

CHAMBER ACTION

1 The State Resources Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

HB 1795

2005  
CS

24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

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

Section 1. Each water management district, in cooperation with the Department of Environmental Protection and the Department of Agriculture and Consumer Services, shall review rule criteria for environmental resource permits, existing permit exemptions, and alternatives to standard permitting programs, such as the Agricultural Ground and Surface Water Management Program implemented within the Southwest Florida Water Management District, and make recommendations to the Legislature regarding regulatory alternatives that will encourage agricultural water conservation. By October 1, 2005, the Department of Agriculture and Consumer Services and the Department of Environmental Protection shall 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. Subsection (3) of section 373.236, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

373.236 Duration of permits; compliance reports.--

(3) In addition to other provisions of this section, permits for agricultural production shall be issued for a period of 20 years for uses that replace a water supply source that has been impacted by water-use withdrawals, if there is sufficient

HB 1795

2005  
CS

52 | data to provide reasonable assurance that the conditions for  
 53 | issuance will be met for the 20-year duration; otherwise,  
 54 | permits may be issued for shorter durations that reflect the  
 55 | period for which such reasonable assurances can be provided.

56 | Section 3. Subsection (9) of section 373.406, Florida  
 57 | Statutes, is amended to read:

58 | 373.406 Exemptions.--The following exemptions shall apply:

59 | (9) Implementation of measures having the primary purpose  
 60 | of environmental restoration, water conservation, or water  
 61 | quality improvement on agricultural lands are exempt from  
 62 | regulation under this part where these measures or practices are  
 63 | determined by the district or department, on a case-by-case  
 64 | basis, to have minimal or insignificant individual and  
 65 | cumulative adverse impact on the water resources of the district  
 66 | state. The district or department shall provide written  
 67 | notification as to whether the proposed activity qualifies for  
 68 | the exemption within 30 days after receipt of a written notice  
 69 | requesting the exemption. No activity under this exemption shall  
 70 | commence until the district or department has provided written  
 71 | notice that the activity qualifies for the exemption. This  
 72 | exemption does not apply to any activities that are conducted as  
 73 | mitigation for wetland or other surface water impacts or any  
 74 | activities within a mitigation bank.

75 | Section 4. Section 373.2234, Florida Statutes, is amended  
 76 | to read:

77 | 373.2234 Preferred water supply sources.--The governing  
 78 | board of a water management district is authorized to adopt  
 79 | rules that identify preferred water supply sources for

HB 1795

2005  
CS

80 | consumptive uses for which there is sufficient data to establish  
 81 | that a preferred source will provide a substantial new water  
 82 | supply to meet the existing and projected reasonable-beneficial  
 83 | uses of a water supply planning region identified pursuant to s.  
 84 | 373.0361(1), while sustaining existing water resources and  
 85 | natural systems. At a minimum, such rules must contain a  
 86 | description of the preferred water supply source and an  
 87 | assessment of the water the preferred source is projected to  
 88 | produce. If an applicant proposes to use a preferred water  
 89 | supply source, that applicant's proposed water use is subject to  
 90 | s. 373.223(1), except that the proposed use of a preferred water  
 91 | supply source must be considered by a water management district  
 92 | when determining whether a permit applicant's proposed use of  
 93 | water is consistent with the public interest pursuant to s.  
 94 | 373.223(1)(c). A consumptive use permit issued for the use of a  
 95 | preferred water supply source must be granted, when requested by  
 96 | the applicant, for at least a 20-year period and may be subject  
 97 | to the compliance reporting provisions of s. 373.236(4)~~(3)~~.  
 98 | Nothing in this section shall be construed to exempt the use of  
 99 | preferred water supply sources from the provisions of ss.  
 100 | 373.016(4) and 373.223(2) and (3), or be construed to provide  
 101 | that permits issued for the use of a nonpreferred water supply  
 102 | source must be issued for a duration of less than 20 years or  
 103 | that the use of a nonpreferred water supply source is not  
 104 | consistent with the public interest. Additionally, nothing in  
 105 | this section shall be interpreted to require the use of a  
 106 | preferred water supply source or to restrict or prohibit the use  
 107 | of a nonpreferred water supply source. Rules adopted by the

HB 1795

2005  
CS

108 | governing board of a water management district to implement this  
109 | section shall specify that the use of a preferred water supply  
110 | source is not required and that the use of a nonpreferred water  
111 | supply source is not restricted or prohibited.

112 |       Section 5. This act shall take effect July 1, 2005.