

Bill No. CS for SB 2316

Amendment No. ____ Barcode 444210

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Dockery and Atwater moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 7, line 1, through page 10, line 31, delete		
15	those lines		
16			
17	and insert:		
18	Section 2. Subsection (5) of section 159.803, Florida		
19	Statutes, is amended to read:		
20	159.803 Definitions.--As used in this part, the term:		
21	(5) "Priority project" means a solid waste disposal		
22	facility or a sewage facility, as such terms are defined in s.		
23	142 of the Code, <u>or water facility, as defined in s. 142 of</u>		
24	<u>the Code, which is operated by a member-owned, not-for-profit</u>		
25	<u>utility,</u> or any project which is to be located in an area		
26	which is an enterprise zone designated pursuant to s.		
27	290.0065.		
28	Section 3. Subsection (13) is added to section		
29	163.3167, Florida Statutes, to read:		
30	163.3167 Scope of act.--		
31	<u>(13) Each local government shall address in its</u>		

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1 comprehensive plan, as enumerated in this chapter, the water
 2 supply projects necessary to meet and achieve the existing and
 3 projected water use demand for the established planning
 4 period, considering the applicable plan developed pursuant to
 5 s. 373.0361.

6 Section 4. Subsection (2) of section 367.081, Florida
 7 Statutes, is amended to read:

8 367.081 Rates; procedure for fixing and changing.--

9 (2)(a)1. The commission shall, either upon request or
 10 upon its own motion, fix rates which are just, reasonable,
 11 compensatory, and not unfairly discriminatory. In every such
 12 proceeding, the commission shall consider the value and
 13 quality of the service and the cost of providing the service,
 14 which shall include, but not be limited to, debt interest; the
 15 requirements of the utility for working capital; maintenance,
 16 depreciation, tax, and operating expenses incurred in the
 17 operation of all property used and useful in the public
 18 service; and a fair return on the investment of the utility in
 19 property used and useful in the public service. Pursuant to s.
 20 373.1961(2)(1), the commission shall allow recovery of the
 21 full, prudently incurred costs of alternative water supply
 22 facilities. However, the commission shall not allow the
 23 inclusion of contributions-in-aid-of-construction in the rate
 24 base of any utility during a rate proceeding, nor shall the
 25 commission impute prospective future
 26 contributions-in-aid-of-construction against the utility's
 27 investment in property used and useful in the public service;
 28 and accumulated depreciation on such
 29 contributions-in-aid-of-construction shall not be used to
 30 reduce the rate base, nor shall depreciation on such
 31 contributed assets be considered a cost of providing utility

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1 service.

2 2. For purposes of such proceedings, the commission
3 shall consider utility property, including land acquired or
4 facilities constructed or to be constructed within a
5 reasonable time in the future, not to exceed 24 months after
6 the end of the historic base year used to set final rates
7 unless a longer period is approved by the commission, to be
8 used and useful in the public service, if:

9 a. Such property is needed to serve current customers;

10 b. Such property is needed to serve customers 5 years
11 after the end of the test year used in the commission's final
12 order on a rate request as provided in subsection (6) at a
13 growth rate for equivalent residential connections not to
14 exceed 5 percent per year; or

15 c. Such property is needed to serve customers more
16 than 5 full years after the end of the test year used in the
17 commission's final order on a rate request as provided in
18 subsection (6) only to the extent that the utility presents
19 clear and convincing evidence to justify such consideration.

20

21 Notwithstanding the provisions of this paragraph, the
22 commission shall approve rates for service which allow a
23 utility to recover from customers the full amount of
24 environmental compliance costs. Such rates may not include
25 charges for allowances for funds prudently invested or similar
26 charges. For purposes of this requirement, the term
27 "environmental compliance costs" includes all reasonable
28 expenses and fair return on any prudent investment incurred by
29 a utility in complying with the requirements or conditions
30 contained in any permitting, enforcement, or similar decisions
31 of the United States Environmental Protection Agency, the

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1 Department of Environmental Protection, a water management
2 district, or any other governmental entity with similar
3 regulatory jurisdiction.

4 (b) In establishing initial rates for a utility, the
5 commission may project the financial and operational data as
6 set out in paragraph (a) to a point in time when the utility
7 is expected to be operating at a reasonable level of capacity.

8 Section 5. Subsection (1) of section 367.0814, Florida
9 Statutes, is amended to read:

10 367.0814 Staff assistance in changing rates and
11 charges; interim rates.--

12 (1) The commission may establish rules by which a
13 water or wastewater utility whose gross annual revenues are
14 ~~\$200,000~~~~\$150,000~~ or less may request and obtain staff
15 assistance for the purpose of changing its rates and charges.
16 A utility may request staff assistance by filing an
17 application with the commission.

18 Section 6. Subsection (9) is added to section
19 373.1963, Florida Statutes, to read:

20 373.1963 Assistance to West Coast Regional Water
21 Supply Authority.--

22 (9) It is the intent of the Legislature that wetland
23 areas in northeastern Hillsborough County which have not yet
24 been adversely impacted by groundwater withdrawals for
25 consumptive use not be subject to groundwater withdrawals by
26 the development of wellfields by the authority. In order to
27 protect the wetlands in this area, the authority is hereby
28 prohibited from seeking permits from the Southwest Florida
29 Water Management District for the consumptive use of water
30 from groundwater in northeastern Hillsborough County north of
31 Knights Griffin Road and east of State Road 39.

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1 Section 7. Subsections (1), (2), (5), and (6) of
2 section 373.0361, Florida Statutes, are amended to read:

3 373.0361 Regional water supply planning.--

4 (1) By October 1, 1998, the governing board shall
5 initiate water supply planning for each water supply planning
6 region identified in the district water management plan under
7 s. 373.036, where it determines that sources of water are not
8 adequate for the planning period to supply water for all
9 existing and projected reasonable-beneficial uses and to
10 sustain the water resources and related natural systems. The
11 planning must be conducted in an open public process, in
12 coordination and cooperation with local governments, regional
13 water supply authorities, government-owned and privately owned
14 water utilities, self-suppliers, and other affected and
15 interested parties. During development but prior to completion
16 of the regional water supply plan, the district must conduct
17 at least one public workshop to discuss the technical data and
18 modeling tools anticipated to be used to support the plan. A
19 determination by the governing board that initiation of a
20 regional water supply plan for a specific planning region is
21 not needed pursuant to this section shall be subject to s.
22 120.569. The governing board shall reevaluate such a
23 determination at least once every 5 years and shall initiate a
24 regional water supply plan, if needed, pursuant to this
25 subsection.

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

29 (a) A water supply development component that
30 includes:

31 1. A quantification of the water supply needs for all

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1 existing and reasonably projected future uses within the
2 planning horizon. The level-of-certainty planning goal
3 associated with identifying the water supply needs of existing
4 and future reasonable-beneficial uses shall be based upon
5 meeting those needs for a 1-in-10-year drought event.
6 Population projections used for determining public water
7 supply needs shall be based upon the best available data. In
8 determining the best available data, the district shall
9 consider the University of Florida Bureau of Economic and
10 Business Research (BEBR) medium population projections and any
11 population projection data and analysis submitted by a local
12 government pursuant to the public workshop described in
13 subsection (1) when such data and analysis support the local
14 government's comprehensive plan. Any adjustment of or
15 deviation from the BEBR projections shall be fully described
16 and the original BEBR data shall be presented along with the
17 adjusted data.

18 2. A list of water source options ~~for water supply~~
19 ~~development~~, including traditional and alternative source
20 options ~~sources~~, from which local government, government-owned
21 and privately owned utilities, self-suppliers, and others may
22 choose, for water supply development, the total capacity of
23 which will, in conjunction with water conservation and other
24 demand management measures, exceed the needs identified in
25 subparagraph 1.

26 3. For each option listed in subparagraph 2., the
27 estimated amount of water available for use and the estimated
28 costs of and potential sources of funding for water supply
29 development.

30 4. A list of water supply development projects that
31 meet the criteria in s. 373.0831(4).

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- 1 (b) A water resource development component that
2 includes:
- 3 1. A listing of those water resource development
4 projects that support water supply development.
- 5 2. For each water resource development project listed:
6 a. An estimate of the amount of water to become
7 available through the project.
8 b. The timetable for implementing or constructing the
9 project and the estimated costs for implementing, operating,
10 and maintaining the project.
11 c. Sources of funding and funding needs.
12 d. Who will implement the project and how it will be
13 implemented.
- 14 (c) The recovery and prevention strategy described in
15 s. 373.0421(2).
- 16 (d) A funding strategy for water resource development
17 projects, which shall be reasonable and sufficient to pay the
18 cost of constructing or implementing all of the listed
19 projects.
- 20 (e) Consideration of how the options addressed in
21 paragraphs (a) and (b) serve the public interest or save costs
22 overall by preventing the loss of natural resources or
23 avoiding greater future expenditures for water resource
24 development or water supply development. However, unless
25 adopted by rule, these considerations do not constitute final
26 agency action.
- 27 (f) The technical data and information applicable to
28 the planning region which are contained in the district water
29 management plan and are necessary to support the regional
30 water supply plan.
- 31 (g) The minimum flows and levels established for water

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1 resources within the planning region.

2 (h) Reservations of water adopted by rule pursuant to
3 s. 373.223(4).

4 (i) An analysis, developed in cooperation with the
5 department, of areas or instances in which the variance
6 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
7 create water supply development or water resource development
8 projects.

9
10 Within boundaries of a regional water supply authority in the
11 Southwest Florida Water Management District, the water supply
12 development component of the regional water supply plan
13 relating to the use of water by the authority shall be
14 developed jointly by such authority and the district.

15 (5) By November 15, 1997, and Annually and in
16 conjunction with the reporting requirements of s.
17 373.536(6)(a)4. thereafter , the department shall submit to
18 the Governor and the Legislature a report on the status of
19 regional water supply planning in each district. The report
20 shall include:

21 (a) A compilation of the estimated costs of and
22 potential sources of funding for water resource development
23 and water supply development projects, as identified in the
24 water management district regional water supply plans.

25 (b) A description of each district's progress toward
26 achieving its water resource development objectives, as
27 directed by s. 373.0831(3), including the district's
28 implementation of its 5-year water resource development work
29 program.

30 (c) An assessment of the overall progress being made
31 to develop water supply that is consistent with regional water

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1 supply plans to meet existing and future reasonable-beneficial
 2 needs during a 1-in-10-year drought.

3 (6) Nothing contained in the water supply development
 4 component of the district water management plan shall be
 5 construed to require local governments, government-owned or
 6 privately owned water utilities, self-suppliers, or other
 7 water suppliers to select a water supply development option
 8 identified in the component merely because it is identified in
 9 the plan, nor may the plan be used in the review of permits
 10 under part II unless the plan, or an applicable portion
 11 thereof, has been adopted by rule. However, this subsection
 12 does not prohibit a water management district from employing
 13 the data or other information used to establish the plan in
 14 reviewing permits under part II, nor shall it not be construed
 15 to limit the authority of the department or governing board
 16 under part II.

17 Section 8. Subsections (3) and (4) of section
 18 373.0831, Florida Statutes, are amended to read:

19 373.0831 Water resource development; water supply
 20 development.--

21 (3) The water management districts shall fund and
 22 implement water resource development as defined in s. 373.019.
 23 The water management districts are encouraged to implement
 24 water resource development as expeditiously as possible in
 25 areas subject to regional water supply plans. Each governing
 26 board shall include in its annual budget the amount needed for
 27 the fiscal year to implement water resource development
 28 projects, as prioritized in its regional water supply plans.

29 (4)(a) Water supply development projects which are
 30 consistent with the relevant regional water supply plans and
 31 which meet one or more of the following criteria shall receive

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1 priority consideration for state or water management district
2 funding assistance:

3 1. The project supports establishment of a dependable,
4 sustainable supply of water which is not otherwise financially
5 feasible;

6 2. The project provides substantial environmental
7 benefits by preventing or limiting adverse water resource
8 impacts, but requires funding assistance to be economically
9 competitive with other options; or

10 3. The project significantly implements reuse,
11 storage, recharge, or conservation of water in a manner that
12 contributes to the sustainability of regional water sources.

13 (b) Water supply development projects which meet the
14 criteria in paragraph (a) and also bring about replacement of
15 existing sources in order to help implement a minimum flow or
16 level shall be given first consideration for state or water
17 management district funding assistance.

18 (c) If a proposed alternative water supply development
19 project is identified in the relevant approved regional water
20 supply plan, the project shall receive:

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

24 2. Priority funding pursuant to s. 373.1961(2) if the
25 project meets at least one of the criteria in s. 373.0831(4).

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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page, line, delete

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