



FSAWWA's Legislative Policies for 2005

Water Conservation

- FSAWWA continues to recognize that water conservation must have a significant role in each local public utility's water supply plan. Therefore, FSAWWA supports the implementation of the elements of H.B. 293, which mandates that the Florida Department of Environmental Protection (FDEP) develop and implement a statewide comprehensive "goal-based" water conservation program. Development of this program is a continuation of the cooperative effort involving the following agencies: FDEP, Water Management Districts (WMDs), Public Service Commission, Florida Water Environment Association, and the Florida Rural Water Association. FSAWWA recommends the adoption and implementation of the:
 - a) Conserve Florida - a Statewide Comprehensive Water Conservation Program (formerly referred to as the "Joint Statement of Commitment" Work Plan) developed cooperatively with FDEP that provides the process and methodology for local utilities to develop an individual, specific "goal-based" water conservation program, which could incorporate a broad range of alternate water conservation initiatives, including but not limited to public education, informative billing, reclaimed water use, water conservation fixture programs, conservation rates, landscaping requirements, metering, etc.
 - b) Funding for the development of the guidance document, as required by H.B. 293 (which passed in 2004).
 - c) Funding of the creation and start-up of the Water Conservation Clearinghouse, as required by H.B. 293 (which passed in 2004).
- Adopting a water conservation rate structure may be one of many water conservation measures a utility elects to pursue. If a utility elects to adopt a water conservation rate structure, the nature and charges included in that structure should be determined by the utility.
- State water law should recognize that a local public utility has the responsibility and right of establishing rates and rate structures for its services.

Water Reservation

- Section 373.223(4), F.S., should be amended to provide that the water management districts may reserve water from use only (i) if needed to prevent significant harm to fish and wildlife, (ii) if needed to protect public health and safety, or (iii) if needed to fulfill the mandates of the Comprehensive Everglades Restoration Plan (Section 601, Title VI, of the Water Resources Development Act of 2000) Pub. L. no. 106-541, section 601, 114 Stat. 2572. Protection of public health and safety should be deemed equally important to preventing significant harm to

fish and wildlife. Protecting public health and safety may include reserving water for potable supply.

- All ways in which water is set aside for natural systems and made available for existing and future reasonable-beneficial uses should be fully integrated into Florida's water resource management programs. This includes water resources planning, consumptive use permitting, minimum flows and levels, water reservations, water shortage provisions, operation protocols, changes in water control infrastructure and source control (as expressed in Section 373.036, F.S.). Both water supply development and environmental restoration should take place in a timely manner to support public health, safety, and the environment.
- Because reservations of water can have the same effect on consumptive uses as establishing minimum flows and levels (MFLs), establishing reservations of water should be subject to the same procedural safeguards as exist for the establishment of MFLs. To this end, the reservations of water should be subject to the following:
 - a) Reservations of water must be adopted by administrative rule (Chapter 120, F.S.), and must meet the requirements of a consumptive use permit and must be consistent with all relevant comprehensive plans.
 - b) The WMDs must establish a priority list of water bodies for which water will be reserved, including a timetable for when each reservation will be accomplished. This priority list must be published in the Florida Administrative Weekly.
 - c) If requested by any substantially affected entity, the water reservation, as well as the methodology used to establish the reservation, must be subject to independent scientific peer review.
 - d) Any WMD rule adopting a water reservation must clearly indicate how all presently existing legal uses of water will be protected. Reservations of water made to satisfy the mandates of the Water Resource Development Act of 2000 must also identify how sources of water existing as of December 11, 2000 will be protected.
 - e) If a water reservation is projected to affect an existing legal use of water in the future, or if the water reservation will limit the use of water which a district's regional water supply plan estimates will be obtained from the water body subject to the reservation, then the WMD must implement a water supply protection strategy to provide for adequate and affordable water supplies for all existing and projected reasonable and beneficial uses affected by the reservation. This water supply protection strategy must include development of additional water resource or water supply projects.
 - f) FSAWWA supports the concept of a shared adversity for beneficial uses as well as for the environment in a time of declared water shortages.

Use of Reclaimed Water

- State water law should encourage incentive-based programs for reuse implementation when feasible and cost effective, without intrusive regulations.

- Reclaimed wastewater should only be implemented where economically, technically and environmentally feasible. Technical and environmental feasibility should address public health risks, safety and risks to the environment.

Chapter 62-40

- Because Chapter 62-40, F.A.C, constitutes a significant statement of statewide water supply public policy, changes to that rule should not take effect until after adopted by the Environmental Regulation Commission and ratified by the Legislature.

Water Resource Development and Alternative Water Supply Development

- The WMDs should be encouraged to implement water resource development projects as expeditiously as possible in areas subject to regional water supply plans.
- The WMDs must identify how each proposed water resource development project will produce additional water available for consumptive uses. And they should be required to identify and quantify these amounts in their annual budgetary report to the Governor's office.
- FSAWWA supports expanding the definition of water resource development in Chapter 373.019(1) to include desalination and regional water facilities.

Alternative Water Supply Funding

- FSAWWA recommends a partnership between the state, WMD and local governments to fund alternative water supply development. The funds would be provided as follows:
 - a) The Legislature should identify a dedicated source of state funding for an alternative water supply development grant program.
 - b) The WMDs should dedicate a percentage of their millage rate for an alternative water supply development grant program.
 - c) Utilities would provide matching funds at least equal to the contribution received from the combined state and WMDs' dollars.
- FSAWWA recommends an enhanced alternative water supply development cost-share grant program using dedicated state and WMD funding sources. The grants would be of sufficient scale to motivate water suppliers to research and develop alternative water supply. This would help to ensure that requirements of Section 373.083(2) (a) are implemented.
- FSAWWA strongly supports WMDs providing Consumptive Use Permit durations consistent with project bonding, in accordance with Section 373.236(2).
- FSAWWA supports a constitutional amendment to increase Northwest Florida WMD's millage to one mil.

Linking Water Supply and Growth

- Water Management Districts and utilities should work together in developing Regional Water Supply Plans that provide sufficient detail so that utilities within that region can make sound decisions regarding future water supply sources. Details include project type, location, amount available, development cost, and duration.
- There should be sufficient detail in the Regional Water Supply Plan so that it is clear whether or not each city/county has sufficient supply to meet projected demands.
- Consideration should be given to water supply interconnects among utilities to provide system redundancy and reliability.

Reuse Cooperative Funding

- Florida Forever funding law allows the use of funds for water resource projects including reuse except for reuse transmission and distribution facilities. The Florida Forever law should be amended to clarify that Florida Forever funds can be used to cooperatively fund reuse transmission and distribution facilities.