

Handbook of Florida Water Regulation: Environmentally Safe Practices¹

Michael T. Olexa and Zachary Broome²

Preface

This handbook is designed to provide an accurate, current, and authoritative summary of the principal federal and state (Florida) laws that directly or indirectly relate to agriculture. This handbook provides a basic overview of the many rights and responsibilities that farmers and farmland owners have under both federal and state laws as well as the appropriate contact information to obtain more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time. Several details of cited laws are also left out due to space limitations.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice, and the information contained herein should not be regarded as a substitute for professional advice. This handbook is not all inclusive in providing information to achieve compliance with the federal and state laws and regulations governing water protection. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, the Florida Cooperative Extension Service, the Institute of Food and Agricultural Sciences, and the University of Florida for any liability claims, damages, or expenses that

may be incurred by any person as a result of reference to or reliance on the information contained in this handbook.

What Are Soil and Water Conservation Districts?

Florida currently has sixty-three Soil and Water Conservation Districts (SWCDs), each of which is self-governed by a board composed of five locally elected supervisors. Candidates for the SWCD boards are elected in a general election to a four-year term. Vacancies are filled by appointment by the remaining supervisors until the next regular election. Under the authority of the Soil Conservation Act, SWCDs identify areas within each district that require further conservation measures. SWCDs are advisory in nature and do not enforce regulations.

SWCDs may conduct research, construct works for soil and water conservation, and develop comprehensive plans for soil erosion control and flood prevention. In addition, SWCDs may adopt land-use regulations that may require certain agricultural practices such as contour cultivation, strip cropping, and the planting of erosion-preventative vegetation. However, SWCDs do not have the power to enforce these regulations.

The Natural Resources Conservation Service (NRCS), a branch of the United States Department of Agriculture,

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2. Michael T. Olexa, professor, Food and Resource Economics Department, and director, Agricultural Law Center, University of Florida, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL, and chair, Agricultural Law Committee, The Florida Bar, and Zachary Broome, student, Levin College of Law, University of Florida, Gainesville, FL 32611..

works with the SWCD boards to offer farmers assistance through such programs as the Conservation Technical Assistance Program in conserving and maintaining their soil, water, and other natural resources against such damage as topsoil and water erosion of their fields. It also helps farmers limit water contamination and water misuse on their farms. All NRCS measures are voluntary and are often referred to as *Best Management Practices*.

FDACS website at <http://www.floridaagwaterpolicy.com/BestManagementPractices.html>.

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What Are Best Management Practices?

Farmers interested in limiting their exposure to unwanted penalties and liabilities should utilize Best Management Practices (BMPs). BMPs are management and cultural practices that allow farmers to get the most beneficial use out of their land while preserving the purity of water bodies. These practices are defined by research and field testing to be the most effective and practicable methods. The primary sources of water contamination are suspended solids, nutrients, animal wastes, and pesticides. When these substances are present in excess, algae blooms, fish kills, sedimentation, health hazards, aesthetic changes, and modifications of plant and animal species diversity may result.

The Office of Agricultural Water Policy (OAWP) of the Florida Department of Agriculture and Consumer Services (FDACS) is actively involved in the development of BMPs, addressing both water quality and water conservation on a site-specific, regional, and watershed basis.

Both NRCS and FDACS limit these problems by involving farmers in a variety of conservation practices (i.e., BMPs). The practices vary according to the agricultural system in use, the land involved, the waters being affected, and the potential pollutants. NRCS and FDACS will identify the problem, design an appropriate BMP, oversee the implementation of the BMP, and monitor the effectiveness of the BMP; however, NRCS will not pay for the BMP.

An example of a BMP is a natural or constructed waterway maintained with stream bank vegetative cover in order to prevent soil erosion and to filter nutrients. Because BMPs change as often as technology changes, be sure to keep abreast of the most current available BMPs. Specific inquiries should be directed to your local Cooperative Extension Service or SWCD, or to OAWP.

BMP manuals adopted by FDACS for different agricultural operations and geographical regions are available at the