

By the Committee on Environment and Natural Resources

592-03181-21

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1 A bill to be entitled
2 An act relating to the Central Florida Water
3 Initiative; ratifying specified rules relating to the
4 Central Florida Water Initiative, for the sole and
5 exclusive purpose of satisfying any condition on
6 effectiveness pursuant to s. 120.541(3), F.S., which
7 requires ratification of any rule exceeding any
8 specified thresholds for likely adverse impact or
9 increase in regulatory costs; providing applicability;
10 requiring the Department of Environmental Protection
11 to provide reports relating to implementation of the
12 requirements of the Central Florida Water Initiative
13 rules to the Legislature by specified dates; providing
14 a declaration of important state interest; amending s.
15 373.0465, F.S.; requiring the department, in
16 consultation with specified water management
17 districts, to adopt rules that include an annual
18 supplemental irrigation requirement allocation for
19 agricultural uses and a process for examining an
20 agriculture user's average annual supplemental
21 irrigation needs; providing for the applicability of
22 specified rules to areas with certain existing
23 recovery strategies; creating s. 373.0466, F.S.;
24 establishing, subject to appropriation, a Central
25 Florida Water Initiative grant program within the
26 department; requiring the department, in cooperation
27 with the relevant water management districts, to
28 distribute appropriated funds for certain projects
29 within the Central Florida Water Initiative Area;

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30 providing requirements for the distribution; amending
31 s. 403.8532, F.S.; requiring the department to give
32 funding priority to certain projects relating to the
33 Central Florida Water Initiative; providing an
34 effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. (1) The following rule is ratified for the sole
39 and exclusive purpose of satisfying any condition on
40 effectiveness imposed under s. 120.541(3), Florida Statutes:
41 Rules 62-41.300, 62-41.301, 62.41.302, 62-41.303, 62-41.304, and
42 62-41.305, Florida Administrative Code, titled "Central Florida
43 Water Initiative Area," as published on February 9, 2021, in the
44 Florida Administrative Register, Vol. 47, No. 26, pages 733-734.

45 (2) This section serves no other purpose and shall not be
46 codified in the Florida Statutes. After this act becomes a law,
47 its enactment and effective dates shall be noted in the Florida
48 Administrative Code or the Florida Administrative Register, or
49 both, as appropriate. This section does not constitute
50 legislative preemption of or exception to any provision of law
51 governing adoption or enforcement of the rule cited, and is
52 intended to preserve the status of any cited rule as a rule
53 under chapter 120, Florida Statutes. This section does not cure
54 any rulemaking defect or preempt any challenge based on a
55 violation of the legal requirements governing the adoption of
56 any rule cited.

57 (3) By December 31, 2025, and December 31, 2030, the
58 Department of Environmental Protection shall provide a report to

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59 the President of the Senate and the Speaker of the House of
60 Representatives which details methods the department has used to
61 address practical and economic barriers to implementing the
62 requirements of the Central Florida Water Initiative rules,
63 including, but not limited to, variances, offsets, credits, and
64 financial incentives. The report must include a list of the
65 recipients of any such accommodations and the hardship addressed
66 by each accommodation.

67 (4) The Legislature determines and declares that this
68 section fulfills an important state interest.

69 Section 2. Paragraph (d) of subsection (2) of section
70 373.0465, Florida Statutes, is amended to read:

71 373.0465 Central Florida Water Initiative.—

72 (2)

73 (d) The department, in consultation with the St. Johns
74 River Water Management District, the South Florida Water
75 Management District, the Southwest Florida Water Management
76 District, and the Department of Agriculture and Consumer
77 Services, shall adopt uniform rules for application within the
78 Central Florida Water Initiative Area that include:

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

81 2. A single method for calculating residential per capita
82 water use;

83 3. A single process for permit reviews;

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

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

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

90 7. An annual supplemental irrigation requirement allocation
91 for agricultural uses based on a 2-in-10-year drought condition,
92 or a more frequently occurring drought condition if the
93 applicant so requests; and

94 8. A process for the applicable water management district
95 to examine an agriculture user's average annual supplemental
96 irrigation water use over 5-year periods against the annual
97 supplemental irrigation needs in the 5-in-10-year rainfall
98 condition. If this examination indicates that the agricultural
99 user's average annual use exceeds that needed in such rainfall
100 condition for reasons other than prolonged periods of below
101 average rainfall, the water management district may request that
102 the agricultural user explain the reason for the exceedance and
103 what measures that user will employ to reduce such future
104 average annual water use to be no greater than that needed in
105 the 5-in-10-year rainfall condition. However, nothing in this
106 process shall be identified as an allocation.

107
108 Subparagraphs 7. and 8. do not apply to areas where existing
109 recovery strategies within the Central Florida Water Initiative
110 Area adopted before July 1, 2016, contain supplemental
111 irrigation allocation requirements. The uniform rules must
112 include existing recovery strategies within the Central Florida
113 Water Initiative Area adopted before July 1, 2016. The
114 department may grant variances to the uniform rules if there are
115 unique circumstances or hydrogeological factors that make
116 application of the uniform rules unrealistic or impractical.

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117 Section 3. Section 373.0466, Florida Statutes, is created
118 to read:

119 373.0466 Central Florida Water Initiative Grant Program.-
120 Subject to appropriation, a grant program for the Central
121 Florida Water Initiative is established within the Department of
122 Environmental Protection.

123 (1) The department, in cooperation with the relevant water
124 management districts, shall provide grants for projects within
125 the Central Florida Water Initiative Area which promote
126 alternative water supplies and protect groundwater resources.

127 (2) In allocating such funds, priority must be given to
128 projects that use reclaimed water, enhance natural systems,
129 recharge groundwater, optimize beneficial uses of water, expand
130 water conservation programs, or are able to demonstrate that a
131 significant financial hardship exists as a result of complying
132 with rules applicable to the Central Florida Water Initiative
133 Area.

134 Section 4. Paragraph (a) of subsection (9) of section
135 403.8532, Florida Statutes, is amended to read:

136 403.8532 Drinking water state revolving loan fund; use;
137 rules.-

138 (9) The department may adopt rules regarding the procedural
139 and contractual relationship between the department and the
140 corporation under s. 403.1837 and to carry out the purposes of
141 this section and the federal Safe Drinking Water Act, as
142 amended. Such rules shall:

143 (a) Set forth a priority system for loans based on public
144 health considerations, compliance with state and federal
145 requirements relating to public drinking water systems, and

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146 affordability. The priority system must ~~shall~~ give special
147 consideration to:

148 1. Projects that provide for the development of alternative
149 drinking water supply projects and management techniques in
150 areas where existing source waters are limited or threatened by
151 saltwater intrusion, excessive drawdowns, contamination, or
152 other problems;

153 2. Projects that provide for a dependable, sustainable
154 supply of drinking water and that are not otherwise financially
155 feasible; ~~and~~

156 3. Projects that contribute to the sustainability of
157 regional water sources; and

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

161 Section 5. This act shall take effect upon becoming a law.