be reviewed periodically and updated as~~
132 ~~needed to ensure efficient water use for the duration of the~~
133 ~~permit. If the plan fails to meet the water conservation goal or~~
134 ~~goals by the timeframes specified in the permit, the public~~
135 ~~water supply utility shall revise the plan to address the~~
136 ~~deficiency or employ the water conservation requirements that~~
137 ~~would otherwise apply in the absence of an approved goal-based~~
138 ~~plan.~~

139 ~~(5) By December 1, 2005, the department shall submit a~~
140 ~~written report to the President of the Senate, the Speaker of~~
141 ~~the House of Representatives, and the appropriate substantive~~
142 ~~committees of the Senate and the House of Representatives on the~~
143 ~~progress made in implementing the comprehensive statewide water~~
144 ~~conservation program for public water supply required by this~~
145 ~~section. The report must include any statutory changes and~~

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146 ~~funding requests necessary for the continued development and~~
147 ~~implementation of the program.~~

148 (6) If a public water supply utility elects to develop a
149 goal-based water conservation plan, the utility shall submit the
150 plan's goals to the appropriate water management district. The
151 district shall approve the plan if the utility provides
152 reasonable assurances that the plan will provide cost-effective
153 water conservation that results in a reasonable demand for water
154 considering the customers, service area, and other unique
155 circumstances of that utility. An approved goal-based
156 conservation plan must satisfy the water conservation
157 requirements for obtaining a consumptive use permit. If the plan
158 fails to meet its water conservation goals by the timeframes
159 specified in the permit, the utility must revise the plan to
160 address the deficiency, or at the utility's option, employ the
161 water conservation requirements that would otherwise apply in
162 the absence of an approved goal-based plan.

163 (7)~~(6)~~ The department or a water management district may
164 adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~ to carry out
165 the purposes of this section.

166 Section 2. This act shall take effect July 1, 2010.