Summary of SB 1700: Water Management
March 6, 2017

After the passage of Senate Bill 552 by the Florida Legislature in 2016 many legislators acknowledged shortcomings with the bill raised by water advocates and environmental groups. Senate Bill 1700 by Senator Gary Farmer improves upon the 2016 legislation with commonsense provisions to protect Florida's waters, including precious Outstanding Florida Springs, and ensure that our tax dollars are being used efficiently and effectively in a manner which provides maximum benefit for Florida's people and environment.

Section 1 – Amending 373.036

Requires each water management district with an Outstanding Florida Spring to estimate a maximum sustainable groundwater withdrawal which balances the needs of ecosystems and the economy.

Rationale: To make sustainable permitting decisions, properly allocate water resources, and efficiently direct water supply funding, it is essential that water management districts know how much water is available for use. Combined with Proposal 3 below (monitoring water use by permit holders) this provides much needed information for permitting water withdrawals and protecting natural resources.

Section 2 – Amending 373.0421

Eliminates redundancies among environmental agencies and unnecessary oversight of water management districts, while improving the consumptive use permitting process.

Rationale: Existing law requires water management districts to undertake a costly review and update of regional water supply plans if a consumptive (water) use permit (CUP) is denied, limiting the ability of water management districts to appropriately consider CUP applications. In practice, this change reduces the District's ability to negotiate with applicants over permit conditions and provides a significant disincentive for districts to ever deny a CUP application. The Proposal provides that should a CUP be denied, the appropriate reviewing agency is the District that denied the permit, not DEP, and that the regional water supply plan should be updated annually.

Section 3 – Amending 373.223

Requires all consumptive use permit holders to monitor water usage and report the results of monitoring to the applicable water management district on a quarterly basis following the existing procedures of Southwest Florida Water Management District's "water use permit applicant's handbook.

Rationale: Water use monitoring should apply to all large consumptive use permits, given the extended periods of some permits, the negative effects of over-pumping on Florida's springs and the need to properly allocate water supply funding. The 8 inch well inside diameter condition in current law is inappropriate; the amount pumped, not the size of the pipe, should trigger the monitoring requirement. Combined with Proposal 1 above (calculating maximum sustainable withdrawals) this proposal provides much needed basic information for permitting water withdrawals and protecting natural resources.

Section 4 – Amending 373.705

Gives preference for public funding to water supply projects that maximize water conservation.

Rationale: Water supply projects that receive preference for state or water management district funding assistance should have an environmental benefit as well as create additional water supply.

Section 5 -Amending 373.805

Requires the reservation of water to restore the minimum flow or water level for an Outstanding Florida Spring.

Rationale: Necessary tool to restore minimum flow in an Outstanding Florida Springs if flows drop below the minimum required. Water management districts are currently authorized to reserve water in certain situations, but not for protection of Outstanding Florida Springs.

Section 6 – Amending 373.807

Requires an estimated allocation of pollutant load reductions for each source or category of sources within a priority focus area of an Outstanding Florida spring. Requires agricultural producers within basin management action plan areas surrounding Outstanding Florida Springs to implement best management practices or other measures necessary to achieve pollution reduction levels within two years of the adoption of a basin management action plan. Requires DACS to assemble data on agricultural fertilizer use and provide such data to the Department of Environmental Protection.

Rationale: Pollutant load reduction allocations must identify the necessary load reductions for both groundwater and surface water to Outstanding Florida Springs. Agricultural best management practices should be implemented expeditiously near Outstanding Florida Springs. Agricultural producers in BMAP areas are already required by law to maintain fertilizer records; ensuring that these records are collected and analyzed would provide DEP with critical information for implementing restoration programs.

Section 7 – Amends 373.811

Adds industrial wastewater disposal facilities, new septic systems on lots of one acre or less within an area for which a septic tank remediation plan is necessary to achieve the total maximum daily load, and new concentrated animal feeding or finishing operations to the list of prohibited activities within the priority focus area of an Outstanding Florida Spring.

Rationale: If there is to be any hope of restoring Florida's springs, it must start with preventing new sources of pollution. Allowing new nutrient pollution sources, like industrial wastewater facilities, inside a priority focus area for an Outstanding Florida Spring ensures that we will not make sufficient progress on restoring water quality.

Current law allows the continued installation of septic systems for up to 5-7 years after the department has determined that OSTDS are a significant contributor of nutrient pollution and a remediation plan is necessary. The result could be homeowners who are forced to replace septic systems just years after they were installed, increased costs to homeowners and government, and continued declines in water quality. Delaying action on preventing new sources of nutrient pollution in OFS springsheds will increase the cost and delay the achievement of meeting water quality standards.

Section 8 – Creates 373.814

Requires the creation of improved best management practices if current agricultural best management practices are found to be insufficient to meet agricultural pollution reduction goals for Outstanding Florida Springs. Requires DACS to partner with the DEP to fund conservation easements which include the conversion to less polluting agricultural practices such as long-leaf pine cultivation on agricultural lands where current operations are inconsistent with springs protection.

Rationale: In rural areas, basin management action plans rely almost entirely on implementation of best management practices to achieve water quality goals. In some instances, advanced best management practices will be necessary to achieve water quality goals. In order to maintain lands in agricultural production and restore water quality, funding is needed to purchase conservation easements which protect farm land and pay agricultural producers to switch to less intensive agricultural activities.