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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 requirements for goal-based water conservation plans
13 submitted by public water supply utilities as part of
14 consumptive use permit applications; deleting an obsolete
15 provision requiring the Department of Environmental
16 Protection to submit a report on the program to the
17 Governor, the Legislature, and substantive legislative
18 committees by a specified date; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 373.227, Florida Statutes, is amended
24 to read:

25 373.227 Water conservation; legislative findings;
26 legislative intent; objectives; comprehensive statewide water
27 conservation program requirements.—

28 (1) The Legislature recognizes that the proper

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

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

56 (a) Encourage utilities to implement water conservation

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57 | programs that are economically efficient, effective, affordable,
58 | and appropriate;

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

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

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

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

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

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85 conservation programs and practices;

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

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

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

106 (4)~~(3)~~ Regarding the use of water conservation or drought
107 rate structures as a conservation practice, a water management
108 district shall afford a public water supply utility wide
109 latitude in selecting a rate structure and shall limit its
110 review to whether the utility has provided reasonable assurance
111 that the rate structure contains a schedule of rates designed to
112 promote efficient use of water by providing economic incentives.

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113 A water management district shall not fix or revise rates.

114 ~~(5)~~~~(4)~~ As part of an application for a consumptive use
115 permit, a public water supply utility may propose a goal-based
116 water conservation plan that is tailored to its individual
117 circumstances as a partial or entire alternative to the water
118 conservation requirements adopted by the appropriate water
119 management district. The public water supply utility is
120 encouraged, but not required, to use the Conserve Florida
121 Clearinghouse Guide in developing its goal-based water
122 conservation plan. The plan shall include a schedule for
123 implementing the utility's water conservation goal or goals. The
124 plan must include a means for measuring progress towards the
125 water conservation goal or goals ~~must be measurable.~~

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

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141 ~~needed to ensure efficient water use for the duration of the~~
142 ~~permit.~~ If the plan fails to meet the water conservation goal or
143 goals by the timeframes specified in the permit, the public
144 water supply utility shall revise the plan to address the
145 deficiency or employ the water conservation requirements that
146 would otherwise apply in the absence of an approved goal-based
147 plan.

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

157 (7)~~(6)~~ The department or a water management district may
158 adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out
159 the purposes of this section.

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