

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-01109C-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.; revising legislative findings;
16 requiring the department, in consultation with
17 specified water management districts, to adopt rules
18 to limit the amount of groundwater that existing and
19 future permittees may withdraw from the Floridan
20 Aquifer based on certain information; prohibiting the
21 department or the water management districts from
22 pursuing, for purposes of the Central Florida Water
23 Initiative Area only, enforcement actions against
24 permittees without first determining if the permittee
25 had good cause for an exceedance; requiring the water
26 management districts to modify existing permits upon
27 the adoption of new rules; creating s. 373.0466, F.S.;
28 establishing, subject to appropriation, a Central
29 Florida Water Initiative grant program within the

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30 department; requiring the department, in cooperation
31 with the relevant water management districts, to
32 distribute appropriated funds for certain projects
33 within the Central Florida Water Initiative Area;
34 providing requirements for the distribution; amending
35 s. 403.8532, F.S., requiring the department to give
36 funding priority to certain projects relating to the
37 Central Florida Water Initiative; providing an
38 effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

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42 Section 1. (1) The following rule is ratified for the sole
43 and exclusive purpose of satisfying any condition on
44 effectiveness imposed under s. 120.541(3), Florida Statutes:
45 Rules 62-41.300, 62-41.301, 62.41.302, 62-41.303, 62-41.304, 62-
46 41.305, Florida Administrative Code, titled "Central Florida
47 Water Initiative Area" as published on February 9, 2021, in the
48 Florida Administrative Register, Vol. 47, No. 26, pages 733-734.

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

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59 violation of the legal requirements governing the adoption of
60 any rule cited.

61 (3) By December 31, 2025, and December 31, 2030, the
62 Department of Environmental Protection shall provide a report to
63 the President of the Senate and the Speaker of the House of
64 Representatives which details methods the department has used to
65 address practical and economic barriers to implementing the
66 requirements of the Central Florida Water Initiative rules,
67 including, but not limited to, variances, offsets, credits, and
68 financial incentives. The report must include a list of the
69 recipients of any such accommodations and the hardship addressed
70 by each accommodation.

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

73 Section 2. Paragraph (b) of subsection (1) and paragraphs
74 (d) and (e) of subsection (2) of section 373.0465, Florida
75 Statutes, are amended to read:

76 373.0465 Central Florida Water Initiative.—

77 (1) The Legislature finds that:

78 (b) Because the boundaries of the St. Johns River Water
79 Management District, the South Florida Water Management
80 District, and the Southwest Florida Water Management District
81 meet within the Central Florida Coordination Area, the three
82 districts and the Department of Environmental Protection have
83 worked cooperatively to determine that the Floridan Aquifer
84 system and other water resources in the Central Florida Water
85 Initiative Area have experienced harm from cumulative
86 groundwater withdrawals and that harm is expected to increase.
87 Such harm is detrimental to the water resources of this state.

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88 Based on this determination, the water management districts and
89 the department is locally approaching the sustainable limits of
90 use and are exploring the need to develop sources of water to
91 meet the long-term water needs of the area.

92 (2)

93 (d) The department, in consultation with the St. Johns
94 River Water Management District, the South Florida Water
95 Management District, the Southwest Florida Water Management
96 District, and the Department of Agriculture and Consumer
97 Services, shall adopt uniform rules for application within the
98 Central Florida Water Initiative Area that include:

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

101 2. A single method for calculating residential per capita
102 water use;

103 3. A single process for permit reviews;

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

106 5. A goal for residential per capita water use for each
107 consumptive use permit; and

108 6. An annual conservation goal for each consumptive use
109 permit, building upon ~~consistent with~~ the regional water supply
110 plan; and

111 7. A limitation on the amount of groundwater that existing
112 and future permittees may withdraw from the Floridan Aquifer,
113 considering use type and any previously authorized mitigation.
114 The limitation must be based on the projected available
115 groundwater that may be cumulatively withdrawn across the entire
116 Central Florida Water Initiative Area without causing harm to

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117 the water resources of this state, consistent with the 2020
118 Central Florida Water Initiative Regional Water Supply Plan.

119
120 In addition to the requirements of this paragraph, the uniform
121 rules must include existing recovery strategies within the
122 Central Florida Water Initiative Area adopted before July 1,
123 2016. The department may grant variances to the uniform rules if
124 there are unique circumstances or hydrogeological factors that
125 make application of the uniform rules unrealistic or
126 impractical. For purposes of the Central Florida Water
127 Initiative Area only, the department, St. Johns River Water
128 Management District, the South Florida Water Management
129 District, or the Southwest Florida Water Management District may
130 not pursue an enforcement action against a permittee that has
131 exceeded its allocated supplemental irrigation quantity unless
132 the department or water management district has first conferred
133 with the permittee to determine whether there is good cause for
134 the exceedance.

135 (e) The department shall initiate rulemaking for the
136 uniform rules by December 31, 2016. The department's uniform
137 rules shall be applied by the water management districts only
138 within the Central Florida Water Initiative Area. Upon adoption
139 of the rules, the water management districts shall implement the
140 rules without further rulemaking pursuant to s. 120.54. The
141 rules adopted by the department pursuant to this section are
142 considered the rules of the water management districts. Upon the
143 effective date of the rules, the water management district shall
144 modify existing permits as needed to be consistent with the
145 rules.

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146 Section 3. Section 373.0466, Florida Statutes, is created
147 to read:

148 373.0466 Central Florida Water Initiative Grant Program.-
149 Subject to appropriation, a grant program for the Central
150 Florida Water Initiative is established within the Department of
151 Environmental Protection.

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

156 (2) In allocating such funds, priority must be given to
157 projects that use reclaimed water, enhance natural systems,
158 recharge groundwater, optimize beneficial uses of water, expand
159 water conservation programs, or are able to demonstrate that a
160 significant financial hardship exists as a result of complying
161 with rules applicable to the Central Florida Water Initiative
162 Area.

163 Section 4. Paragraph (a) of subsection (9) of section
164 403.8532, Florida Statutes, is amended to read:

165 403.8532 Drinking water state revolving loan fund; use;
166 rules.-

167 (9) The department may adopt rules regarding the procedural
168 and contractual relationship between the department and the
169 corporation under s. 403.1837 and to carry out the purposes of
170 this section and the federal Safe Drinking Water Act, as
171 amended. Such rules shall:

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

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175 affordability. The priority system must ~~shall~~ give special
176 consideration to:

177 1. Projects that provide for the development of alternative
178 drinking water supply projects and management techniques in
179 areas where existing source waters are limited or threatened by
180 saltwater intrusion, excessive drawdowns, contamination, or
181 other problems;

182 2. Projects that provide for a dependable, sustainable
183 supply of drinking water and that are not otherwise financially
184 feasible; ~~and~~

185 3. Projects that contribute to the sustainability of
186 regional water sources; and

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

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