

2021 Handbook of Florida Water Regulation: Florida Department of Agriculture and Consumer Services¹

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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decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time.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 provided as an educational text for those interested in water use and water resource issues in Florida.

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 UF/IFAS Center for Agricultural and Natural Resource Law,

and UF/IFAS Extension 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. Note: UF/IFAS is the acronym for University of Florida, Institute of Food and Agricultural Sciences.

FDACS Overview

The Florida Department of Agriculture and Consumer Services (FDACS) carries out functions related to farming practices and products, such as ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs; assisting Florida's farmers and agricultural industries with the production and promotion of agricultural products; and conserving and protecting the state's agricultural and natural resources by reducing wildfires, promoting environmentally safe agricultural practices, and managing public lands. Responsibilities of FDACS in conserving and protecting agricultural and natural resources include

- Soil and water conservation
- The registration, labeling, and inspection of commercial fertilizers, pesticides, and gasoline and oils
- The registration (i.e., licensing and regulation) of pesticide applicators

1. This document is FE596, one of a series of the Food and Resource Economics Department, UF/IFAS Extension. Original publication date October 1998. Revised June 2017 and April 2021. Visit the EDIS website at <https://edis.ifas.ufl.edu> for the currently supported version of this publication.

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- Certification programs (including urban commercial fertilizer applicator certification and landscape maintenance applicator certification related to pesticide applications)
- The development and implementation of agricultural best management practices (BMPs) to conserve water and prevent water pollution
- Development of 20-year-demand projections for agricultural self-suppliers in five-year increments to each water management district

FDACS includes several divisions and offices. Those involving state water regulation include the Office of Agricultural Water Policy (OAWP), Division of Agricultural Environmental Services (AES), Division of Aquaculture, and Division of Florida Forest Service (FFS).

Office of Agricultural Water Policy (OAWP) works with other agencies and stakeholders to develop and implement agricultural best management practices (BMPs) to address water quality issues and achieve water conservation. “Agricultural BMPs are practical, cost-effective actions that agricultural producers can take to conserve water and reduce the amount of pesticides, fertilizers, animal waste, and other pollutants entering our water resources” (FDACS 2017). Agricultural BMP manuals are adopted by rule. Agricultural BMP adoption is voluntary, with cost-share programs available. However, note that the situation is different in the areas covered by watershed plans called Basin Management Action. In such areas, producers should enroll in the FDACS BMP program by signing Notices of Intent. Producers should also implement BMPs listed in their Notices of Intent and keep appropriate records of BMP implementation. These records are required during the “implementation verification” process by FDACS. If these requirements are not met, producers are required to conduct a water quality monitoring plan approved by the Florida Department of Environmental Protection (FDEP) or appropriate Water Management District (FWMD), which can be expensive.

The requirements for BMAPs are stringent due to the impairment of water quality in lake, rivers, or springs. Agricultural BMPs and other projects are the strategies included in BMAPs to achieve the water pollution reduction goals set to meet the water quality criteria for the designated uses (such as swimming, fishing, or supplying drinking water). BMAPs include strategies to achieve the Total Maximum Daily Load (TMDL) required to reduce water pollutants..

More information about FDACS agricultural BMP program can be found in the following resources:

- FDACS OAWP website with links to various resources related to the BMP program (<https://www.fdacs.gov/Divisions-Offices/Agricultural-Water-Policy>)
- FDACS “What Are Agricultural Best Management Practices?” brochure (<https://www.fdacs.gov/content/download/30796/file/What-Are-FDACS-best-management-practices.pdf>)
- UF/IFAS EDIS AE388 document “Total Maximum Daily Loads and Agricultural BMPs in Florida” (<https://edis.ifas.ufl.edu/publication/ae388>)

Division of Agricultural Environmental Services administers various regulatory programs concerning environmental and consumer protection issues, including agricultural pesticide and fertilizer registration and regulation (<https://www.fdacs.gov/Divisions-Offices/Agricultural-Environmental-Services>).

Division of Aquaculture works with aquaculture facilities, shellfish processing plants, and shellfish harvesting areas on such issues as leases of submerged state lands and oyster reefs restoration (<https://www.fdacs.gov/Divisions-Offices/Aquaculture>).

Division of Florida Forest Service focuses on protection and management of Florida’s forests, with *Forest Hydrology Section* being responsible for water resource management and hydrologic restoration in forested areas (<https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices>).

More information can be found at the FDACS website (<https://www.fdacs.gov/>).

Sources

Agricultural Water Policy (<https://www.fdacs.gov/Divisions-Offices/Agricultural-Water-Policy>)

Total Maximum Daily Loads and Agricultural BMPs in Florida (<https://edis.ifas.ufl.edu/publication/ae388>)

Acknowledgments

The authors are indebted to the personnel of both state and federal agencies who provided their time and advice in the preparation of this handbook. We acknowledge Carol Fountain and Susan Gildersleeve at the University of Florida for their assistance in editing this handbook. We also acknowledge funding received for updating this publication from the James S. and Dorothy F. Wershow Agricultural Law Endowment.