

Committee on Environmental Preservation And Conservation

CS/CS/SB 552 — Environmental Resources

by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Dean

The bill (Chapter 2016-1, L.O.F.) addresses numerous topics related to Florida's environmental resources.

The bill creates the Florida Springs and Aquifer Protection Act to:

- Provide for the protection and restoration of Outstanding Florida Springs (OFSs);
- Provide timelines and deadlines for the restoration of OFSs through the Basin Management Action Plan (BMAP) process;
- Require the development of Onsite Sewage Treatment and Disposal System (OSTDS) remediation plans when OSTDSs contribute significantly to pollution of an OFS;
- Prohibit certain activities within a priority focus area for an OFS;
- Require the Department of Environmental Protection (DEP) to develop rules relating to groundwater withdrawals including the creation of a uniform definition for "harmful to the water resources" for OFSs (water management districts may adopt a more restrictive definition).

The bill updates and restructures the Northern Everglades and Estuaries Protection Program to reflect and build upon DEP's implementation of BMAPs for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary. The BMAPs will include the construction of water projects, water monitoring programs, and the implementation, verification, and enforcement of best management practices (BMPs) within these watersheds. The BMAPs will include 5, 10, and 15-year measureable milestones towards achieving the total maximum daily loads for those water basins within 20 years.

The bill revises provisions relating to Consumptive Use Permits (CUPs) to:

- Require monitoring and reporting for certain sized wells and authorizes water management districts (WMDs) to have more stringent monitoring requirements;
- Clarify that permitted allocations may not be decreased because of:
 - Additional conservation measures implemented by the permit holder;
 - Changes in certain agricultural conditions or practices that result in actual water use being less than permitted water use;
- Require the WMDs to adopt rules to incentivize water conservation;
- Create a preference for new CUP applicants that are nearest to a water source when two or more applications otherwise qualify equally.

The bill sets deadlines for the WMDs to adopt minimum flows and levels (MFLs) for waterways within their jurisdiction. The bill requires the WMDs to concurrently adopt recovery or prevention strategies for any waterway that is not meeting an MFL or that will fall below an MFL within 20 years.

The bill clarifies that BMAPs are enforceable pursuant to ss. 403.067, 403.121, 403.141, and 403.161, F.S. The bill requires DEP and the Department of Agriculture and Consumer Services (DACS) to adopt rules to verify implementation of BMPs or other measures. The rules must include enforcement procedures.

The bill requires the following to help track and monitor progress toward conservation and restoration goals:

- The Office of Economic and Demographic Research must conduct an annual assessment of water resources and conservation lands;
- DEP must publish an online, publicly accessible database of conservation lands where public access is compatible with conservation and recreational purposes;
- DEP will conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies that provides information on the status of each waterbody with respect to minimum flows and levels and nutrient impairment;
- DEP, in coordination with other entities, must establish statewide standards for the collection and analysis of water quantity, water quality, and related data;
- DEP, DACS, and the WMDs are subject to a number of new planning and reporting requirements relating to water quantity and quality.

The bill also:

- Requires the DEP to adopt by rule a specific surface water classification for surface waters used for treated potable water supply;
- Revises membership requirements for the Harris Chain of Lakes Restoration Council;
- Creates a pilot program for alternative water supply development in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation;
- Codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs in the area encompassed by the CFWI;
- Encourages public-private partnerships with agricultural land owners who provide certain environmental benefits;
- Encourages DEP and WMDs to provide technical assistance to water self-suppliers.

These provisions were approved by the Governor and take effect July 1, 2016.

Vote: Senate 37-0; House 110-2