



828060

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2021	.	
	.	
	.	
	.	

---

The Committee on Appropriations (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 43 - 133

and insert:

Water Initiative Area," as published on November 19, 2020, in the Florida Administrative Register, Vol. 46, No. 226, pages 5019-5025; February 9, 2021, in the Florida Administrative Register, Vol. 47, No. 26, pages 733-734; and March 26, 2021, in the Florida Administrative Register, Vol. 47, No. 59, pages 1506-1507.



828060

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

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

25           Section 2. Paragraph (d) of subsection (2) of section  
26 373.0465, Florida Statutes, is amended to read:

27           373.0465 Central Florida Water Initiative.—

28           (2)

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

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

37           2. A single method for calculating residential per capita  
38 water use;

39           3. A single process for permit reviews;



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

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

44 6. An annual conservation goal for each consumptive use  
45 permit consistent with the regional water supply plan;~~-~~

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

56 8. A process for the applicable water management district  
57 to annually examine an agricultural user's 5-year moving average  
58 supplemental irrigation water use against the annual  
59 supplemental irrigation needs in the 5-in-10-year rainfall  
60 condition beginning no earlier than 5 years following the  
61 effective date of the rules adopted under this section. If this  
62 annual examination indicates that the agricultural user's 5-year  
63 moving average use exceeds that needed in such rainfall  
64 condition for reasons other than prolonged periods of below  
65 average rainfall, the water management district may modify the  
66 agricultural user's permit to include an annual supplemental  
67 irrigation allocation based on both the amount of supplemental  
68 irrigation required during a 2-in-10-year rainfall condition and



828060

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

77  
78 Subparagraphs 7. and 8. may not be construed to limit the  
79 ability of the department or a water management district to  
80 establish different supplemental irrigation requirements as part  
81 of an existing or future recovery or prevention strategy adopted  
82 pursuant to s. 373.0363, s. 373.042, or s. 373.0421. The uniform  
83 rules must include existing recovery strategies within the  
84 Central Florida Water Initiative Area adopted before July 1,  
85 2016. The department may grant variances to the uniform rules if  
86 there are unique circumstances or hydrogeological factors that  
87 make application of the uniform rules unrealistic or  
88 impractical.

89 Section 3. Section 373.0466, Florida Statutes, is created  
90 to read:

91 373.0466 Central Florida Water Initiative grant program.-  
92 Subject to appropriation, a grant program for the Central  
93 Florida Water Initiative is established within the Department of  
94 Environmental Protection.

95 (1) The department, in cooperation with the relevant water  
96 management districts, shall provide grants for projects that  
97 benefit the Central Florida Water Initiative Area which promote



98 alternative water supplies and protect groundwater resources.

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

106  
107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete lines 10 - 29

110 and insert:

111 providing a declaration of important state interest;  
112 amending s. 373.0465, F.S.; requiring the department, in  
113 consultation with specified water management districts, to adopt  
114 rules that include an annual drought allocation for supplemental  
115 irrigation for agricultural uses and a process for examining an  
116 agricultural user's supplemental irrigation needs as weighed  
117 against certain factors; providing for the applicability of  
118 specified rules to areas with certain existing recovery  
119 strategies; creating s. 373.0466, F.S.; establishing, subject to  
120 appropriation, a Central Florida Water Initiative grant program  
121 within the department; requiring the department, in cooperation  
122 with the relevant water management districts, to distribute  
123 appropriated funds for certain projects that benefit the Central  
124 Florida Water Initiative Area;

125