

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 withdrawal estimates; amending s.
7 373.0421, F.S.; requiring the water management
8 district, rather than the Department of Environmental
9 Protection, to conduct reviews of certain regional
10 water supply plans upon the denial of an application
11 for a water use permit due to impact on minimum flow
12 or water level; requiring the district to update the
13 plans under certain conditions; amending s. 373.223,
14 F.S.; revising the conditions for consumptive use
15 permits; deleting rulemaking authorizations; deleting
16 an authorization to enforce rules in effect on a
17 certain date; amending s. 373.705, F.S.; revising the
18 criteria for determining whether certain water supply
19 development projects are given first consideration for
20 funding assistance to include consideration of whether
21 a project maximizes water conservation; amending s.
22 373.805, F.S.; requiring a district or the department
23 to reserve certain water quantities from permit
24 applicants if an Outstanding Florida Spring is below
25 minimum flow or water level; amending s. 373.807,
26 F.S.; 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 and
36 transmit this data and relevant analysis and make such
37 information available to the public; requiring the
38 department to initiate rulemaking by a specified date;
39 amending s. 373.811, F.S.; revising the prohibited
40 activities in a priority focus area in effect for an
41 Outstanding Florida Spring; creating s. 373.814, F.S.;
42 requiring the Department of Agriculture and Consumer
43 Services 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 initiate
49 rulemaking and revise best management practices under
50 certain conditions; requiring the Department of
51 Environmental Protection to determine whether certain
52 types of agricultural operations are inconsistent with
53 springs protection within basin management action plan
54 areas; requiring the department to coordinate with the
55 Department of Agriculture and Consumer Services to
56 fund certain conservation easements under certain
57 conditions; 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) The governing board of each water management district
67 that contains an Outstanding Florida Spring as defined in s.
68 373.802 shall develop an estimate of the maximum sustainable
69 groundwater withdrawal for that district which would balance the
70 needs of healthy spring ecosystems and a healthy human economy
71 during all conditions.

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

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

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

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

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

97 373.223 Conditions for a permit.-

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

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

116 373.705 Water resource development; water supply

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117 development.-

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

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

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

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

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

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

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

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

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146 Section 5. Present subsection (5) of section 373.805,
147 Florida Statutes, is redesignated as subsection (6), and a new
148 subsection (5) is added to that section, to read:

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

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

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

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

165 (1)

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

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

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

174 3. A priority rank for each listed project;

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175 4. For each listed project, a planning level cost estimate
176 and the estimated date of completion;

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

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

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

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

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

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

201 (3) As part of a basin management action plan that includes
202 an Outstanding Florida Spring, the department, the Department of
203 Health, relevant local governments, and relevant local public

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

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

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

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

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

248 (5) Each agricultural producer, within 2 years after the
249 adoption of a basin management action plan, must implement the
250 best management practices or other measures necessary to achieve
251 pollution reduction levels established by the department
252 pursuant to s. 403.067(7)(c), or conduct water quality
253 monitoring as prescribed by the department or the applicable
254 water management district. The Department of Agriculture and
255 Consumer Services, in consultation with the department, shall
256 develop rules to 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 data from these records for each priority
263 focus area and 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, 2019.

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 treatment and disposal
290 system remediation plan pursuant to ~~addition of the specific~~

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291 ~~systems 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
330 the implementation of such practices within a reasonable
331 timeframe 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 a determination
338 that operations are inconsistent with springs protection, the
339 department shall coordinate with the Department of Agriculture
340 and Consumer Services to fund conservation easements on
341 agricultural lands with such inconsistent operations. The
342 easements may include converting the lands to less-polluting
343 agricultural activities such as long-leaf pine cultivation.

344 Section 9. This act shall take effect July 1, 2018.