

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 Environment and Natural Resources

BILL: SB 1078

INTRODUCER: Senator Hutson

SUBJECT: Soil and Water Conservation Districts

DATE: January 21, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AEG</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1078 repeals ch. 582, F.S., relating to soil and water conservation districts (SWCDs). The bill abolishes all assets and liabilities of each SWCD and transfers those assets and liabilities to specified water management districts and counties.

The bill deletes references to ch. 582, F.S. and removes references and responsibilities assigned to SWCDs.

II. Present Situation:

Special Districts

A special district is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law, special act, local ordinance, or by rule of the governor and cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.³ Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁴ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁵

¹ Florida Assoc. of Special Districts, *What Districts Do*, <https://fasd.com/what-districts-do/> (last visited Jan. 17, 2022).

² See ss. 189.031(3), 189.02(1), and 190.005(1), F.S. See, generally, s. 189.012(6), F.S.

³ 2020 – 2022 Local Gov't Formation Manual, 64, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3117&Session=2021&DocumentType=General+Publications&FileName=2021-2022+Local+Government+Formation+Manual.pdf> (last visited Jan. 17, 2022).

⁴ *Id.*

⁵ *Id.* at 70-73.

A dependent special district is a special district where:

- The membership of the governing body is identical to the governing body of a single county or municipality,
- All members of the governing body are appointed by the governing body of a single county or municipality,
- Members of the district’s governing body are removable at will by the governing body of a single county or municipality, or
- The district’s budget is subject to the approval of the governing body of a single county or municipality.⁶

An independent special district is any district that is not a dependent special district.⁷

According to the Department of Economic Opportunity’s (DEO’s) Special District Accountability Program Official List of Special Districts, as of January 18, 2022, the state had 1,835 special districts.⁸ There were 1,217 independent special districts and 618 dependent districts.⁹ Special districts are governed generally by the Uniform Special District Accountability Act (Act).¹⁰ The Act centralizes provisions governing special districts and applies to the formation,¹¹ governance,¹² administration,¹³ supervision,¹⁴ merger,¹⁵ and dissolution¹⁶ of special districts, unless otherwise expressly provided in law.¹⁷

Soil and Water Conservation Districts

There are 56 active soil and water conservation districts (SWCDs).¹⁸ All SWCDs are created by the Department of Agriculture and Consumer Services (DACS) upon petition by landowners in the proposed district.¹⁹ DACS must provide for an annual audit of the accounts of receipts and disbursements for each district.²⁰

SWCDs’ stated purpose is to provide assistance, guidance, and education to landowners, land occupiers, the agricultural industry, and the general public in implementing land and water

⁶ Section 189.012(2), F.S.

⁷ Section 189.012(3), F.S.

⁸ DEO, Special District Accountability Program, *Official List of Special Districts*, specialdistrictreports.floridajobs.org/webreports/StateTotals.aspx (last visited Jan. 18, 2022).

⁹ *Id.*

¹⁰ Section 189.01, F.S., *but see* ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

¹¹ *See* ss. 189.02 (creation of dependent special districts) and 189.031, F.S. (creation of independent special districts).

¹² *See* s. 189.0311, F.S. (charter requirements for independent special districts).

¹³ *See* s. 189.019, F.S. (requiring codification of charters incorporating all special acts for the district).

¹⁴ *See* s. 189.0651, F.S. (oversight for special districts created by special act of the Legislature).

¹⁵ Sections 189.071 and 189.074, F.S.

¹⁶ Sections 189.071 and 189.072, F.S.

¹⁷ *See, e.g.*, s. 190.004, F.S. (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

¹⁸ DEO, Special District Accountability Program, *Official List of Special Districts*, <http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx> (last visited Jan. 17, 2022).

¹⁹ Sections 582.10-582.15, F.S.

²⁰ Section 582.055(3), F.S.

resource protection practices.²¹ In order to do this, SWCDs partner with a variety of entities, including DACS and its Office of Agricultural Policy, the U.S. Department of Agriculture, the Natural Resources Conservation Service, the National Association of Conservation Districts, the Association of Florida Conservation Districts, the Florida Conservation District Employees Association, the University of Florida's Institute of Food and Agricultural Sciences, the Florida Department of Environmental Protection (DEP), the water management districts, Florida Farm Bureau, and DEO.²² SWCDs also partner with the counties they serve, specifically for conservation and education.²³ The counties are a significant source of funding and other resources for SWCDs.²⁴ The boards of county commissioners can assist SWCDs with partnership opportunities and local conservation projects.²⁵

The authority of SWCDs overlaps significantly with other land and water resource management agencies, such as DEP,²⁶ DEO,²⁷ and the water management districts.²⁸ Due to this jurisdictional overlap, SWCDs today primarily focus on working with private and public landowners to provide technical and financial assistance for conservation, execute lease agreements, and manage publicly owned land.²⁹ Some other activities of SWCDs include:

- Cooperative programs like best management practices projects and Farm Bill programs like the Environmental Quality Incentives Program, the Conservation Security Program, the Agricultural Conservation Easement Program, and Regional Conservation Partnership Programs;
- Conservation projects focusing on water quality improvement, habitat restoration, and administering cost-share funds to help farmers and other landowners implement conservation practices;
- Demonstration projects focusing on irrigation, drainage, tailwater recovery, erosion control, and waste management;
- Educational Workshops on topics like water quality and quantity, pesticide and fertilizer management, watershed engineering, wetlands, soil characteristics, soil tillage techniques, plan identification, invasive plant control, farm ponds, and agricultural production;
- Mobile Irrigation Labs to evaluate agricultural irrigation systems; and
- Planning and rulemaking at the county, regional, state, and federal levels.³⁰

III. Effect of Proposed Changes:

Section 1 repeals chapter 582, F.S., which provides for the creation and management of soil and water conservation districts (SWCDs).

²¹ Section 582.02(4), F.S.

²² DACS, *Soil and Water Conservation District Supervisor Handbook*, 17-20, available at <https://www.fdacs.gov/content/download/96781/file/florida-soil-and-water-conservation-district-supervisor-handbook.pdf> (last visited Jan. 17, 2022).

²³ *Id.* at 19.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *See, e.g.*, ch. 408, F.S.

²⁷ *See, e.g.*, ch. 380, F.S.

²⁸ *See, e.g.*, ch. 373, F.S.

²⁹ DACS, *Soil and Water Conservation District Supervisor Handbook* at 4.

³⁰ *Id.* at 5.

Section 2 abolishes the following soil and water conservation districts and transfers all assets and liabilities of each of the districts to the Northwest Florida Water Management District:

- Escambia SWCD,
- Yellow River SWCD,
- Choctawhatchee River Soil and Water Conservation,
- Holmes Creek SWCD,
- Orange Hill SWCD,
- Jackson SWCD,
- Chipola River SWCD,
- Tupelo SWCD,
- Gadsden SWCD,
- Franklin SWCD,
- Leon SWCD,
- Wakulla SWCD, and
- Jefferson SWCD.

Section 3 abolishes the following SWCDs and transfers all assets and liabilities of each of the districts to the Suwannee River Water Management District:

- Taylor SWCD,
- Hamilton County SWCD,
- Suwannee County Conservation District,
- Lafayette SWCD,
- Dixie SWCD,
- Santa Fe SWCD,
- Gilchrist SWCD,
- Levy SWCD,
- Bradford SWCD, and
- Alachua SWCD.

Section 4 abolishes the following SWCDs and transfers all assets and liabilities of each of the districts to the St. Johns River Water Management District:

- Nassau SWCD,
- Baker SWCD,
- Duval SWCD,
- Clay SWCD,
- St. Johns SWCD,
- Putnam SWCD,
- Marion SWCD,
- Volusia SWCD,
- Lake SWCD,
- Seminole SWCD,
- Orange SWCD,
- Brevard SWCD, and
- Indian River SWCD.

Section 5 abolishes the following SWCDs and transfers all assets and liabilities of each of the districts to the Southwest Water Management District:

- Sumter SWCD,
- Polk SWCD,
- Hillsborough SWCD,
- Manatee River SWCD,
- Hardee SWCD,
- Peace River SWCD,
- Sarasota SWCD, and
- Charlotte SWCD.

Section 6 abolishes the following SWCDs and transfers all assets and liabilities of each of the districts to the South Florida Water Management District:

- Osceola SWCD,
- Okeechobee SWCD,
- Highlands SWCD,
- Collier SWCD,
- St. Lucie SWCD,
- Martin SWCD,
- Palm Beach SWCD,
- Broward SWCD, and
- South Dade SWCD.

Section 7 dissolves the Blackwater SWCD and transfers its assets and liabilities to Santa Rosa County.

Section 8 dissolves the Glades SWCD and transfers its assets and liabilities to Glades County.

Section 9 dissolves the Hendry SWCD and transfers its assets and liabilities to Hendry County.

Section 10 dissolves the Madison SWCD and transfers its assets and liabilities to Madison County.

Section 11 dissolves the Union SWCD and transfers its assets and liabilities to Union County.

Section 12 amends s. 120.52, F.S., to delete a reference to ch. 582, F.S., which is repealed by the bill.

Section 13 amends s. 189.0659, F.S., to conform to the bill's repeal of ch. 582, F.S., by removing the requirement that the Office of Program Policy Analysis and Government Accountability must conduct a performance review of SWCDs.

Section 14 amends s. 259.032, F.S., to remove SWCDs from a list of entities with which the lead land managing agencies can be directed to enter into contracts to perform specific management activities.

The bill deletes a requirement that the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) must consider creating an SWCD before acquiring in fee simple or less-than-fee a parcel that is or will be leased back for agricultural purposes.

The bill removes SWCDs from a list of entities with which state agencies may contract to manage certain conservation lands. It also makes conforming deletions from the requirements for land management contracts for conservation lands.

The bill removes SWCDs from the list of entities required to be on an advisory group for individual management plans for parcels over 160 acres.

Section 15 amends s. 259.036, F.S., to remove local SWCDs from a list of entities required to be on a regional land management review team.

Section 16 amends s. 373.1391, F.S., to delete a requirement that the Board of Trustees must consider creating an SWCD before acquiring in fee simple or less-than-fee a parcel that is or will be leased back for agricultural purposes.

Section 17 amends s. 373.1401, F.S., to remove a reference to provisions for SWCDs.

Section 18 amends s. 373.591, F.S., to remove the requirement that a member of the local SWCD board of supervisors be a member on a land management review team.

Section 19 amends s. 403.067, F.S., to remove the requirement that the Department of Environmental Protection coordinate in part with local SWCDs in:

- Developing and executing the total maximum daily load (TMDL) program,
- Conducting a TMDL assessment of a particular listed waterbody,
- Determining the information required to develop a TMDL, and
- Developing a basin management action plan.

Section 20 amends s. 570.66, F.S., to delete a requirement that the Office of Agricultural Policy enforce and implement the provisions of ch. 582, F.S., and rules relating to soil and water conservation.

Section 21 amends s. 570.921, F.S., relating to the Environmental Stewardship Certification Program, to delete the provision that the Soil and Water Conservation Council, created in ch. 528, F.S., develop and recommend additional criteria for receipt of an agricultural certification, which may include:

- Comprehensive management of all on-farm resources,
- Promotion of environmental awareness and responsible resource stewardship in agricultural or urban communities, and
- Completion of a curriculum of study that is related to environmental issues and regulation.

Section 22 provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Water management districts and specified counties might experience negative fiscal impacts from taking on the responsibilities of soil and water conservation districts, but might also experience positive fiscal impacts from taking on assets of soils and water conservation districts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.52, 189.0695, 259.032, 259.036, 373.1391, 373.1401, 373.591, 403.067, 570.66, and 570.921.

This bill repeals the following sections of the Florida Statutes: 582.01, 582.02, 582.055, 582.06, 582.10, 582.11, 582.12, 582.13, 582.14, 582.15, 582.16, 582.18, 582.19, 582.20, 582.28, 582.29, 582.30, 582.31, and 582.32.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
