



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Safeguard individual liberty:** By streamlining regulatory procedures, the bill enhances productivity for agricultural producers.

#### B. EFFECT OF PROPOSED CHANGES:

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. The Senate Agriculture Committee staff addressed this situation in an interim project (2005-101). Committee staff reviewed 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 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. The Senate committee found that there is a direct correlation 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 (department) have participated in the design and construction of several recovery systems, mostly in the Upper Myakka River Watershed.

The bill requires the water management districts, in cooperation with the Department of Environmental Protection (DEP) and the department, to review specified permit-exemption programs and make recommendations to the Legislature of additional permit exemptions that will encourage agricultural water conservation. The department must provide the recommendations by October 1, 2005.

Additionally, it authorizes the issuance of 20-year permits for implementing water conservation programs and streamlines regulatory procedures by providing that an exemption for activities having minimal adverse impact does not apply to certain environmental restoration or water quality improvement activities.

The bill authorizes the governing board or DEP to adopt criteria by rule for issuing permits for the use of wetlands for implementing agricultural water conservation measures. The bill stipulates that the rule must include specific criteria for the rehydration of small, previously drained isolated wetlands, including size thresholds and consideration of the resource benefits of water conservation.

#### C. SECTION DIRECTORY:

**Section 1:** Requiring water management districts, in conjunction with DEP and the department, to review permit-exemption programs and make recommendations; and provides for report to the Legislature.

**Section 2:** Amending s. 373.236, F.S.; providing for permits to be issued for a period of 20 years, with certain specifications.

**Section 3:** Amending s. 373.406, F.S.; streamlining procedures for implementing agricultural water conservation measures.

**Section 4:** Amending s. 373.414, F.S.; providing legislative intent; allowing for rulemaking; providing criteria re: rulemaking, and establishing general permits for relocation or filling of wetlands under certain conditions.

**Section 5:** Amending s. 373.2234, F.S.; conforming a cross-reference.

**Section 6:** Providing an effective date of July 1, 2005.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Section D., Fiscal Comments

2. Expenditures:

See Section D., Fiscal Comments

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Section D., Fiscal Comments

2. Expenditures:

See Section D., Fiscal Comments

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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.

### D. FISCAL COMMENTS:

The fiscal impact to state and local governments is not expected to be significant.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

The bill gives the governing board of the water management districts or the Department of Agriculture and Consumer Services rule-making authority regarding criteria for the issuance of general permits for the use of certain wetlands for implementing agricultural water conservation measures.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**