

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1795    PCB AG 05-03    Agricultural Water Conservation  
**SPONSOR(S):** Agriculture Committee  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 1748

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Agriculture Committee	11 Y, 0 N	Kaiser	Reese
1) State Resources Council		Kaiser	Hamby
2)			
3)			
4)			
5)			

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**SUMMARY ANALYSIS**

HB 1795 represents the recommendations of the Senate Agriculture Committee staff resulting from an interim project (2005-101) relating to agricultural water reuse.

This legislation requires the water management districts, in cooperation with the Department of Environmental Protection (DEP) and the Department of Agriculture and Consumer Services (department), to review specified permit-exemption programs and make recommendations to the Legislature of additional permit exemptions that will encourage agricultural water conservation.

The bill authorizes the issuance of 20-year permits for agricultural uses that implement water conservation programs. It also exempts from permitting implementation of water conservation measures on agricultural lands when specified conditions are met.

And lastly, the bill authorizes the governing board of the water management districts or DEP to adopt criteria by rule for issuing permits for the use of wetlands for implementing agricultural water conservation measures.

This legislation does not appear to fiscally impact either state or local government.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government:** 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 and 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.

Under specified conditions, the bill authorizes the issuance of 20-year consumptive use permits for agricultural uses that replace a water supply source that has been impacted by water-use withdrawals. The bill exempts from part IV, ch. 373, F.S., relating to management and storage of surface waters, implementation of measures having the primary purpose of water conservation on agricultural lands where these measures or practices are determined by the water management district or DEP, on a case-by-case basis, to have minimal or insignificant individual and cumulative adverse impact on the water resources of the district.

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