



LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
04/21/2021 10:24 AM	.	04/29/2021 12:18 PM
	.	

Senator Brodeur moved the following:

Senate Amendment (with title amendment)

Between lines 50 and 51
insert:

Section 2. (1) The following rule is ratified for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), Florida Statutes: Rules 62-41.300, 62-41.301, 62.41.302, 62-41.303, 62-41.304, and 62-41.305, Florida Administrative Code, titled "Central Florida Water Initiative Area," as published on November 19, 2020, in the Florida Administrative Register, Vol. 46, No. 226, pages



12 5019-5025; February 9, 2021, in the Florida Administrative
13 Register, Vol. 47, No. 26, pages 733-734; and March 26, 2021, in
14 the Florida Administrative Register, Vol. 47, No. 59, pages
15 1506-1507.

16 (2) This section serves no other purpose and shall not be
17 codified in the Florida Statutes. After this act becomes a law,
18 its enactment and effective dates shall be noted in the Florida
19 Administrative Code or the Florida Administrative Register, or
20 both, as appropriate. This section does not constitute
21 legislative preemption of or exception to any provision of law
22 governing adoption or enforcement of the rule cited, and is
23 intended to preserve the status of any cited rule as a rule
24 under chapter 120, Florida Statutes. This section does not cure
25 any rulemaking defect or preempt any challenge based on a
26 violation of the legal requirements governing the adoption of
27 any rule cited.

28 Section 3. Paragraph (d) of subsection (2) of section
29 373.0465, Florida Statutes, is amended to read:

30 373.0465 Central Florida Water Initiative.-

31 (2)

32 (d) The department, in consultation with the St. Johns
33 River Water Management District, the South Florida Water
34 Management District, the Southwest Florida Water Management
35 District, and the Department of Agriculture and Consumer
36 Services, shall adopt uniform rules for application within the
37 Central Florida Water Initiative Area that include:

38 1. A single, uniform definition of the term "harmful to the
39 water resources" consistent with the term's usage in s. 373.219;

40 2. A single method for calculating residential per capita



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41 water use;

42 3. A single process for permit reviews;

43 4. A single, consistent process, as appropriate, to set
44 minimum flows and minimum water levels and water reservations;

45 5. A goal for residential per capita water use for each
46 consumptive use permit; ~~and~~

47 6. An annual conservation goal for each consumptive use
48 permit consistent with the regional water supply plan;

49 7. A drought allocation for supplemental irrigation for
50 agricultural uses which is based on a 2-in-10-year rainfall
51 condition or, if the applicant so requests, is based on a 5-in-
52 10-year rainfall condition alone or combined with the 2-in-10-
53 year condition. The applicable water management district may
54 also condition, for information only purposes, consumptive use
55 permits to advise permittees that their annual use of water
56 should be less than the drought allocation in all years except
57 for the drought condition that is the basis for the allocation
58 or a more severe drought; and

59 8. A process for the applicable water management district
60 to annually examine an agricultural user's 5-year moving average
61 supplemental irrigation water use against the annual
62 supplemental irrigation needs in the 5-in-10-year rainfall
63 condition beginning no earlier than 5 years following the
64 effective date of the rules adopted under this section. If this
65 annual examination indicates that the agricultural user's 5-year
66 moving average use exceeds that needed in such rainfall
67 condition for reasons other than prolonged periods of below
68 average rainfall, the water management district may modify the
69 agricultural user's permit to include an annual supplemental



70 irrigation allocation based on both the amount of supplemental
71 irrigation required during a 2-in-10-year rainfall condition and
72 the amount of supplemental irrigation required during a 5-in-10-
73 year rainfall condition as provided in rules adopted pursuant to
74 this section. In such case, the supplemental irrigation
75 allocation based on the 5-in-10-year rainfall condition shall be
76 valid for only 5 years unless the agricultural user's 5-year
77 moving average use continues to exceed the amount of
78 supplemental irrigation needed during a 5-in-10-year rainfall
79 condition for reasons other than prolonged periods of drought.

80
81 Subparagraphs 7. and 8. may not be construed to limit the
82 ability of the department or a water management district to
83 establish different supplemental irrigation requirements as part
84 of an existing or future recovery or prevention strategy adopted
85 pursuant to s. 373.0363, s. 373.042, or s. 373.0421. The uniform
86 rules must include existing recovery strategies within the
87 Central Florida Water Initiative Area adopted before July 1,
88 2016. The department may grant variances to the uniform rules if
89 there are unique circumstances or hydrogeological factors that
90 make application of the uniform rules unrealistic or
91 impractical.

92 Section 4. Section 373.0466, Florida Statutes, is created
93 to read:

94 373.0466 Central Florida Water Initiative Grant Program.—
95 Subject to appropriation, a grant program for the Central
96 Florida Water Initiative is established within the Department of
97 Environmental Protection.

98 (1) The department, in cooperation with the relevant water



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99 management districts, shall provide grants for projects that
100 benefit the Central Florida Water Initiative Area and that
101 promote alternative water supplies and protect groundwater
102 resources.

103 (2) In allocating such funds, priority must be given to
104 projects that use reclaimed water, create new surface water
105 storage, enhance natural systems, recharge groundwater, optimize
106 beneficial uses of water, expand water conservation programs, or
107 are able to demonstrate that a significant financial hardship
108 exists as a result of complying with rules applicable to the
109 Central Florida Water Initiative Area.

110 Section 5. Paragraph (a) of subsection (9) of section
111 403.8532, Florida Statutes, is amended to read:

112 403.8532 Drinking water state revolving loan fund; use;
113 rules.—

114 (9) The department may adopt rules regarding the procedural
115 and contractual relationship between the department and the
116 corporation under s. 403.1837 and to carry out the purposes of
117 this section and the federal Safe Drinking Water Act, as
118 amended. Such rules shall:

119 (a) Set forth a priority system for loans based on public
120 health considerations, compliance with state and federal
121 requirements relating to public drinking water systems, and
122 affordability. The priority system must ~~shall~~ give special
123 consideration to:

124 1. Projects that provide for the development of alternative
125 drinking water supply projects and management techniques in
126 areas where existing source waters are limited or threatened by
127 saltwater intrusion, excessive drawdowns, contamination, or



- 128 other problems;
- 129 2. Projects that provide for a dependable, sustainable
130 supply of drinking water and that are not otherwise financially
131 feasible; ~~and~~
- 132 3. Projects that contribute to the sustainability of
133 regional water sources; and
- 134 4. Projects that implement water supply plans and develop
135 water sources as an alternative to continued reliance on the
136 Floridan Aquifer, pursuant to s. 373.0465.

137 Section 6. The Legislature determines and declares that
138 this act fulfills an important state interest.

139
140 ===== T I T L E A M E N D M E N T =====

141 And the title is amended as follows:

142 Delete lines 2 - 11

143 and insert:

144 An act relating to environmental regulation; ratifying
145 specified rules relating to biosolids for the sole and
146 exclusive purpose of satisfying any condition on
147 effectiveness pursuant to s. 120.541(3), F.S., which
148 requires ratification of any rule exceeding the
149 specified thresholds for likely adverse impact or
150 increase in regulatory costs; exempting the rules from
151 certain review and approval by the Environmental
152 Regulation Commission; providing applicability;
153 ratifying specified rules relating to the Central
154 Florida Water Initiative, for the sole and exclusive
155 purpose of satisfying any condition on effectiveness
156 pursuant to s. 120.541(3), F.S., which requires



157 ratification of any rule exceeding any specified
158 thresholds for likely adverse impact or increase in
159 regulatory costs; providing applicability; amending s.
160 373.0465, F.S.; requiring the department, in
161 consultation with specified water management
162 districts, to adopt rules that include an annual
163 drought allocation for supplemental irrigation for
164 agricultural uses and a process for examining an
165 agricultural user's supplemental irrigation needs as
166 weighed against certain factors; providing for the
167 applicability of specified rules to areas with certain
168 existing recovery strategies; creating s. 373.0466,
169 F.S.; establishing, subject to appropriation, a
170 Central Florida Water Initiative Grant Program within
171 the department; requiring the department, in
172 cooperation with the relevant water management
173 districts, to distribute appropriated funds for
174 certain projects that benefit the Central Florida
175 Water Initiative Area; amending s. 403.8532, F.S.;
176 requiring the department to give funding priority to
177 certain projects relating to the Central Florida Water
178 Initiative; providing a declaration of important state
179 interest; providing an