

By the Committees on Appropriations; and Environment and Natural Resources

576-04240-21

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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 providing a declaration of important state interest;
11 amending s. 373.0465, F.S.; requiring the department,
12 in consultation with specified water management
13 districts, to adopt rules that include an annual
14 drought allocation for supplemental irrigation for
15 agricultural uses and a process for examining an
16 agricultural user's supplemental irrigation needs as
17 weighed against certain factors; providing for the
18 applicability of specified rules to areas with certain
19 existing recovery strategies; creating s. 373.0466,
20 F.S.; establishing, subject to appropriation, a
21 Central Florida Water Initiative grant program within
22 the department; requiring the department, in
23 cooperation with the relevant water management
24 districts, to distribute appropriated funds for
25 certain projects that benefit the Central Florida
26 Water Initiative Area; providing requirements for the
27 distribution; amending s. 403.8532, F.S.; requiring
28 the department to give funding priority to certain
29 projects relating to the Central Florida Water

576-04240-21

20217062c1

30 Initiative; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. (1) The following rule is ratified for the sole
35 and exclusive purpose of satisfying any condition on
36 effectiveness imposed under s. 120.541(3), Florida Statutes:
37 Rules 62-41.300, 62-41.301, 62.41.302, 62-41.303, 62-41.304, and
38 62-41.305, Florida Administrative Code, titled "Central Florida
39 Water Initiative Area," as published on November 19, 2020, in
40 the Florida Administrative Register, Vol. 46, No. 226, pages
41 5019-5025; February 9, 2021, in the Florida Administrative
42 Register, Vol. 47, No. 26, pages 733-734; and March 26, 2021, in
43 the Florida Administrative Register, Vol. 47, No. 59, pages
44 1506-1507.

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) The Legislature determines and declares that this
58 section fulfills an important state interest.

576-04240-21

20217062c1

59 Section 2. Paragraph (d) of subsection (2) of section
60 373.0465, Florida Statutes, is amended to read:

61 373.0465 Central Florida Water Initiative.—

62 (2)

63 (d) The department, in consultation with the St. Johns
64 River Water Management District, the South Florida Water
65 Management District, the Southwest Florida Water Management
66 District, and the Department of Agriculture and Consumer
67 Services, shall adopt uniform rules for application within the
68 Central Florida Water Initiative Area that include:

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

71 2. A single method for calculating residential per capita
72 water use;

73 3. A single process for permit reviews;

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

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

78 6. An annual conservation goal for each consumptive use
79 permit consistent with the regional water supply plan; ~~and~~

80 7. A drought allocation for supplemental irrigation for
81 agricultural uses which is based on a 2-in-10-year rainfall
82 condition or, if the applicant so requests, is based on a 5-in-
83 10-year rainfall condition alone or combined with the 2-in-10-
84 year condition. The applicable water management district may
85 also condition, for information only purposes, consumptive use
86 permits to advise permittees that their annual use of water
87 should be less than the drought allocation in all years except

576-04240-21

20217062c1

88 for the drought condition that is the basis for the allocation
89 or for a more severe drought; and

90 8. A process for the applicable water management district
91 to annually examine an agricultural user's 5-year moving average
92 supplemental irrigation water use against the annual
93 supplemental irrigation needs in the 5-in-10-year rainfall
94 condition beginning no earlier than 5 years following the
95 effective date of the rules adopted under this section. If this
96 annual examination indicates that the agricultural user's 5-year
97 moving average use exceeds that needed in such rainfall
98 condition for reasons other than prolonged periods of below
99 average rainfall, the water management district may modify the
100 agricultural user's permit to include an annual supplemental
101 irrigation allocation based on both the amount of supplemental
102 irrigation required during a 2-in-10-year rainfall condition and
103 the amount of supplemental irrigation required during a 5-in-10-
104 year rainfall condition as provided in rules adopted pursuant to
105 this section. In such case, the supplemental irrigation
106 allocation based on the 5-in-10-year rainfall condition shall be
107 valid for only 5 years unless the agricultural user's 5-year
108 moving average use continues to exceed the amount of
109 supplemental irrigation needed during a 5-in-10-year rainfall
110 condition for reasons other than prolonged periods of drought.

111
112 Subparagraphs 7. and 8. may not be construed to limit the
113 ability of the department or a water management district to
114 establish different supplemental irrigation requirements as part
115 of an existing or future recovery or prevention strategy adopted
116 pursuant to s. 373.0363, s. 373.042, or s. 373.0421. The uniform

576-04240-21

20217062c1

117 rules must include existing recovery strategies within the
118 Central Florida Water Initiative Area adopted before July 1,
119 2016. The department may grant variances to the uniform rules if
120 there are unique circumstances or hydrogeological factors that
121 make application of the uniform rules unrealistic or
122 impractical.

123 Section 3. Section 373.0466, Florida Statutes, is created
124 to read:

125 373.0466 Central Florida Water Initiative grant program.-
126 Subject to appropriation, a grant program for the Central
127 Florida Water Initiative is established within the Department of
128 Environmental Protection.

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

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

140 Section 4. Paragraph (a) of subsection (9) of section
141 403.8532, Florida Statutes, is amended to read:

142 403.8532 Drinking water state revolving loan fund; use;
143 rules.-

144 (9) The department may adopt rules regarding the procedural
145 and contractual relationship between the department and the

576-04240-21

20217062c1

146 corporation under s. 403.1837 and to carry out the purposes of
147 this section and the federal Safe Drinking Water Act, as
148 amended. Such rules shall:

149 (a) Set forth a priority system for loans based on public
150 health considerations, compliance with state and federal
151 requirements relating to public drinking water systems, and
152 affordability. The priority system must ~~shall~~ give special
153 consideration to:

154 1. Projects that provide for the development of alternative
155 drinking water supply projects and management techniques in
156 areas where existing source waters are limited or threatened by
157 saltwater intrusion, excessive drawdowns, contamination, or
158 other problems;

159 2. Projects that provide for a dependable, sustainable
160 supply of drinking water and that are not otherwise financially
161 feasible; ~~and~~

162 3. Projects that contribute to the sustainability of
163 regional water sources; and

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

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