

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 711 w/CS Soil and Water Conservation

**SPONSOR(S):** Machek

**TIED BILLS:**

**IDEN./SIM. BILLS:** CS/SB 1754 (s)

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>8 Y, 0 N</u>	<u>Sheheane</u>	<u>Highsmith-Smith</u>
2) <u>Local Government &amp; Veterans' Affairs</u>	<u>15 Y, 0 N w/CS</u>	<u>Sheheane</u>	<u>Highsmith-Smith</u>
3) <u>Agriculture</u>	<u>13 Y, 0 N</u>	<u>Kaiser</u>	<u>Reese</u>
4) <u>Agriculture &amp; Environment Apps. (Sub)</u>	<u></u>	<u>Sneed</u>	<u>Dixon</u>
5) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

The bill increases the number of voting members on the Department of Agriculture & Consumer Services' Soil and Water Conservation Council from 9 to 11 and expands the qualifications which must be met to include persons with a background in water conservation, or involved with interim measures or best management practices related to soil or water conservation and who have been engaged in agriculture or the agricultural industry. This bill provides for the appointment of 12 additional nonvoting, ex officio members. The bill provides that the ex officio members be appointed as a result of recommendations by the organization or interest represented and removes the restriction that no two members may be from the same congressional district.

The bill prescribes at 10 percent the number of landowners within the boundaries of a proposed district required to file a petition to have a territory organized into a soil and water conservation district and prescribes at 10 percent the number of landowners within the boundaries of an existing soil and water conservation district required to file a petition to have their district terminated and discontinued. The bill also establishes criteria and procedures under which the Commissioner of Agriculture has authority to dissolve or discontinue a soil and water conservation district.

The Department of Agriculture & Consumer Services would incur nominal travel and per diem costs for the two additional council members. There is no anticipated fiscal impact on local government.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0711e.ap.doc

**DATE:** April 11, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

Currently, the Commissioner of Agriculture is authorized by s. 582.06, F.S., to create a Soil and Water Conservation Council, appointing to the council nine persons who have been practicing soil conservation and have been farming for at least 5 years. The Commissioner further has authority under s. 570.0705, F.S., to appoint advisory committees to assist the Department of Agriculture and Consumer Services (department) with its duties and responsibilities. Pursuant to this authority, the Commissioner has established the Agriculture Water Policy Group that includes representatives from the water management districts, state and federal agencies, and environmental interests. Twenty-five landowners within a boundary of a proposed or existing soil and water conservation district can initiate a petition to organize a district or terminate an existing district. Then the department must conduct a referendum in which all owners of lands lying within the boundaries of the district shall be eligible to vote. After the results of a referendum to organize a district, the department can determine if a district is to be created. After the results of a referendum to discontinue a district, the department is required to take action to discontinue the district if two-thirds of the voters have voted for discontinuance.

The bill increases the number of voting members on the department’s Soil and Water Conservation Council from 9 to 11 and expands the qualifications which must be met to include persons with a background in water conservation, or involved with interim measures or best management practices related to soil or water conservation and who have been engaged in agriculture or the agricultural industry.

In addition, the bill provides for the appointment of 12 additional nonvoting, ex officio members who have the following backgrounds:

- (1) from the Department of Environmental Protection
- (5) from water management districts
- (1) from the Institute of Food and Agricultural Sciences at the University of Florida
- (1) from the United States Department of Agriculture Natural Resources Conservation Service
- (1) from the Florida Association of Counties
- (1) from the Florida League of Cities
- (2) with environmental interests background

The bill further provides that the ex officio members be appointed from recommendations by the organization or interest represented and removes the restriction that no two members may be from the same congressional district.

The bill prescribes at 10 percent the number of landowners within the boundaries of a proposed district required to file a petition to have a territory organized into a soil and water conservation district and prescribes at 10 percent the number of landowners within the boundaries of an existing soil and water conservation district required to file a petition to have their district terminated and discontinued. The bill also establishes criteria and procedures under which the Commissioner of Agriculture has authority to dissolve or discontinue a soil and water conservation district.

C. SECTION DIRECTORY:

**Section 1:** Subsection (1) of section 582.06, F.S., is amended to read:

- (1) Expands the composition of the Soil and Water Conservation Council within the Department of Agriculture and Consumer Services from 9 to 23 members.
- (a) Provides qualifications of the Council members relating to water conservation and the agriculture industry.
- (b) Provides new language prescribing the composition of twelve nonvoting ex officio members.
- (c) Provides that all members be appointed by the commissioner and that all ex officio members be appointed by the commissioner from recommendations provided by the interest represented.
- (d) Amends current language to clarify that members must serve 4-year terms or until their successor is appointed.

**Section 2:** Subsection (1) of section 582.10, F.S., is amended to read:

- (1) Raise the petition requirement for the creation of a Soil and Water Conservation District from 25 landowners to 10% of the landowners. The petition shall set forth:
  - (a) The proposed name of said district.
  - (b) That there is a need for a soil and water conservation district to function in the territory described in the petition.
  - (c) A description of the territory proposed to be organized as a district.
  - (d) A request that the department duly define the boundaries for such district; that a referendum be held within the territory; and that the department determine that such a district be created.

**Section 3:** Section 582.30, F.S., is amended to read:

582.30 Discontinuance of districts; referendum; commissioner's authority.

- (1) Amends section to increase from 25 land owners to 10% of land owners the number required within the boundaries of a district to file a petition requesting the operations of the district be terminated.
- (2) States that if two-thirds of the qualified voters in a referendum voted for the discontinuance of the district, the department is to certify to the supervisors of the district the result of the referendum and that the operation of the district is not feasible.
- (3) Establishes an alternative procedure under which the Commissioner of Agriculture has authority to dissolve or discontinue a Soil and Water Conservation District.

**Section 4:** This act shall take effect July 1, 2003.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

### D. FISCAL COMMENTS:

This bill adds two additional voting members to the Department of Agriculture and Consumer Services' Soil and Water Conservation Council. Travel and per diem costs associated with the two additional members are estimated to cost the department \$2,526 annually (assumes three meetings per year). It is the department's intention to absorb this cost within the existing budget and revenue of the General Inspection Trust Fund.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

None

1. Applicability of Municipality/County Mandates Provision:

Not applicable

2. Other:

None

### B. RULE-MAKING AUTHORITY:

Not applicable

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

In the meeting on April 1, the Committee on Local Government and Veterans' Affairs adopted one amendment which removed section 1 of the bill. Section 1 revised s. 189.403, F. S., to exclude soil and water conservation districts from the definition of "special district." In order to eliminate reporting and fee requirements that soil and water conservation districts would be subject to, pursuant to chapter 189, F.S., this section was removed from the bill.