

By Senator Farmer

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1 A bill to be entitled
2 An act relating to water management; amending s.
3 373.036, F.S.; requiring district water management
4 plans for districts including Outstanding Florida
5 Springs to include certain maximum sustainable
6 groundwater estimates; amending s. 373.0421, F.S.;
7 requiring the water management district, instead of
8 the Department of Environmental Protection, to conduct
9 reviews of certain regional water supply plans upon
10 the denial of an application for a water use permit
11 due to impact on minimum flow or water level;
12 requiring the district to update the plan under
13 certain conditions; amending s. 373.223, F.S.;
14 revising the conditions for consumptive use permits;
15 deleting rulemaking authorizations; deleting an
16 authorization to enforce rules in effect on a certain
17 date; amending s. 373.705, F.S.; revising the criteria
18 for determining whether certain water supply
19 development projects are given first consideration for
20 funding assistance to include whether a project
21 maximizes water conservation; amending s. 373.805,
22 F.S.; requiring a district or the department, if an
23 Outstanding Florida Spring is below minimum flow or
24 water level, to reserve certain water quantities from
25 permit applicants; amending s. 373.807, F.S.;
26 requiring that basin management action plans for
27 Outstanding Florida Springs include allocation of
28 certain load reductions for point source and nonpoint
29 source pollution; requiring agricultural producers to

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30 implement certain practices within a specified
31 timeframe after the adoption of a basin management
32 action plan; requiring the Department of Agriculture
33 and Consumer Services to require that records of
34 nutrient applications be transmitted at least
35 annually; requiring the department to assemble this
36 data and relevant analysis and make such information
37 available to the public; requiring the department to
38 initiate rulemaking by a specified date; amending s.
39 373.811, F.S.; revising the prohibited activities in a
40 priority focus area in effect for an Outstanding
41 Florida Spring; creating s. 373.814, F.S.; requiring
42 the Department of Agriculture and Consumer Services
43 and the department to determine whether fully
44 implemented agricultural best management practices
45 would enable the agricultural sector within basin
46 management action plan areas to comply with allocated
47 pollutant reductions; requiring the Department of
48 Agriculture and Consumer Services to revise best
49 management practices under certain conditions;
50 requiring the Department of Environmental Protection
51 to determine whether certain types of agricultural
52 operations are inconsistent with springs protection
53 within basin management action plan areas; requiring
54 the department to coordinate with the Department of
55 Agriculture and Consumer Services to fund certain
56 conservation easements under certain conditions;
57 providing an effective date.

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

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61 Section 1. Paragraph (f) is added to subsection (2) of
62 section 373.036, Florida Statutes, to read:

63 373.036 Florida water plan; district water management
64 plans.—

65 (2) DISTRICT WATER MANAGEMENT PLANS.—

66 (f) For each water management district containing an
67 Outstanding Florida Spring, as defined in s. 373.802, an
68 estimate of the maximum sustainable groundwater withdrawal for
69 that district which would balance the needs of healthy spring
70 ecosystems and a healthy human economy during all conditions.

71 Section 2. Subsection (4) of section 373.0421, Florida
72 Statutes, is amended to read:

73 373.0421 Establishment and implementation of minimum flows
74 and minimum water levels.—

75 (4) ~~The water management district shall notify the~~
76 ~~department~~ If an application for a water use permit is denied
77 based upon the impact that the use will have on an adopted
78 minimum flow or minimum water level, the applicable water
79 management district. ~~Upon receipt of such notice, the department~~
80 ~~shall, as soon as practicable, and in cooperation with the water~~
81 ~~management district,~~ conduct a review of the applicable regional
82 water supply plan prepared pursuant to s. 373.709. Such review
83 shall include an assessment by the water management district
84 ~~department~~ of the adequacy of the plan in addressing the
85 legislative intent of s. 373.705(2)(a) which provides that
86 sufficient water be available for all existing and future
87 reasonable-beneficial uses and natural systems and that the

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88 adverse effects of competition for water supplies be avoided. If
89 the water management district ~~department~~ determines, based upon
90 this review, that the regional water supply plan does not
91 adequately address the legislative intent of s. 373.705(2)(a),
92 the water management district shall ~~immediately~~ initiate an
93 update of the plan consistent with s. 373.709 within 1 year.

94 Section 3. Subsection (6) of section 373.223, Florida
95 Statutes, is amended to read:

96 373.223 Conditions for a permit.-

97 (6) A ~~new~~ consumptive use permit, ~~or the renewal or~~
98 ~~modification of a consumptive use permit,~~ that authorizes
99 groundwater withdrawals of 100,000 gallons or more per day ~~from~~
100 ~~a well with an inside diameter of 8 inches or more shall be~~
101 ~~monitored for water usage at intervals using methods determined~~
102 ~~by the applicable water management district,~~ and the results of
103 such monitoring shall be reported to the applicable water
104 management district at least quarterly ~~annually~~. The water
105 management districts shall implement this subsection by
106 following the general procedures in the Southwest Florida Water
107 Management District's Water Use Permit Applicant's Handbook Part
108 B, dated May 19, 2014 ~~may adopt rules to implement this~~
109 ~~subsection. In lieu of the requirements of this subsection, a~~
110 ~~water management district may enforce rules that govern water~~
111 ~~usage monitoring in effect on July 1, 2016, or may adopt rules~~
112 ~~that are more stringent than this subsection.~~

113 Section 4. Subsection (4) of section 373.705, Florida
114 Statutes, is amended to read:

115 373.705 Water resource development; water supply
116 development.-

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117 (4) (a) Water supply development projects that are
118 consistent with the relevant regional water supply plans and
119 that meet one or more of the following criteria shall receive
120 priority consideration for state or water management district
121 funding assistance:

122 1. The project supports establishment of a dependable,
123 sustainable supply of water which is not otherwise financially
124 feasible;

125 2. The project provides substantial environmental benefits
126 by preventing or limiting adverse water resource impacts, but
127 requires funding assistance to be economically competitive with
128 other options; or

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

132 (b) Water supply development projects that meet the
133 criteria in paragraph (a) and that meet one or more of the
134 following additional criteria shall be given first consideration
135 for state or water management district funding assistance:

136 1. The project brings about replacement of existing sources
137 in order to help implement a minimum flow or minimum water
138 level;

139 2. The project implements reuse that assists in the
140 elimination of domestic wastewater ocean outfalls as provided in
141 s. 403.086(9); or

142 3. The project reduces or eliminates the adverse effects of
143 competition between legal users and the natural system and
144 maximizes water conservation.

145 Section 5. Present subsection (5) of section 373.805,

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146 Florida Statutes, is redesignated as subsection (6), and a new
147 subsection (5) is added to that section, to read:

148 373.805 Minimum flows and minimum water levels for
149 Outstanding Florida Springs.—

150 (5) If an Outstanding Florida Spring is below the minimum
151 flow or minimum water level, the district or the department
152 shall by rule reserve sufficient water from use by permit
153 applicants pursuant to s. 373.223(4) to restore the minimum flow
154 or water level.

155 Section 6. Paragraph (b) of subsection (1) and subsection
156 (3) of section 373.807, Florida Statutes, are amended, and
157 subsections (5) and (6) are added to that section, to read:

158 373.807 Protection of water quality in Outstanding Florida
159 Springs.—By July 1, 2016, the department shall initiate
160 assessment, pursuant to s. 403.067(3), of Outstanding Florida
161 Springs or spring systems for which an impairment determination
162 has not been made under the numeric nutrient standards in effect
163 for spring vents. Assessments must be completed by July 1, 2018.

164 (1)

165 (b) A basin management action plan for an Outstanding
166 Florida Spring shall be adopted within 2 years after its
167 initiation and must include, at a minimum:

168 1. A list of all specific projects and programs identified
169 to implement a nutrient total maximum daily load;

170 2. A list of all specific projects identified in any
171 incorporated onsite sewage treatment and disposal system
172 remediation plan, if applicable;

173 3. A priority rank for each listed project;

174 4. For each listed project, a planning level cost estimate

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175 and the estimated date of completion;

176 5. The source and amount of financial assistance to be made
177 available by the department, a water management district, or
178 other entity for each listed project;

179 6. An estimate of each listed project's nutrient load
180 reduction;

181 7. Identification of each point source or category of
182 nonpoint sources, including, but not limited to, urban turf
183 fertilizer, sports turf fertilizer, agricultural fertilizer,
184 onsite sewage treatment and disposal systems, wastewater
185 treatment facilities, animal wastes, and stormwater facilities.
186 An estimated allocation of the pollutant load must be provided
187 for each point source or category of nonpoint sources; ~~and~~

188 8. An estimated allocation of pollutant load reductions to
189 both surface water and groundwater for each point source or
190 category of nonpoint sources; and

191 ~~9.8.~~ An implementation plan designed with a target to
192 achieve the nutrient total maximum daily load no more than 20
193 years after the adoption of a basin management action plan.

194
195 The department shall develop a schedule establishing 5-year, 10-
196 year, and 15-year targets for achieving the nutrient total
197 maximum daily load. The schedule shall be used to provide
198 guidance for planning and funding purposes and is exempt from
199 chapter 120.

200 (3) As part of a basin management action plan that includes
201 an Outstanding Florida Spring, the department, the Department of
202 Health, relevant local governments, and relevant local public
203 and private wastewater utilities shall develop an onsite sewage

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204 treatment and disposal system remediation plan for a spring if
205 the department determines onsite sewage treatment and disposal
206 systems within a priority focus area contribute at least 20
207 percent of nonpoint source nitrogen pollution or if the
208 department determines remediation is necessary to achieve the
209 total maximum daily load. The plan shall identify cost-effective
210 and financially feasible projects necessary to reduce the
211 nutrient impacts from onsite sewage treatment and disposal
212 systems and shall be completed and adopted as part of the basin
213 management action plan no later than the first 5-year milestone
214 required by subparagraph (1) (b) 9 ~~subparagraph (1) (b) 8~~. The
215 department is the lead agency in coordinating the preparation of
216 and the adoption of the plan. The department shall:

217 (a) Collect and evaluate credible scientific information on
218 the effect of nutrients, particularly forms of nitrogen, on
219 springs and springs systems; and

220 (b) Develop a public education plan to provide area
221 residents with reliable, understandable information about onsite
222 sewage treatment and disposal systems and springs.

223

224 In addition to the requirements in s. 403.067, the plan shall
225 include options for repair, upgrade, replacement, drainfield
226 modification, addition of effective nitrogen reducing features,
227 connection to a central sewerage system, or other action for an
228 onsite sewage treatment and disposal system or group of systems
229 within a priority focus area that contribute at least 20 percent
230 of nonpoint source nitrogen pollution or if the department
231 determines remediation is necessary to achieve a total maximum
232 daily load. For these systems, the department shall include in

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233 the plan a priority ranking for each system or group of systems
234 that requires remediation and shall award funds to implement the
235 remediation projects contingent on an appropriation in the
236 General Appropriations Act, which may include all or part of the
237 costs necessary for repair, upgrade, replacement, drainfield
238 modification, addition of effective nitrogen reducing features,
239 initial connection to a central sewerage system, or other
240 action. In awarding funds, the department may consider expected
241 nutrient reduction benefit per unit cost, size and scope of
242 project, relative local financial contribution to the project,
243 and the financial impact on property owners and the community.
244 The department may waive matching funding requirements for
245 proposed projects within an area designated as a rural area of
246 opportunity under s. 288.0656.

247 (5) Each agricultural producer, within 2 years after the
248 adoption of a basin management action plan, must:

249 (a) Implement the best management practices or other
250 measures necessary to achieve pollution reduction levels
251 established by the department pursuant to s. 403.067(7)(c), or
252 conduct water quality monitoring prescribed by the department or
253 the applicable water management district.

254 (b) The Department of Agriculture and Consumer Services, in
255 consultation with the department, shall develop rules to
256 implement this subsection.

257 (6) The Department of Agriculture and Consumer Services
258 shall:

259 (a) Require by rule that all records of nutrient
260 applications be transmitted electronically to the Department of
261 Agriculture and Consumer Services at least annually.

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262 (b) Assemble this data for each priority focus area and
263 basin management action plan area.

264 (c) Provide the assembled data and any relevant analysis to
265 the department in a timely manner for use by the department in
266 its restoration responsibilities under basin management action
267 plans.

268 (d) Provide public access to the assembled data in a manner
269 that does not violate s. 403.067(7)(c)5.

270 (e) Initiate rulemaking to implement this subsection by
271 July 1, 2018.

272 Section 7. Section 373.811, Florida Statutes, is amended to
273 read:

274 373.811 Prohibited activities within a priority focus
275 area.—The following activities are prohibited within a priority
276 focus area in effect for an Outstanding Florida Spring:

277 (1) New domestic or industrial wastewater disposal
278 facilities, including rapid infiltration basins, with permitted
279 capacities of 100,000 gallons per day or more, except for those
280 facilities that meet an advanced wastewater treatment standard
281 of no more than 3 mg/l total nitrogen, expressed as N, on an
282 annual permitted basis, or a more stringent treatment standard
283 if the department determines the more stringent standard is
284 necessary to attain a total maximum daily load for the
285 Outstanding Florida Spring.

286 (2) New onsite sewage treatment and disposal systems on
287 lots of ~~less than~~ 1 acre or less, if the specific systems are
288 within a priority focus area of an Outstanding Florida Spring
289 for basins requiring an onsite sewage and disposal system
290 remediation plan pursuant to ~~addition of the specific systems~~

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291 ~~conflicts with an onsite treatment and disposal system~~
292 ~~remediation plan incorporated into a basin management action~~
293 ~~plan in accordance with s. 373.807(3).~~

294 (3) New facilities for the disposal of hazardous waste.

295 (4) ~~The~~ Land application of Class A or Class B domestic
296 wastewater biosolids ~~not in accordance with a department~~
297 ~~approved nutrient management plan establishing the rate at which~~
298 ~~all biosolids, soil amendments, and sources of nutrients at the~~
299 ~~land application site can be applied to the land for crop~~
300 ~~production while minimizing the amount of pollutants and~~
301 ~~nutrients discharged to groundwater or waters of the state.~~

302 (5) New agriculture operations that do not implement best
303 management practices, measures necessary to achieve pollution
304 reduction levels established by the department, or groundwater
305 monitoring plans approved by a water management district or the
306 department.

307 (6) New concentrated animal feeding operations or intensive
308 cattle finishing and slaughter operations.

309 Section 8. Section 373.814, Florida Statutes, is created to
310 read:

311 373.814 Advanced Best Management Practices; land
312 practices.-

313 (1) For each basin management action plan that includes an
314 Outstanding Florida Spring, the Department of Agriculture and
315 Consumer Services and the department, pursuant to s.
316 403.067(7)(c)4., shall determine whether fully implemented
317 agricultural best management practices would enable the
318 agricultural sector within that basin management action plan
319 area to comply with its allocated pollutant reductions. This

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320 determination must be based on the projected nutrient reductions
321 to be achieved by full implementation of the best management
322 practices as established by rule and outlined in the relevant
323 manuals published by the Department of Agriculture and Consumer
324 Services. If such implementation would not achieve compliance,
325 the Department of Agriculture and Consumer Services, in
326 cooperation with the department, applicable county and municipal
327 governments, and stakeholders, shall initiate rulemaking to
328 implement new or revised best management practices for improving
329 and protecting Outstanding Florida Springs and for requiring the
330 implementation of such practices within a reasonable timeframe
331 as specified by rule.

332 (2) Within each area subject to a basin management action
333 plan that includes an Outstanding Florida Spring, the department
334 shall determine whether certain types of agricultural
335 operations, such as intensive row cropping, are inconsistent
336 with springs protection, despite the application of best
337 management practices. If the department makes such a
338 determination that operations are inconsistent, the department
339 must coordinate with the Department of Agriculture and Consumer
340 Services to fund conservation easements on agricultural lands
341 with such inconsistent operations. The easements may include
342 converting the lands to less-polluting agricultural activities
343 such as long-leaf pine cultivation.

344 Section 9. This act shall take effect July 1, 2017.