

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.)

Prepared By: Environmental Preservation Committee

BILL: CS/SB 1748

SPONSOR: Agriculture Committee

SUBJECT: Agricultural Water Conservation

DATE: April 8, 2005

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------------|
| 1. | Akhavein | Poole | AG | Fav/CS |
| 2. | Kiger | Kiger | EP | Fav/1 amendment |
| 3. | | | GA | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This committee substitute revises Chapter 373, F.S., as recommended in an interim project (2005-101) that was assigned to the Agriculture Committee. A review was conducted of existing systems in the state that have been successful in the reuse of agricultural production water, irrigation runoff recycling and the use of water from stormwater retention areas. With certain statutory revisions and incentives more significant gains in water conservation and efficient water use appear to be possible.

The committee substitute requires each water management district, in cooperation with the Department of Environmental Protection and the Department of Agriculture and Consumer Services, to review rule criteria for environmental resource permits, existing permit exemptions, and alternatives to standard permitting programs and recommend to the Legislature additional regulatory alternatives that will encourage agricultural water conservation. It authorizes 20-year permits for agricultural production that incorporates agricultural water conservation measures and provides a ten percent net reduction in permitted water use or replaces a water supply source. The committee substitute authorizes the governing board of a water management district or the Department of Environmental Protection (department) to adopt rules for issuing general permits for the use of certain wetlands for implementing agricultural water conservation measures.

This committee substitute amends sections 373.236, 373.406, 373.414, and 373.2234 of the Florida Statutes.

II. Present Situation:

Florida's unique geography and warm, subtropical climate have allowed the state to become one of the most productive agricultural regions in the world. However, its population growth and greater awareness of environmental water requirements have increased the pressure on agriculture to use water more efficiently. To address this situation, an interim project (2005-101) was assigned to the Agriculture Committee to review existing situations in the state that have been successful in the reuse of agricultural production water, irrigation runoff recycling and the use of water from stormwater retention areas.

Agricultural reuse water can be compartmentalized into two categories: reclaimed water and on-farm reuse water. The focus of the interim project was on on-farm reuse water, which is farm production water that originates from a surface or groundwater source, is used to irrigate crops, with excess water captured and stored for future reuse. On-farm water reuse generally consists of three components: collection, storage, and reuse of residual irrigation water and/or excess stormwater runoff. These components involve major construction that relies upon items such as pipes, pumps, ponds, berms and ditches. It was found that there is a direct relationship between this construction and growers' access to monetary assistance. The South West Florida Water Management District and the Florida Department of Agriculture and Consumer Services have participated in the design and construction of several recovery systems mostly in the Upper Myakka River Watershed.

The purpose of this committee substitute is to implement the following recommendations of the interim project:

1. Section 373.406(9), F.S., provides an exemption from regulation for implementation of measures that restore the environment or improve water quality on agricultural lands. Revise this section to include measures whose primary purpose is water conservation on agricultural lands. The intent would be to streamline regulatory procedures for implementing agricultural water conservation measures, including agricultural reuse water recovery systems.
2. Review Environmental Resource Permit rule criteria and associated Basis of Review documents to determine the feasibility of increasing the size of permitted retention/detention ponds so they could store water for future reuse.
3. Review existing Environmental Resource Permit exemption programs, such as the Agricultural Ground and Surface Water Management, for possible statewide implementation and identify any necessary statutory changes.
4. Review existing regulations for the rehydration of small isolated wetlands that are less than 1/2 acre and have been previously drained for use as reuse water recovery systems. Consider statutory changes to streamline regulatory procedures while providing continued resource protection.

5. Review statutory criteria of Chapter 373, Part II to identify possible revisions that would provide incentives, such as 20-year permits, for implementing agricultural water conservation programs. This would reduce groundwater withdrawals in Water Resource Caution Areas where groundwater levels have been significantly impacted.

III. Effect of Proposed Changes:

Section 1. Requires each water management district, in cooperation with the Department of Environmental Protection and the Department of Agriculture and Consumer Services, to review rule criteria for environmental resource permits, existing permit exemptions, and alternatives to standard permitting programs. Requires that recommendations be made to the Legislature regarding regulatory alternatives that will encourage agricultural water conservation. Requires the Department of Agriculture and Consumer Services and the Department of Environmental Protection, by October 1, 2005, to provide recommendations developed by the review to the chairs of the Senate Committee on Agriculture, the Senate Committee on Environmental Preservation, the House of Representatives Committee on Agriculture, and the House of Representatives Committee on Water and Natural Resources.

Section 2. Amends s. 373.236, F.S., to authorize, under certain conditions, the issuance of permits for agricultural production for a period of 20 years for uses that incorporate agricultural water conservation measures and that provide a ten percent net reduction in permitted water use, or the replacement of a water supply source that has been negatively impacted by water-use withdrawals.

Section 3. Amends s. 373.406, F.S., to streamline regulatory procedures by providing that an exemption for activities having minimal adverse impact does not apply to certain environmental restoration, water conservation, or water quality improvement activities that are conducted as mitigation for wetland or other surface water impacts or any activities within a mitigation bank.

Section 4. Amends s. 373.414, F.S., to provide that it is the intent of the Legislature to provide for the use of certain wetlands for implementing agricultural water conservation measures. Authorizes the governing board of a water management district or the Department of Environmental Protection (department) to adopt criteria by rule for issuing general permits for the use of certain wetlands for implementing agricultural water conservation measures. Specifies criteria that must be included in the rule.

Section 5. Amends s. 373.2234, F.S., to correct a cross-reference.

Section 6. Provides that this act shall take effect July 1, 2005.

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:

Indeterminate. Some producers will have reduced permitting costs, either from newly qualifying for an exemption under s. 373.406(9), F.S., or from being required to obtain a general permit rather than an individual permit under the revised permitting provisions of s. 373.414(9), F.S.

C. Government Sector Impact:

Indeterminate. Not expected to be significant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

Barcode 262070

The amendment removed a section of the bill that allowed the Department of Environmental Protection and the water management districts to develop a rule for the issuance of general permits for certain agricultural activities designed to implement agricultural water conservation measures.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
