

1                                   A bill to be entitled  
 2           An act relating to the comprehensive statewide water  
 3           conservation program; amending s. 373.227, F.S.; revising  
 4           provisions of the program to provide for a Conserve  
 5           Florida Clearinghouse and a Conserve Florida Clearinghouse  
 6           Guide to assist public water supply utilities in  
 7           developing goal-based water conservation plans to meet  
 8           water conservation requirements for obtaining consumptive  
 9           use permits; encouraging water management districts and  
 10          public water supply utilities to use the guide for water  
 11          conservation plans, reports, and assessments; revising  
 12          provisions for goal-based water conservation plans  
 13          submitted by public water supply utilities as part of  
 14          consumptive use permit applications; revising provisions  
 15          requiring water management districts to approve such  
 16          plans; deleting an obsolete provision requiring the  
 17          Department of Environmental Protection to submit a report  
 18          on the program to the Governor, the Legislature, and  
 19          substantive legislative committees by a specified date;  
 20          providing an effective date.

21  
 22   Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. Section 373.227, Florida Statutes, is amended  
 25   to read:

26           373.227 Water conservation; legislative findings;  
 27   legislative intent; objectives; comprehensive statewide water  
 28   conservation program requirements.—

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29           (1) The Legislature recognizes that the proper  
30 conservation of water is an important means of achieving the  
31 economical and efficient utilization of water necessary, in  
32 part, to constitute a reasonable-beneficial use. The overall  
33 water conservation goal of the state is to prevent and reduce  
34 wasteful, uneconomical, impractical, or unreasonable use of  
35 water resources. The Legislature finds that the social,  
36 economic, and cultural conditions of the state relating to the  
37 use of public water supply vary by service area and that public  
38 water supply utilities must have the flexibility to tailor water  
39 conservation measures to best suit their individual  
40 circumstances. The Legislature encourages the use of efficient,  
41 effective, and affordable water conservation measures. Where  
42 water is provided by a public water supply utility, the  
43 Legislature intends that a variety of conservation measures be  
44 made available and used to encourage efficient water use. To  
45 achieve these conservation objectives, the state should  
46 emphasize goal-based, accountable, tailored, and measurable  
47 water conservation programs for public water supply. For  
48 purposes of this section, the term "public water supply utility"  
49 includes both publicly owned and privately owned public water  
50 supply utilities that sell potable water on a retail basis to  
51 end users.

52           (2) To implement the findings in subsection (1), the  
53 department, in cooperation with the water management districts  
54 and other stakeholders, shall develop a comprehensive statewide  
55 water conservation program for public water supply. The program  
56 should:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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57 (a) Encourage utilities to implement water conservation  
58 programs that are economically efficient, effective, affordable,  
59 and appropriate;

60 (b) Allow no reduction in, and increase where possible,  
61 utility-specific water conservation effectiveness over current  
62 programs;

63 (c) Be goal-based, accountable, measurable, and  
64 implemented collaboratively with water suppliers, water users,  
65 and water management agencies;

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

70 (e) Use standardized public water supply conservation  
71 definitions and standardized quantitative and qualitative  
72 performance measures for an overall system of assessing and  
73 benchmarking the effectiveness of water conservation programs  
74 and practices;

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

85 for continual assessment of the effectiveness of water  
 86 conservation programs and practices;

87 (g) Develop a standardized water conservation planning  
 88 process for utilities; and

89 (h) Develop and maintain a Florida-specific Conserve  
 90 Florida Clearinghouse Guide ~~water conservation guidance document~~  
 91 containing a menu of affordable and effective water conservation  
 92 practices to assist public water supply utilities in the design  
 93 and implementation of goal-based, utility-specific water  
 94 conservation plans tailored for their individual service areas  
 95 as provided in subsection (5) ~~(4)~~.

96 (3) The Conserve Florida Clearinghouse Guide is recognized  
 97 as an appropriate tool to assist public water supply utilities  
 98 in developing goal-based water conservation plans to meet the  
 99 water conservation requirements for obtaining consumptive use  
 100 permits. Water management districts and public water supply  
 101 utilities are encouraged to use the guide in developing water  
 102 conservation plans, reporting on the implementation of water  
 103 conservation practices and measures included in consumptive use  
 104 permits, evaluating proposals for financial cost sharing of  
 105 water conservation activities, and assessing the effectiveness  
 106 of water conservation projects.

107 ~~(4)(3)~~ Regarding the use of water conservation or drought  
 108 rate structures as a conservation practice, a water management  
 109 district shall afford a public water supply utility wide  
 110 latitude in selecting a rate structure and shall limit its  
 111 review to whether the utility has provided reasonable assurance  
 112 that the rate structure contains a schedule of rates designed to

113 | promote efficient use of water by providing economic incentives.

114 | A water management district shall not fix or revise rates.

115 |       (5)-(4) As part of an application for a consumptive use  
 116 | permit, a public water supply utility may propose a goal-based  
 117 | water conservation plan that is tailored to its individual  
 118 | circumstances as a partial or entire alternative to the water  
 119 | conservation requirements adopted by the appropriate water  
 120 | management district. The public water supply utility is  
 121 | encouraged, but not required, to use the Conserve Florida  
 122 | Clearinghouse Guide in developing its goal-based water  
 123 | conservation plan. The plan may include a schedule for  
 124 | implementing the utility's water conservation goal or goals. The  
 125 | plan must include a means for measuring progress towards the  
 126 | water conservation goal or goals ~~must be measurable.~~

127 |       (6) If a public water supply utility elects to develop a  
 128 | goal-based water conservation plan, the utility shall submit the  
 129 | plan to the appropriate water management district. The water  
 130 | management district shall approve the plan if the utility  
 131 | provides reasonable assurance that the plan will provide cost-  
 132 | effective ~~achieve effective~~ water conservation to achieve a  
 133 | reasonable demand for water considering the customers, service  
 134 | area, and other individual circumstances of the utility. An  
 135 | approved goal-based ~~at least as well as the~~ water conservation  
 136 | ~~requirements adopted by the appropriate water management~~  
 137 | ~~district and is otherwise consistent with s. 373.223, the~~  
 138 | ~~district must approve the plan which~~ shall satisfy water  
 139 | conservation requirements for ~~imposed as a condition of~~  
 140 | obtaining a consumptive use permit. ~~The conservation measures~~

141 ~~included in an approved goal-based water conservation plan may~~  
 142 ~~be reviewed periodically and updated as needed to ensure~~  
 143 ~~efficient water use for the duration of the permit.~~ If the plan  
 144 fails to meet the water conservation goal or goals by the  
 145 timeframes specified in the permit, the public water supply  
 146 utility shall revise the plan to address the deficiency or, at  
 147 the utility's option, employ the water conservation requirements  
 148 that would otherwise apply in the absence of an approved goal-  
 149 based plan.

150 ~~(5) By December 1, 2005, the department shall submit a~~  
 151 ~~written report to the President of the Senate, the Speaker of~~  
 152 ~~the House of Representatives, and the appropriate substantive~~  
 153 ~~committees of the Senate and the House of Representatives on the~~  
 154 ~~progress made in implementing the comprehensive statewide water~~  
 155 ~~conservation program for public water supply required by this~~  
 156 ~~section. The report must include any statutory changes and~~  
 157 ~~funding requests necessary for the continued development and~~  
 158 ~~implementation of the program.~~

159 (7)~~(6)~~ The department or a water management district may  
 160 adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out  
 161 the purposes of this section.

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