

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 948

INTRODUCER: Agriculture Committee and Senator Grimsley

SUBJECT: Water Supply

DATE: April 1, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	Favorable
2.	Akhavein	Halley	AG	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 948 requires the Florida Department of Agriculture and Consumer Services (DACs) to establish an agricultural water supply planning program to develop data regarding prospective agricultural water supply demand. For purposes of regional water supply plans, the water management districts (WMDs) are required to consider the data supplied by DACs, and agricultural demand projection data and analysis submitted by local governments, in determining the best available data for future agricultural water supply demands.

This bill amends the following sections of the Florida Statutes: 373.701, 373.703, 373.709, 570.076, and 570.085.

II. Present Situation:

Regional Water Supply Planning

WMDs are required to conduct water supply needs assessments. If a WMD determines that existing resources will not be sufficient to meet reasonable-beneficial uses¹ for the planning period for a particular water supply planning region, it must prepare a regional water supply plan.² Regional water supply plans must be based on at least a 20-year planning period.³ The plan must contain:

- a water supply development component;
- a water resource development component;
- a recovery and prevention strategy;
- a funding strategy;
- the impacts on the public interest, costs, natural resources, etc.;
- technical data and information;
- any minimum flows and levels (MFLs) established for the planning area;
- the water resources for which future MFLs must be developed; and
- an analysis of where variances may be used to create water supply development or water resource development projects.⁴

Regional water supply plans include projected water supply needs for all users, including agriculture. The WMDs employ different methods in making such projections for agricultural users and use a combination of common and unique data sources. DACS participates in the regional water supply planning process and can provide input regarding agricultural water supply demand projection, but has no formal role in determining future water supply needs for agriculture.⁵

The regional water supply plans typically list water resource development and water supply development options that can meet the projected reasonable-beneficial needs of the water supply region. The plans normally include a mix of traditional and alternative water supply options.⁶ Traditional water supplies come from surface water sources, such as lakes and rivers, and from groundwater withdrawals. Alternative water supplies include activities such as treating wastewater for agricultural use, desalination of saltwater or brackish water to produce drinking water, and surface and rain water storage. Water consumers either purchase or self-supply water.

¹ Section 373.019(16), F.S. Reasonable-beneficial use is defined as, “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.” *See also* rule 62-410(2), F.A.C., for a list of 18 factors to help determine whether a water use is a reasonable-beneficial use.

² Section 373.709(1), F.S.

³ Section 373.709(2), F.S.

⁴ *Id.*

⁵ DACS, *Senate Bill 948 Analysis* (Feb. 20, 2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

⁶ Department of Environmental Protection, *Regional Water Supply Planning*, www.dep.state.fl.us/water/waterpolicy/rwsp.htm (last visited Feb. 28, 2013).

Self supplied water often comes from on-site wells or through surface water retention, among other methods.

III. Effect of Proposed Changes:

Section 1 amends s. 373.701, F.S., to add utility companies, private landowners, water consumers, and DACS to the list of entities that should cooperate to ensure that regional water supply planning will provide adequately for all areas of the state. The bill also adds rural areas to “rapidly urbanizing areas.”

Section 2 amends s. 373.703, F.S., to add “self-suppliers” to the list of entities the governing boards of the WMDs must engage in planning to assist and assisting in meeting water supply needs.

The bill adds “self-suppliers” to the list of entities that WMDs may join with to carry out any of their powers.

Section 3 amends s. 373.709, F.S. to include DACS in the list of entities the governing boards of the WMDs must coordinate and cooperate with when conducting water supply planning for water supply planning regions.

The bill requires regional water supply plans to include agricultural demand projections and that the projections must be based upon the best available data. The bill requires a full description of any adjustment or deviation from the data supplied by DACS to the WMDs and that the original data must be presented along with the adjusted data.

The bill includes “self-suppliers” in the list of entities that WMDs are to assist in developing multijurisdictional approaches to water supply project development, where appropriate.

Section 4 amends s. 570.076(2)(c), F.S., to accommodate a subsection of statute that is renumbered in the bill. Nothing is changed in the renumbered subsection.

Section 5 amends s. 570.085, F.S., to require DACS to establish an agricultural water supply planning program to supply the WMDs with anticipated agricultural water supply demands based on at least a 20-year planning period that must be considered by the WMDs when developing district water management plans.

The anticipated agricultural demands provided to the WMDs by the water supply planning program must include crop types and categories; historic, current, and future acreage estimates; crop type or category water use coefficients, any different drought coefficient, and any related assumptions; appropriate water conservation factors; and an evaluation of any significant uncertainties that would make an estimated range of projections necessary.

In the development of the anticipated agricultural demands by the water supply planning program, the bill requires DACS to consult with the agricultural industry, the University of Florida Institute of Food and Agricultural Sciences, DEP, the WMDs, the National Agricultural Statistics Service, and the United States Geological Survey.

Lastly, the bill directs DACS to coordinate with the WMDs to set a schedule for providing the data in order to comply with water supply planning provisions in ss. 373.036(2) and 373.709(2)(a)1.b., F.S.

Section 6 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DACS anticipates requesting \$1.5 million in non-recurring general revenue as part of its 2013-2014 legislative budget request to meet the requirements of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on April 1, 2013:

The committee adopted five amendments and incorporated them into the original bill as a committee substitute. The amendments:

- Ensure that regional water supply planning provides adequately for all areas of the state, and not just rapidly urbanizing areas;
- Ensure that any contractual arrangement between a water management district and a person interested in developing a water supply or alternative water supply project is consistent with the public interest. The public interest requires that the proposed water use is reasonable and beneficial and does not interfere with another legal existing user;
- Ensure that agriculture water supply projections from local governments are evaluated as part of a regional water supply plan;
- Restore existing statutory language requiring that regional water supply plans include appropriate lists of water supply and alternative water supply projects; and
- Ensure that future water demand projections developed by the Department of Agriculture and Consumer Services for agricultural land uses include appropriate water conservation factors.

B. Amendments:

None.