

RESOLUTION NO. R-25-144

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REVISING INDOOR WATER CONSERVATION FINANCIAL INCENTIVES; MAKING CERTAIN FINDINGS PROVIDING DEFINITIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR FUNDING; PROVIDING ELIGIBILITY; PROVIDING INCENTIVES; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, a political subdivision of the State of Florida, (County) owns and operates the Manatee County Public Utilities System pursuant to Section 125.01, Florida Statutes, Chapter 153, Florida Statutes, Chapter 63-1598, Laws of Florida, as amended, Chapter 2-31, Article IV, Manatee County Code of Ordinances, and other applicable provisions of law; and

WHEREAS, Policy 3.2.3.1 of the Conservation Element of the 2023 Manatee County Comprehensive Plan provides for the County to continue to encourage residents and businesses to maintain or improve water conserving habits; and

WHEREAS, Policy 3.2.3.5 of the Conservation Element of the 2023 Manatee County Comprehensive Plan ensures consistency of Manatee County's codes with the State's building codes to require the use of low volume plumbing fixtures in new development and redevelopment; and

WHEREAS, Objective 9.6.1 of the Water Supply Sub-Element of the 2023 Manatee County Comprehensive Plan provides for the County to require that potable water conservation is practiced to conserve water supplies for future residents; and

WHEREAS, the Energy Policy Act of 1992, codified in 42 U.S.C.A. § 6295, provides federal energy conservation standards for water closets and toilets; and

WHEREAS, 42 U.S.C.A. § 6295(k)(1)(A) provides that the maximum water use allowed for water closets and toilets, other than blowout toilets, manufactured after January 1, 1994, is 1.6 gallons per flush; and

WHEREAS, the Board of County Commissioners of Manatee County (Board) desires to update the County's indoor water conservation financial incentives to assist eligible customers in installing ultra-low flow toilets in place of high flow toilets to encourage residents and businesses to improve water conservation habits; and

WHEREAS, the Board finds that such updated financial incentives are consistent with and implement objectives and policies of the 2023 Manatee County Comprehensive Plan and the Energy Policy Act of 1992; and

WHEREAS, the Board finds that the expenditure of County funds for such updated financial incentives to conserve potable water promotes the health, safety, and general welfare of the people of the County and serves a paramount public purpose; and

WHEREAS, any benefit to the customers of the Manatee County Public Utilities System receiving such updated financial incentives will be incidental in nature and is not intended as an impermissible lending of the County's credit; and

WHEREAS, Manatee County Resolution R-91-21, as amended and supplemented (the "Bond Resolution"), provides that the County may establish classes and subclasses of users of the Manatee County Public Utilities System if the Board of County Commissioners finds a rational basis which would further the health, safety or welfare of the residents of the County; and

WHEREAS, the Board finds that all eligible customers as described in Section 5 of this resolution receiving financial incentives constitute a separate and distinct class of users of the Manatee County Public Utilities System since such users further the public purpose of conserving the County's potable water supply, which conservation efforts further the health and welfare of all residents of the County; and

WHEREAS, the Board established indoor water conservation financial incentives and provided for administration and funding of those incentives in Resolution R-07-31; and

WHEREAS, the Board has determined that it is in the best interest of the County to adopt updated financial incentives for indoor water conservation as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Section 1. Recitals. The above recitals are adopted by the Board of County Commissioners as findings of the County and are incorporated herein by reference.

Section 2. Definitions. As used in this resolution, the following words and terms shall have the following meanings unless a different meaning clearly appears from the context:

- a. Commercial shall mean the retail service classification for commercial established in Resolution R-23-058, as amended
- b. Consumption quantity shall mean the total quantity of potable water used as shown on monthly utility bills from the County.
- c. Contractor shall mean a general contractor, building contractor, residential contractor, or plumbing contractor as defined in Section 489.105, Florida Statutes.
- d. County shall mean Manatee County, Florida, a political subdivision of the State of Florida.
- e. County Administrator shall mean the administrator of the County or the County Administrator's designee.
- f. Customer shall mean the owner or owners of real property, as recorded on the County ad valorem tax rolls, served by the County public utilities system. The term shall include customers within the cities of Anna Maria, Bradenton Beach and Holmes Beach, but shall exclude property served directly by the City of Bradenton, City of Palmetto, Town of Longboat Key, and Sarasota County.

g. Documented cost shall mean expenses incurred by the customer in parts, materials and labor to purchase, install and replace the toilet as documented by copies of paid receipts.

h. Dwelling unit shall have the same definition as provided in the Resolution R-23-058, as amended.

i. High efficiency toilet shall mean a toilet with a maximum capacity of 1.28 gallons per flush and which contains the labeled or stamped EPA WaterSense standard.

j. High flow toilet shall mean a toilet with a minimum capacity of 1.6 gallons per flush.

k. Industrial shall mean the retail service classification for industrial established in Resolution R-23-058, as amended.

l. Licensed contractor shall mean a certified contractor or registered contractor as defined in Section 489.105, Florida Statutes.

m. Multifamily residential shall mean the retail service classification for residential, multifamily, established in Resolution R-23-058, as amended.

n. Single-family residential shall mean the retail service classification for residential, single-family, established in Resolution R-23-058, as amended.

o. Unit shall mean a dwelling unit or structure served by an individual meter and defined as single-family residential, multifamily residential, commercial, or industrial.

p. Utility account shall mean an account with the County which includes consumption quantity for potable water.

Section 3. Administration. The County Administrator is authorized to administer the financial incentives established by this resolution. In the sole discretion of the County Administrator, rebates may be paid by County checks issued to or may be applied as credits on utility accounts for eligible customers who comply with the requirements of this resolution.

Section 4. Funding. The financial incentives shall be funded by revenues derived from the County public utilities system after all current obligations under the Bond Resolution have been satisfied. No County funds payable from tax revenues shall be expended or used for any financial

incentives established by this resolution. The provision of financial incentives by the County in the manner described in this resolution does not constitute a debt of the County within the meaning of any constitutional or statutory prohibition. Neither the taxing power nor the full faith and credit of the County is pledged in any way to provide the financial incentives contemplated under this resolution.

Section 5. Eligibility.

a. Eligibility for the financial incentives is limited to all single-family residential, multifamily residential, commercial, and industrial potable water customers whose units have one (1) or more high flow toilets and who own the property where potable water service is delivered. Eligible customers may receive rebates for a maximum of two (2) toilets per dwelling unit as described in Section 7 of this resolution, provided that the toilets which qualify for the rebates are installed within three hundred sixty-five (365) calendar days from the date of approval of the application by the County Administrator. An eligible customer may submit an application for a maximum of (2) two rebates for each utility account in the eligible customer's name.

b. Except as otherwise provided in this subsection, a licensed contractor shall be responsible for installation and replacement of any toilet under this resolution. Owners of property may install toilets in single-family residences on such property for the use of such owners if such property is not offered for sale or lease. For the purpose of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot.

c. Rebates are subject to the following conditions:

- (1) Verification that the toilet being replaced is a high flow toilet;
- (2) Confirmation that the replacement toilet is a high efficiency toilet;
- (3) Verification of the replacement toilet by the County to ensure that the toilet has been installed and completed; and
- (4) Proof that the high flow toilet is ready for disposal.

Section 6. Incentives. Any eligible customer who installs a high efficiency toilet in place of a high flow toilet may receive for each toilet replaced, not to exceed two (2) toilets per dwelling unit, a rebate of:

- (1)\$100 if high flow toilet with 3.5 gallons per flush (gpf) or higher is replaced with high efficiency model with 1.28 gpf or lower or dual flush model (1.6gpf/0.8gpf);
- (2)\$100 if high flow toilet with 1.6 gpf or higher is replaced with high efficiency model with 0.8 gpf or lower;
- (3)\$50 if high flow toilet with 1.6 gpf or higher is replaced with high efficiency model with 1.28 gpf or dual flush model (1.6gpf/0.8gpf).

To receive the toilet rebate, eligible customers must:

- a. Purchase the high efficiency flow toilet after the effective date of this resolution;
- b. Submit a completed application;
- c. Submit copies of all paid receipts for the documented cost;
- d. Submit the name, address, telephone number, and contractor license number of the licensed contractor who installed the toilet, if applicable; and
- e. Submit photo documentation, including old toilet installed prior to removal; old toilet tank or lid showing the year and/or flush volume; new toilet after installation; WaterSense label or flush volume on new toilet.

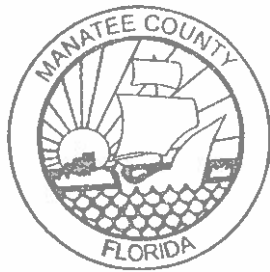
Section 7. Conflicting Resolutions. All conflicting resolutions and parts of resolutions in conflict with the provisions of this resolution are hereby repealed, rescinded, superseded and replaced by this resolution to the extent of such conflict, and Resolution R-07-31 is hereby repealed, rescinded, superseded and replaced in its entirety by this resolution.

Section 8. Severability. In the event that any provision, portion or section of this resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining provisions, portions or sections of this resolution which shall remain in full force and effect.

Section 9. Effective Date. This resolution shall become effective October 1, 2025.

ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, this 19th day of August 2025.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**



By: _____

[Signature]
Chairperson

ATTEST:

**ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: _____

[Signature]

Deputy Clerk



Approved in Open Session 8/19/25
Manatee County
Board of County Commissioners

August 19, 2025 - Regular Meeting

Subject

Adoption of Resolution R-25-144, revising Indoor Water Conservation Financial Incentives, and repealing and superseding conflicting resolutions (Resolution R-07-31), Olga Wolanin, Water Division Compliance Superintendent

Category

CONSENT AGENDA

Briefings

None

Contact and/or Presenter Information

Olga Wolanin/Superintendent - Water Division Compliance, ext. 5416

Christian Collins/Utilities Deputy Director - Treatment Facilities, ext. 5275

Action Requested

Adoption of Resolution R-25-144.

Enabling/Regulating Authority

Conservation Element of the Manatee County Comprehensive Plan provides for the County to continue to encourage residents and businesses to maintain or improve water conservation habits.

Energy Policy Act of 1992 provides that the maximum water use allowed for water closets and toilets manufactured after January 1, 1994, is 1.6 or less gallons per flush.

Indoor Water Conservation Resolution R-07-31 implementing the Indoor Water Conservation Incentive, which includes \$100 toilet rebate for each toilet with a 3.5 or greater gallons per flush with 1.6 or lower gallons per flush (for maximum of two (2) toilets per unit).

The Southwest Florida Water Management District (SWFWMD) established guidelines for the Water Incentives Supporting Efficiency (WISE) program that financially incentivize water conservation projects, including toilet rebates.

Applicable Advisory Board

N/A

Background Discussion

January 23, 2007 - BOCC approved resolution R-07-31 implementing the Indoor Water Conservation Incentives, which includes a \$100 toilet rebate for each toilet with a 3.5 or greater gallons per flush with a 1.6 or lower gallons per flush (for maximum of two (2) toilets per unit).

Since January 23, 2007, 14 phases of the Indoor Water Conservation (Toilet Rebate) program has been completed. The County is currently in phase 15 that is scheduled to end on September 30, 2025. 50% of the rebates are funded by the SWFWMD under Cooperative Funding Agreement (CFI).

SWFWMD expended available water conservation incentives under the Water Incentives Supporting Efficiency (WISE) program, to include replacements of the toilet with a 1.6 or greater gallons per flush with an ultra-low flow toilets with 1.28 gallons per flush or less.

Resolution No. R-25-144 amends and revises the financial incentives established in resolution No. R-07-31 to allow Manatee County residents to take advantage of additional available State grants and will encourage residents and businesses to improve water conservation habits to maximize potable water conservation.

Attorney Review

Formal Written Review (Opinion memo must be attached) Welch

Instructions to Board Records

Email signed copy to Olga Wolanin

Distributed 8/21/25, RT

Cost and Funds Source Account Number and Name

\$20,000 total cost with \$10,000 SWFWMD and \$10,000 County (4010020000 582000)

Amount and Frequency of Recurring Costs

One (1) year