

THE FLORIDA SENATE  
2011 SUMMARY OF LEGISLATION PASSED  
**Committee on Agriculture**

**CS/CS/HB 421 — Agricultural-related Exemptions to Water Management Requirements**

by State Affairs Committee, Agriculture & Natural Resources Appropriations Subcommittee; and Rep. Bembry and others (CS/CS/SB 1174 by Environmental Preservation and Conservation Committee, Agriculture Committee and Senators Siplin and Lynn)

This bill revises a current agricultural-related exemption from obtaining a permit from a water management district (WMD) to alter topography to provide that certain agricultural activities, consistent with the normal and customary practice in the area, may impede or divert the flow of surface waters or adversely impact wetlands, as long as it is not the sole or predominant purpose of the agricultural activity or alteration. It specifies that the exemption is retroactive to July 1, 1984 and the exemption applies to lands classified as agricultural and activities requiring an environmental resource permit but does not apply to those activities previously authorized by certain permits.

The bill gives rule making authority and the exclusive right to the Department of Agriculture and Consumer Services (DACS) to make a binding determination at the request of a landowner or a WMD as to whether the proposed activity qualifies for an agricultural-related exemption. It requires DACS and each WMD to enter into or amend a memorandum of agreement regarding the process and procedure that DACS will follow in making its determination.

The bill provides that land converted from agricultural uses will not be subject to mitigation to offset any adverse effects caused by agricultural activities if the adverse effects occurred on the land in the last 4 years preceding the conversion.

The bill expands the definition of “agricultural activities” to include cultivating, fallowing, and leveling as well as best management practices adopted by the DACS or the United States Department of Agriculture’s Natural Resources and Conservation Services provided such operations are not for the sole and predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 37-2; House 108-7*