

I. Introduction

General Purpose

This handbook is designed to act as a compass through the maze of statutes, regulations and potential liabilities which identify the current mass of water protection law. Created for readers with no prior experience in law, it is designed as a necessary first step in recognizing which agricultural activities merit special attention because of their groundwater and surface water implications. It also provides an introduction to the crucial agencies and statutes which govern the realm of water protection.

The law in this area is evolving rapidly as concern for the environment increases. Because the sources and goals of the existing environmental statutes vary, the law as a whole has not developed with systematic precision. This presents a confusing array of overlapping, unclear and occasionally even contradictory mandates. Consequently, this area of law often presents a formidable barrier to both lawyers and laypersons struggling to determine their exact rights and responsibilities. Perseverance is necessary, though, as penalties or liabilities in some instances may be quite substantial.

This work should not be regarded as the final word on any of the topics discussed, as a comprehensive study of this area is far beyond the reach of a publication of this size. Rather, the reader should view this publication as a means to determine the areas in which to seek more information and as a brief directory of agencies which can help answer more specific questions. State and federal agencies are unquestionably the best targets for specific questions, as they are in close touch with both the formal and practical considerations of the areas they regulate. Consequently at the end of each subsection of "Regulated Activities", there are Contact Information codes which refer to the addresses and/or phone numbers of the agencies and divisions listed in the Appendix. These agencies can provide more information on the topic, answer specific questions and often supply free literature.

This publication's effectiveness can only be enhanced by the submission of ideas and suggestions about the scope and quality of its coverage. Comments regarding any areas which may have been omitted, but deserve inclusion, would be particularly valued. Reader feedback is a necessary ingredient to complete any successful future editions. With this in mind, please send any comments or suggestions to:

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II. State Regulatory Powers

State law overview

State law fills the gaps and supplements federal law. State law also often duplicates federal law. In many instances, however, state law standards are more strict than federal standards. Consequently, compliance with state law often assures compliance with federal laws as well.

In a nutshell, state law takes two forms — statutes and administrative rules.

Statutes are passed by the state legislature and set out the basic goals of the legislature and the procedures it wants applied to accomplish these goals. Although statutes often provide fairly specific directions or prohibitions, many details of regulating an area of