

1 A bill to be entitled
2 An act relating to agricultural water
3 conservation; requiring each water management
4 district to review rule criteria for
5 environmental resource permits, existing permit
6 exemptions, and alternatives to standard
7 permitting programs and recommend regulatory
8 alternatives that will encourage agricultural
9 water conservation; requiring a report by the
10 Department of Agriculture and Consumer Services
11 and the Department of Environmental Protection
12 to the appropriate legislative committees;
13 amending s. 373.236, F.S.; authorizing the
14 issuance of permits for agricultural production
15 for a specified period for uses that replace a
16 water supply source that has been impacted by
17 water-use withdrawals; amending s. 373.406,
18 F.S.; providing that an exemption provided for
19 activities having minimal adverse impact does
20 not apply to any activities that are conducted
21 as mitigation for wetland or other surface
22 water impacts; amending s. 373.2234, F.S.;
23 conforming a cross-reference; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Each water management district, in
29 cooperation with the Department of Environmental Protection
30 and the Department of Agriculture and Consumer Services, shall
31 review rule criteria for environmental resource permits,

1 existing permit exemptions, and alternatives to standard
2 permitting programs, such as the Agricultural Ground and
3 Surface Water Management Program implemented within the
4 Southwest Florida Water Management District, and make
5 recommendations to the Legislature regarding regulatory
6 alternatives that will encourage agricultural water
7 conservation. By October 1, 2005, the Department of
8 Agriculture and Consumer Services and the Department of
9 Environmental Protection shall provide recommendations
10 developed by the review to the chairs of the Senate Committee
11 on Agriculture, the Senate Committee on Environmental
12 Preservation, the House of Representatives Committee on
13 Agriculture, and the House of Representatives Committee on
14 Water and Natural Resources.

15 Section 2. Present subsection (3) of section 373.236,
16 Florida Statutes, is redesignated as subsection (4), and a new
17 subsection (3) is added to that section, to read:

18 373.236 Duration of permits; compliance reports.--
19 (3) In addition to the other provisions of this
20 section, permits for agricultural production shall be issued
21 for a period of 20 years for uses that replace a water supply
22 source that has been impacted by water-use withdrawals, if
23 there is sufficient data to provide reasonable assurance that
24 the conditions for issuance will be met for the 20-year
25 duration; otherwise, permits may be issued for shorter
26 durations that reflect the period for which such reasonable
27 assurances can be provided.

28 Section 3. Subsection (9) of section 373.406, Florida
29 Statutes, is amended to read:

30 373.406 Exemptions.--The following exemptions shall
31 apply:

1 (9) Implementation of measures having the primary
2 purpose of environmental restoration, water conservation, or
3 water quality improvement on agricultural lands are exempt
4 from regulation under this part where these measures or
5 practices are determined by the district or department, on a
6 case-by-case basis, to have minimal or insignificant
7 individual and cumulative adverse impact on the water
8 resources of the district ~~state~~. The district or department
9 shall provide written notification as to whether the proposed
10 activity qualifies for the exemption within 30 days after
11 receipt of a written notice requesting the exemption. No
12 activity under this exemption shall commence until the
13 district or department has provided written notice that the
14 activity qualifies for the exemption. This exemption does not
15 apply to any activities that are conducted as mitigation for
16 wetland or other surface water impacts or any activities
17 within a mitigation bank.

18 Section 4. Section 373.2234, Florida Statutes, is
19 amended to read:

20 373.2234 Preferred water supply sources.--The
21 governing board of a water management district is authorized
22 to adopt rules that identify preferred water supply sources
23 for consumptive uses for which there is sufficient data to
24 establish that a preferred source will provide a substantial
25 new water supply to meet the existing and projected
26 reasonable-beneficial uses of a water supply planning region
27 identified pursuant to s. 373.0361(1), while sustaining
28 existing water resources and natural systems. At a minimum,
29 such rules must contain a description of the preferred water
30 supply source and an assessment of the water the preferred
31 source is projected to produce. If an applicant proposes to

1 use a preferred water supply source, that applicant's proposed
2 water use is subject to s. 373.223(1), except that the
3 proposed use of a preferred water supply source must be
4 considered by a water management district when determining
5 whether a permit applicant's proposed use of water is
6 consistent with the public interest pursuant to s.
7 373.223(1)(c). A consumptive use permit issued for the use of
8 a preferred water supply source must be granted, when
9 requested by the applicant, for at least a 20-year period and
10 may be subject to the compliance reporting provisions of s.
11 373.236(4) ~~s. 373.236(3)~~. Nothing in this section shall be
12 construed to exempt the use of preferred water supply sources
13 from the provisions of ss. 373.016(4) and 373.223(2) and (3),
14 or be construed to provide that permits issued for the use of
15 a nonpreferred water supply source must be issued for a
16 duration of less than 20 years or that the use of a
17 nonpreferred water supply source is not consistent with the
18 public interest. Additionally, nothing in this section shall
19 be interpreted to require the use of a preferred water supply
20 source or to restrict or prohibit the use of a nonpreferred
21 water supply source. Rules adopted by the governing board of a
22 water management district to implement this section shall
23 specify that the use of a preferred water supply source is not
24 required and that the use of a nonpreferred water supply
25 source is not restricted or prohibited.

26 Section 5. This act shall take effect July 1, 2005.
27
28
29
30
31