

By: Bill not yet filed

Proposed Water Resource Recovery Bill

1 Be It Enacted by the Legislature of the State of Florida:

2

3

4 Section 11. Subsection (3) of 373.1961, Florida Statutes,
5 is amended to read:

6 373.1961 Water production; general powers and duties;
7 identification of needs; funding criteria; economic incentives;
8 reuse funding.--

9 (3) FUNDING.--

10 (a) The water management districts and the state shall
11 share a percentage of revenues with water providers and users,
12 including local governments, water, wastewater, and reuse
13 utilities, municipal, special district, industrial, and
14 agricultural water users, and other public and private water
15 users, to be used to supplement other funding sources in the
16 development of alternative water supplies.

17 (b) Beginning in fiscal year 2005-2006, the state shall
18 annually provide a portion of those revenues deposited into the
19 Water Protection and Sustainability Program Trust Fund for the
20 purpose of providing funding assistance for the development of
21 alternative water supplies pursuant to the Water Protection and
22 Sustainability Program.

23 (c) To assist in the implementation of all available
24 quantifiable water conservation measures by public water
25 suppliers, the amount of \$455,000 per year shall be allocated to
26 the Department to implement the Conserve Florida Clearinghouse
27 directed in section 373.227(2), F.S.

28 (d) After the allocation of funds as described in (c) the
29 remaining funds ~~At the beginning of each fiscal year, beginning~~
30 ~~with fiscal year 2005-2006, such revenues shall be distributed~~
31 by the department into the alternative water supply trust fund

By: Bill not yet filed

Proposed Water Resource Recovery Bill

32 accounts created by each district for the purpose of alternative
33 water supply development under the following funding formula:

34 1. Thirty percent to the South Florida Water Management
35 District;

36 2. Twenty-five percent to the Southwest Florida Water
37 Management District;

38 3. Twenty-five percent to the St. Johns River Water
39 Management District;

40 4. Ten percent to the Suwannee River Water Management
41 District; and

42 5. Ten percent to the Northwest Florida Water Management
43 District.

44 (c) The financial assistance for alternative water supply
45 projects allocated in each district's budget as required in s.
46 373.196(6) shall be combined with the state funds and used to
47 assist in funding the project construction costs, or
48 implementation costs for quantifiable water conservation
49 measures, of alternative water supply projects selected by the
50 governing board. If the district has not completed any regional
51 water supply plan, or the regional water supply plan does not
52 identify the need for any alternative water supply projects,
53 funds deposited in that district's trust fund may be used for
54 water resource development projects, including, but not limited
55 to, springs protection.

56 (d) All projects submitted to the governing board for
57 consideration shall reflect the total capital cost for
58 implementation. The costs shall be segregated pursuant to the
59 categories described in the definition of capital costs.

60 (e) Applicants for projects that may receive funding
61 assistance pursuant to the Water Protection and Sustainability
62 Program shall, at a minimum, be required to pay 60 percent of

By: Bill not yet filed

Proposed Water Resource Recovery Bill

63 the project's construction costs. In the case of quantifiable
64 water conservation measures, the applicant shall pay a minimum
65 of 60 percent of the cost to implement the measure. The water
66 management districts may, at their discretion, totally or
67 partially waive this requirement for projects sponsored by
68 financially disadvantaged small local governments as defined in
69 ss. 403.885(5). The water management districts or basin boards
70 may, at their discretion, use ad valorem or federal revenues to
71 assist a project applicant in meeting the requirements of this
72 paragraph.

73 (f) The governing boards shall determine those projects
74 that will be selected for financial assistance. The governing
75 boards may establish factors to determine project funding;
76 however, significant weight shall be given to the following
77 factors:

78 1. Whether the project provides substantial environmental
79 benefits by preventing or limiting adverse water resource
80 impacts.

81 2. Whether the project reduces competition for water
82 supplies.

83 3. Whether the project brings about replacement of
84 traditional sources in order to help implement a minimum flow or
85 level or a reservation.

86 4. Whether the project will be implemented by a consumptive
87 use permittee that is implementing ~~has achieved the targets~~
88 ~~contained in~~ a goal-based water conservation program approved
89 pursuant to s. 373.227.

90 5. Whether the project will reduce per capita use of water
91 by a public water supplier beyond a permit or rule requirement;

92 6. For public water suppliers, whether the applicant is
93 implementing all available quantifiable water conservation

By: Bill not yet filed

Proposed Water Resource Recovery Bill

94 measures as identified by the Conserve Florida Clearinghouse
95 Guide developed pursuant to s. 373.227, unless demonstrated to
96 be environmentally, economically, or technically infeasible.

97 75. The quantity of water supplied by the project as
98 compared to its cost.

99 86. Projects in which the construction and delivery to end
100 users of reuse water is a major component.

101 97. Whether the project will be implemented by a
102 multijurisdictional water supply entity or regional water supply
103 authority.

104 108. Whether the project implements reuse that assists in
105 the elimination of domestic wastewater ocean outfalls as
106 provided in s. 403.086(9).

107

108

109

110 Section 12. Section 373.227, Florida Statutes, is amended
111 to read:

112 373.227 Water conservation; legislative findings;
113 legislative intent; objectives; comprehensive statewide water
114 conservation program requirements.--

115 (1) The Legislature recognizes that the proper conservation
116 of water is an important means of achieving the economical and
117 efficient utilization of water necessary, in part, to constitute
118 a reasonable-beneficial use. The overall water conservation goal
119 of the state is to prevent and reduce wasteful, uneconomical,
120 impractical, or unreasonable use of water resources. The
121 Legislature finds that the social, economic, and cultural
122 conditions of the state relating to the use of public water
123 supply vary by service area and that public water supply
124 utilities must have the flexibility to tailor water conservation

By: Bill not yet filed

Proposed Water Resource Recovery Bill

125 measures to best suit their individual circumstances. The
126 Legislature encourages the use of efficient, effective, and
127 affordable water conservation measures. Where water is provided
128 by a public water supply utility, the Legislature intends that a
129 variety of conservation measures be made available and used to
130 encourage efficient water use. To achieve these conservation
131 objectives, the state should emphasize goal-based, accountable,
132 tailored, and measurable water conservation programs for public
133 water supply. For purposes of this section, the term "public
134 water supply utility" includes both publicly owned and privately
135 owned public water supply utilities that sell potable water on a
136 retail basis to end users.

137 (2) To implement the findings in subsection (1), the
138 department, in cooperation with the water management districts
139 and other stakeholders, shall develop a comprehensive statewide
140 water conservation program for public water supply. The program
141 should:

142 (a) Encourage utilities to implement water conservation
143 programs that are economically efficient, effective, affordable,
144 and appropriate;

145 (b) Allow no reduction in, and increase where possible,
146 utility-specific water conservation effectiveness over current
147 programs;

148 (c) Be goal-based, accountable, measurable, and implemented
149 collaboratively with water suppliers, water users, and water
150 management agencies;

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

By: Bill not yet filed

Proposed Water Resource Recovery Bill

155 (e) Use standardized public water supply conservation
156 definitions and standardized quantitative and qualitative
157 performance measures for an overall system of assessing and
158 benchmarking the effectiveness of water conservation programs
159 and practices;

160 (f) Create a Conserve Florida ~~Clearinghouse or inventory~~
161 for water conservation programs and practices available to
162 public water supply utilities which will provide an integrated
163 statewide database for the collection, evaluation, and
164 dissemination of quantitative and qualitative information on
165 public water supply conservation programs and practices and
166 their effectiveness. The ~~Clearinghouse or inventory~~ should have
167 technical assistance capabilities to aid in the design,
168 refinement, and implementation of water conservation programs
169 and practices. The clearinghouse ~~or inventory~~ shall also provide
170 for continual assessment of the effectiveness of water
171 conservation programs and practices;

172 (g) Develop a standardized water conservation planning
173 process for utilities; and

174 (h) Develop and maintain a Florida-specific Conserve
175 Florida Clearinghouse Guide~~water conservation guidance document~~
176 containing a menu of affordable and effective quantifiable and
177 non-quantifiable water conservation practices to assist public
178 water supply utilities in the design and implementation of goal-
179 based, utility-specific water conservation plans tailored for
180 their individual service areas as provided in subsection (4).
181 The Guide shall assist public water suppliers in implementing
182 all available water conservation measures appropriate for the
183 supplier, both quantifiable and non-quantifiable except for any
184 specific measure that is not environmentally, economically, or
185 technically feasible based on utility-specific consideration.

By: Bill not yet filed

Proposed Water Resource Recovery Bill

186 (3) Regarding the use of water conservation or drought rate
187 structures as a conservation practice, a water management
188 district shall afford a public water supply utility wide
189 latitude in selecting a rate structure and shall limit its
190 review to whether the utility has provided reasonable assurance
191 that the rate structure provides an adequate price signal to
192 customers to conserve water.~~contains a schedule of rates~~
193 ~~designed to promote efficient use of water by providing economic~~
194 ~~incentives.~~ A water management district shall not fix or revise
195 rates.

196 (4) As part of an application for a consumptive use permit,
197 a public water supply utility may propose a goal-based water
198 conservation plan that is tailored to its individual
199 circumstances and is a combination of both quantifiable and non-
200 quantifiable water conservation measures. Progress towards
201 goals, including any per capita goals adopted by a water
202 management district, must be measurable. If the utility provides
203 reasonable assurance that the plan implements all available
204 quantifiable and non-quantifiable water conservation measures
205 unless demonstrated to be environmentally, economically, or
206 technically infeasible by the public water supplier, ~~will~~
207 ~~achieve effective water conservation at least as well as the~~
208 ~~water conservation requirements adopted by the appropriate water~~
209 ~~management district and is otherwise consistent with s. 373.223,~~
210 the district must approve the plan and such a plan ~~which~~ shall
211 satisfy water conservation requirements imposed as a condition
212 of obtaining a consumptive use permit. The conservation measures
213 included in an approved goal-based water conservation plan may
214 be reviewed periodically and updated as needed to ensure
215 efficient water use for the duration of the permit. If the plan
216 fails to meet the water conservation goal or goals by the

By: Bill not yet filed

Proposed Water Resource Recovery Bill

217 timeframes specified in the permit, the public water supply
218 utility shall revise the plan to address the deficiency ~~or~~
219 ~~employ the water conservation requirements that would otherwise~~
220 ~~apply in the absence of an approved goal-based plan.~~

221 ~~(5) By December 1, 2005, the department shall submit a~~
222 ~~written report to the President of the Senate, the Speaker of~~
223 ~~the House of Representatives, and the appropriate substantive~~
224 ~~committees of the Senate and the House of Representatives on the~~
225 ~~progress made in implementing the comprehensive statewide water~~
226 ~~conservation program for public water supply required by this~~
227 ~~section. The report must include any statutory changes and~~
228 ~~funding requests necessary for the continued development and~~
229 ~~implementation of the program.~~

230 (5) The department or a water management district may
231 adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out
232 the purposes of this section.

233