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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD

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04/19/2021 05:13 PM

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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



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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 (3) The Legislature determines and declares that this
29 section fulfills an important state interest.

30 Section 3. Paragraph (d) of subsection (2) of section
31 373.0465, Florida Statutes, is amended to read:

32 373.0465 Central Florida Water Initiative.—

33 (2)

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

40 1. A single, uniform definition of the term "harmful to the



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41 water resources" consistent with the term's usage in s. 373.219;

42 2. A single method for calculating residential per capita
43 water use;

44 3. A single process for permit reviews;

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

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

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

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

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



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

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

94 Section 4. Section 373.0466, Florida Statutes, is created
95 to read:

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



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99 Environmental Protection.

100 (1) The department, in cooperation with the relevant water
101 management districts, shall provide grants for projects that
102 benefit the Central Florida Water Initiative Area which promote
103 alternative water supplies and protect groundwater resources.

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

111 Section 5. Paragraph (a) of subsection (9) of section
112 403.8532, Florida Statutes, is amended to read:

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

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

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

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



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128 saltwater intrusion, excessive drawdowns, contamination, or
129 other problems;

130 2. Projects that provide for a dependable, sustainable
131 supply of drinking water and that are not otherwise financially
132 feasible; ~~and~~

133 3. Projects that contribute to the sustainability of
134 regional water sources; and

135 4. Projects that implement water supply plans and develop
136 water sources as an alternative to continued reliance on the
137 Floridan Aquifer, pursuant to s. 373.0465.

138
139 ===== T I T L E A M E N D M E N T =====

140 And the title is amended as follows:

141 Delete lines 2 - 11

142 and insert:

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



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157 thresholds for likely adverse impact or increase in
158 regulatory costs; providing applicability; providing a
159 declaration of important state interest; 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; providing an