

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1754

SPONSOR: Committee on Agriculture and Senator Argenziano

SUBJECT: Soil and Water Conservation

DATE: March 27, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Weidenbenner</u>	<u>Poole</u>	<u>AG</u>	<u>Favorable/CS</u>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CP</u>	<u>Favorable</u>
3.	_____	_____	<u>NR</u>	_____
4.	_____	_____	<u>GO</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute increases from 9 to 11 the number of members on the Soil and Water Conservation Council and integrates the Agricultural Water Policy Group into the Soil and Water Conservation Council by adding 12 nonvoting, ex-officio members. These members will represent the same interest groups that were represented in the Water Policy Group and are to be appointed from recommendations by the various interest groups.

A petition to organize or terminate a soil and water conservation district can be initiated by 10 percent of the landowners in the district boundaries. As an alternative to a referendum conducted by the Department of Agriculture and Consumer Services (department) to terminate a district, the Commissioner is given authority to dissolve or discontinue a district after certifying that the continued operation is not administratively practicable and feasible and then publishing a notice requiring objections or claims to be filed with the department.

This committee substitute substantially amends sections 582.06, 582.10, and 582.30 of the Florida Statutes.

II. Present Situation:

The Commissioner of Agriculture is authorized by s. 582.06, F.S., to create a Soil and Water Conservation Council by appointing 9 persons who have been practicing soil conservation and have been farming for at least 5 years to be members of the council. The Commissioner further has authority under s. 570.0705, F.S. to appoint advisory committees to assist the department with its duties and responsibilities. Pursuant to this authority, the Commissioner has established the Agriculture Water Policy Group that includes representatives from the water management districts, state and federal agencies, and environmental interests.

Twenty-five landowners within a boundary of a proposed or existing soil and water conservation district can initiate a petition to organize a district or terminate an existing district. Then the department must conduct a referendum in which all owners of lands lying within the boundaries of the district shall be eligible to vote. After the results of a referendum to organize a district, the department can determine if a district is to be created. After the results of a referendum to discontinue a district, the department is required to take action to discontinue the district if two-thirds of the voters have voted for discontinuance.

III. **Effect of Proposed Changes:**

Section 1 amends s. 582.06, F.S., to increase the number of voting members on the department's Soil and Water Conservation Council from 9 to 11 and expands the qualifications which must be met to include persons with a background in water conservation, or involved with interim measures or best management practices related to soil or water conservation and who have been engaged in agriculture or the agricultural industry.

Provides for the appointment of 12 additional members who shall be nonvoting, ex officio members and who have the following backgrounds:

- 1 from the Department of Environmental Protection
- 5 from water management districts
- 1 from the Institute of Food and Agricultural Sciences at the University of Florida
- 1 from the United States Department of Agriculture Natural Resources Conservation Service
- 1 from the Florida Association of Counties
- 1 from the Florida League of Cities
- 2 representing environmental interests

Provides that the ex officio members shall be appointed from recommendations by the organization or interest represented and removes the restriction that no two members shall be from the same congressional district.

Section 2 amends s. 582.10, F.S., to set at 10 percent the number of landowners within the boundaries of a proposed district required to file a petition to have a territory organized into a soil and water conservation district.

Section 3 amends s. 582.30, F.S., to set at 10 percent the number of landowners within the boundaries of an existing soil and water conservation district required to file a petition to have their district terminated and discontinued.

The committee substitute establishes criteria and procedures, including notice requirements, under which the Commissioner of Agriculture has authority to dissolve or discontinue a soil and water conservation district.

Section 4 provides the act shall take effect July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be an increase in efficiency due to combining two entities that are performing basically the same task.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.