

1                                   A bill to be entitled  
2           An act relating to basin management action plans;  
3           amending s. 403.067, F.S.; providing additional  
4           management strategies for basin management action  
5           plans; providing legislative intent regarding  
6           enforcement and verification of basin management  
7           action plans and management strategies; requiring  
8           certain basin management action plans to include  
9           certain cooperative regional water quality improvement  
10          elements; providing requirements for the Department of  
11          Environmental Protection, the Department of  
12          Agriculture and Consumer Services, and owners of  
13          agricultural operations in developing and implementing  
14          such elements; requiring the Department of Agriculture  
15          and Consumer Services to work with the Department of  
16          Environmental Protection to improve the accuracy of  
17          data used to estimate certain agricultural land uses  
18          and to work with producers to identify certain  
19          agricultural technologies; requiring the University of  
20          Florida Institute of Food and Agricultural Sciences to  
21          work with the Department of Agriculture and Consumer  
22          Services to develop a specified research plan and  
23          legislative budget request; requiring the Department  
24          of Environmental Protection to work with the  
25          University of Florida Institute of Food and

26 | Agricultural Sciences to consider the adoption of best  
 27 | management practices for nutrient impacts from golf  
 28 | courses; establishing a nutrient reduction cost-share  
 29 | program within the Department of Environmental  
 30 | Protection; providing requirements for such program;  
 31 | providing legislative intent regarding rural  
 32 | homesteads; providing a definition; exempting such  
 33 | homesteads from certain best management practices  
 34 | under certain conditions; amending s. 403.0675, F.S.;  
 35 | requiring the Department of Environmental Protection  
 36 | and the Department of Agriculture and Consumer  
 37 | Services to include specified information in annual  
 38 | progress reports for basin management action plans;  
 39 | providing an effective date.

40 |

41 | Be It Enacted by the Legislature of the State of Florida:

42 |

43 | Section 1. Subsection (7) of section 403.067, Florida  
 44 | Statutes, is amended, and subsections (14) and (15) are added to  
 45 | that section, to read:

46 | 403.067 Establishment and implementation of total maximum  
 47 | daily loads.—

48 | (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
 49 | IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

50 | (a) Basin management action plans.—

51           1. In developing and implementing the total maximum daily  
 52 load for a water body, the department, or the department in  
 53 conjunction with a water management district, may develop a  
 54 basin management action plan that addresses some or all of the  
 55 watersheds and basins tributary to the water body. Such plan  
 56 must integrate the appropriate management strategies available  
 57 to the state through existing water quality protection programs  
 58 to achieve the total maximum daily loads and may provide for  
 59 phased implementation of these management strategies to promote  
 60 timely, cost-effective, and technically and financially  
 61 practical actions as provided for in s. 403.151. The plan must  
 62 establish a schedule implementing the management strategies,  
 63 establish a basis for evaluating the plan's effectiveness, and  
 64 identify feasible funding strategies for implementing the plan's  
 65 management strategies. The management strategies may include:  
 66           a. Regional treatment systems or other public works, where  
 67 appropriate; ~~and~~  
 68           b. Voluntary trading of water quality credits to achieve  
 69 the needed pollutant load reductions;  
 70           c. Interim measures, best management practices, or other  
 71 measures in paragraph (c);  
 72           d. Implementation of cooperative agricultural regional  
 73 water quality improvement projects or practices in paragraph  
 74 (e); and  
 75           e. Cooperative urban, suburban, commercial, or

76 | institutional regional water quality improvement projects or  
77 | practices in paragraph (f).

78 |       2. A basin management action plan must equitably allocate,  
79 | pursuant to paragraph (6) (b), pollutant reductions to individual  
80 | basins, as a whole to all basins, or to each identified point  
81 | source or category of nonpoint sources, as appropriate. For  
82 | nonpoint sources for which best management practices have been  
83 | adopted, the initial requirement specified by the plan must be  
84 | those practices developed pursuant to paragraph (c). Where  
85 | appropriate, the plan may take into account the benefits of  
86 | pollutant load reduction achieved by point or nonpoint sources  
87 | that have implemented management strategies to reduce pollutant  
88 | loads, including best management practices, before the  
89 | development of the basin management action plan. The plan must  
90 | also identify the mechanisms that will address potential future  
91 | increases in pollutant loading.

92 |       3. The basin management action planning process is  
93 | intended to involve the broadest possible range of interested  
94 | parties, with the objective of encouraging the greatest amount  
95 | of cooperation and consensus possible. In developing a basin  
96 | management action plan, the department shall assure that key  
97 | stakeholders, including, but not limited to, applicable local  
98 | governments, water management districts, the Department of  
99 | Agriculture and Consumer Services, other appropriate state  
100 | agencies, local soil and water conservation districts,

101 environmental groups, regulated interests, and affected  
102 pollution sources, are invited to participate in the process.  
103 The department shall hold at least one public meeting in the  
104 vicinity of the watershed or basin to discuss and receive  
105 comments during the planning process and shall otherwise  
106 encourage public participation to the greatest practicable  
107 extent. Notice of the public meeting must be published in a  
108 newspaper of general circulation in each county in which the  
109 watershed or basin lies not less than 5 days nor more than 15  
110 days before the public meeting. A basin management action plan  
111 does not supplant or otherwise alter any assessment made under  
112 subsection (3) or subsection (4) or any calculation or initial  
113 allocation.

114 4. Each new or revised basin management action plan shall  
115 include:

116 a. The appropriate management strategies available through  
117 existing water quality protection programs to achieve total  
118 maximum daily loads, which may provide for phased implementation  
119 to promote timely, cost-effective actions as provided for in s.  
120 403.151;

121 b. A description of best management practices adopted by  
122 rule;

123 c. A list of projects in priority ranking with a planning-  
124 level cost estimate and estimated date of completion for each  
125 listed project;

126 d. The source and amount of financial assistance to be  
127 made available by the department, a water management district,  
128 or other entity for each listed project, if applicable; and

129 e. A planning-level estimate of each listed project's  
130 expected load reduction, if applicable.

131 5. The department shall adopt all or any part of a basin  
132 management action plan and any amendment to such plan by  
133 secretarial order pursuant to chapter 120 to implement ~~the~~  
134 ~~provisions of~~ this section.

135 6. The basin management action plan must include  
136 milestones for implementation and water quality improvement, and  
137 an associated water quality monitoring component sufficient to  
138 evaluate whether reasonable progress in pollutant load  
139 reductions is being achieved over time. An assessment of  
140 progress toward these milestones shall be conducted every 5  
141 years, and revisions to the plan shall be made as appropriate.  
142 Revisions to the basin management action plan shall be made by  
143 the department in cooperation with basin stakeholders. Revisions  
144 to the management strategies required for nonpoint sources must  
145 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised  
146 basin management action plans must be adopted pursuant to  
147 subparagraph 5.

148 7. In accordance with procedures adopted by rule under  
149 paragraph (9)(c), basin management action plans, and other  
150 pollution control programs under local, state, or federal

151 authority as provided in subsection (4), may allow point or  
152 nonpoint sources that will achieve greater pollutant reductions  
153 than required by an adopted total maximum daily load or  
154 wasteload allocation to generate, register, and trade water  
155 quality credits for the excess reductions to enable other  
156 sources to achieve their allocation; however, the generation of  
157 water quality credits does not remove the obligation of a source  
158 or activity to meet applicable technology requirements or  
159 adopted best management practices. Such plans must allow trading  
160 between NPDES permittees, and trading that may or may not  
161 involve NPDES permittees, where the generation or use of the  
162 credits involve an entity or activity not subject to department  
163 water discharge permits whose owner voluntarily elects to obtain  
164 department authorization for the generation and sale of credits.

165 8. The provisions of the department's rule relating to the  
166 equitable abatement of pollutants into surface waters do not  
167 apply to water bodies or water body segments for which a basin  
168 management plan that takes into account future new or expanded  
169 activities or discharges has been adopted under this section.

170 (b) Total maximum daily load implementation.—

171 1. The department shall be the lead agency in coordinating  
172 the implementation of the total maximum daily loads through  
173 existing water quality protection programs. Application of a  
174 total maximum daily load by a water management district must be  
175 consistent with this section and does not require the issuance

176 of an order or a separate action pursuant to s. 120.536(1) or s.  
 177 120.54 for the adoption of the calculation and allocation  
 178 previously established by the department. Such programs may  
 179 include, but are not limited to:

180 a. Permitting and other existing regulatory programs,  
 181 including water-quality-based effluent limitations;

182 b. Nonregulatory and incentive-based programs, including  
 183 best management practices, cost sharing, waste minimization,  
 184 pollution prevention, agreements established pursuant to s.  
 185 403.061(21), and public education;

186 c. Other water quality management and restoration  
 187 activities, for example surface water improvement and management  
 188 plans approved by water management districts or basin management  
 189 action plans developed pursuant to this subsection;

190 d. Trading of water quality credits or other equitable  
 191 economically based agreements;

192 e. Public works including capital facilities; or

193 f. Land acquisition.

194 2. For a basin management action plan adopted pursuant to  
 195 paragraph (a), any management strategies and pollutant reduction  
 196 requirements associated with a pollutant of concern for which a  
 197 total maximum daily load has been developed, including effluent  
 198 limits ~~set forth~~ for a discharger subject to NPDES permitting,  
 199 if any, must be included in a timely manner in subsequent NPDES  
 200 permits or permit modifications for that discharger. The



201 department may not impose limits or conditions implementing an  
202 adopted total maximum daily load in an NPDES permit until the  
203 permit expires, the discharge is modified, or the permit is  
204 reopened pursuant to an adopted basin management action plan.

205 a. Absent a detailed allocation, total maximum daily loads  
206 must be implemented through NPDES permit conditions that provide  
207 for a compliance schedule. In such instances, a facility's NPDES  
208 permit must allow time for the issuance of an order adopting the  
209 basin management action plan. The time allowed for the issuance  
210 of an order adopting the plan may not exceed 5 years. Upon  
211 issuance of an order adopting the plan, the permit must be  
212 reopened or renewed, as necessary, and permit conditions  
213 consistent with the plan must be established. Notwithstanding  
214 the other provisions of this subparagraph, upon request by an  
215 NPDES permittee, the department as part of a permit issuance,  
216 renewal, or modification may establish individual allocations  
217 before the adoption of a basin management action plan.

218 b. For holders of NPDES municipal separate storm sewer  
219 system permits and other stormwater sources, implementation of a  
220 total maximum daily load or basin management action plan must be  
221 achieved, to the maximum extent practicable, through the use of  
222 best management practices or other management measures.

223 c. The basin management action plan does not relieve the  
224 discharger from any requirement to obtain, renew, or modify an  
225 NPDES permit or to abide by other requirements of the permit.

226 d. Management strategies ~~set forth~~ in a basin management  
227 action plan to be implemented by a discharger subject to  
228 permitting by the department must be completed pursuant to the  
229 schedule ~~set forth~~ in the basin management action plan. This  
230 implementation schedule may extend beyond the 5-year term of an  
231 NPDES permit.

232 e. Management strategies and pollution reduction  
233 requirements ~~set forth~~ in a basin management action plan for a  
234 specific pollutant of concern are not subject to challenge under  
235 chapter 120 at the time they are incorporated, in an identical  
236 form, into a subsequent NPDES permit or permit modification.

237 f. For nonagricultural pollutant sources not subject to  
238 NPDES permitting but permitted pursuant to other state,  
239 regional, or local water quality programs, the pollutant  
240 reduction actions adopted in a basin management action plan must  
241 be implemented to the maximum extent practicable as part of  
242 those permitting programs.

243 g. A nonpoint source discharger included in a basin  
244 management action plan must demonstrate compliance with the  
245 pollutant reductions established under subsection (6) by  
246 implementing the appropriate best management practices  
247 established pursuant to paragraph (c) or conducting water  
248 quality monitoring prescribed by the department or a water  
249 management district. A nonpoint source discharger may, in  
250 accordance with department rules, supplement the implementation

251 of best management practices with water quality credit trades in  
252 order to demonstrate compliance with the pollutant reductions  
253 established under subsection (6).

254 h. A nonpoint source discharger included in a basin  
255 management action plan may be subject to enforcement action by  
256 the department or a water management district based upon a  
257 failure to implement the responsibilities ~~set forth~~ in sub-  
258 subparagraph g.

259 i. A landowner, discharger, or other responsible person  
260 who is implementing applicable management strategies specified  
261 in an adopted basin management action plan may not be required  
262 by permit, enforcement action, or otherwise to implement  
263 additional management strategies, including water quality credit  
264 trading, to reduce pollutant loads to attain the pollutant  
265 reductions established pursuant to subsection (6) and shall be  
266 deemed to be in compliance with this section. This subparagraph  
267 does not limit the authority of the department to amend a basin  
268 management action plan as specified in subparagraph (a)6.

269 (c) Best management practices.—

270 1. The department, in cooperation with the water  
271 management districts and other interested parties, as  
272 appropriate, may develop suitable interim measures, best  
273 management practices, or other measures necessary to achieve the  
274 level of pollution reduction established by the department for  
275 nonagricultural nonpoint pollutant sources in allocations

276 developed pursuant to subsection (6) and this subsection. These  
277 practices and measures may be adopted by rule by the department  
278 and the water management districts and, when ~~where~~ adopted by  
279 rule, shall be implemented by those parties responsible for  
280 nonagricultural nonpoint source pollution.

281 2. The Department of Agriculture and Consumer Services may  
282 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
283 suitable interim measures, best management practices, or other  
284 measures necessary to achieve the level of pollution reduction  
285 established by the department for agricultural pollutant sources  
286 in allocations developed pursuant to subsection (6) and this  
287 subsection or for programs implemented pursuant to paragraph  
288 (12) (b). These practices and measures may be implemented by  
289 those parties responsible for agricultural pollutant sources and  
290 the department, the water management districts, and the  
291 Department of Agriculture and Consumer Services shall assist  
292 with implementation. In the process of developing and adopting  
293 rules for interim measures, best management practices, or other  
294 measures, the Department of Agriculture and Consumer Services  
295 shall consult with the department, the Department of Health, the  
296 water management districts, representatives from affected  
297 farming groups, and environmental group representatives. Such  
298 rules must also incorporate provisions for a notice of intent to  
299 implement the practices and a system to assure the  
300 implementation of the practices, including site inspection and

301 recordkeeping requirements.

302       3. When ~~where~~ interim measures, best management practices,  
303 or other measures are adopted by rule, the effectiveness of such  
304 practices in achieving the levels of pollution reduction  
305 established in allocations developed by the department pursuant  
306 to subsection (6) and this subsection or in programs implemented  
307 pursuant to paragraph (12) (b) must be verified at representative  
308 sites by the department. The department shall use best  
309 professional judgment in making the initial verification that  
310 the best management practices are reasonably expected to be  
311 effective and, where applicable, must notify the appropriate  
312 water management district or the Department of Agriculture and  
313 Consumer Services of its initial verification before the  
314 adoption of a rule proposed pursuant to this paragraph.  
315 Implementation, in accordance with rules adopted under this  
316 paragraph, of practices that have been initially verified to be  
317 effective, or verified to be effective by monitoring at  
318 representative sites, by the department, shall provide a  
319 presumption of compliance with state water quality standards and  
320 release from ~~the provisions of~~ s. 376.307(5) for those  
321 pollutants addressed by the practices, and the department is not  
322 authorized to institute proceedings against the owner of the  
323 source of pollution to recover costs or damages associated with  
324 the contamination of surface water or groundwater caused by  
325 those pollutants. Research projects funded by the department, a

326 water management district, or the Department of Agriculture and  
327 Consumer Services to develop or demonstrate interim measures or  
328 best management practices shall be granted a presumption of  
329 compliance with state water quality standards and a release from  
330 ~~the provisions of~~ s. 376.307(5). The presumption of compliance  
331 and release is limited to the research site and only for those  
332 pollutants addressed by the interim measures or best management  
333 practices. Eligibility for the presumption of compliance and  
334 release is limited to research projects on sites where the owner  
335 or operator of the research site and the department, a water  
336 management district, or the Department of Agriculture and  
337 Consumer Services have entered into a contract or other  
338 agreement that, at a minimum, specifies the research objectives,  
339 the cost-share responsibilities of the parties, and a schedule  
340 that details the beginning and ending dates of the project.

341 4. When ~~where~~ water quality problems are demonstrated,  
342 despite the appropriate implementation, operation, and  
343 maintenance of best management practices and other measures  
344 required by rules adopted under this paragraph, the department,  
345 a water management district, or the Department of Agriculture  
346 and Consumer Services, in consultation with the department,  
347 shall institute a reevaluation of the best management practice  
348 or other measure. Should the reevaluation determine that the  
349 best management practice or other measure requires modification,  
350 the department, a water management district, or the Department

351 of Agriculture and Consumer Services, as appropriate, shall  
352 revise the rule to require implementation of the modified  
353 practice within a reasonable time period as specified in the  
354 rule.

355 5. Agricultural records relating to processes or methods  
356 of production, costs of production, profits, or other financial  
357 information held by the Department of Agriculture and Consumer  
358 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
359 rule adopted pursuant to subparagraph 2. are confidential and  
360 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
361 Constitution. Upon request, records made confidential and exempt  
362 pursuant to this subparagraph shall be released to the  
363 department or any water management district provided that the  
364 confidentiality specified by this subparagraph for such records  
365 is maintained.

366 6. ~~The provisions of~~ Subparagraphs 1. and 2. do not  
367 preclude the department or water management district from  
368 requiring compliance with water quality standards or with  
369 current best management practice requirements ~~set forth~~ in any  
370 applicable regulatory program authorized by law for the purpose  
371 of protecting water quality. Additionally, subparagraphs 1. and  
372 2. are applicable only to the extent that they do not conflict  
373 with any rules adopted by the department that are necessary to  
374 maintain a federally delegated or approved program.

375 (d) Enforcement and verification of basin management

376 | action plans and management strategies.—

377 |       1. Basin management action plans are enforceable pursuant  
378 | to this section and ss. 403.121, 403.141, and 403.161.

379 | Management strategies, including best management practices and  
380 | water quality monitoring, are enforceable under this chapter.

381 |       2. No later than January 1, 2017:

382 |       a. The department, in consultation with the water  
383 | management districts and the Department of Agriculture and  
384 | Consumer Services, shall initiate rulemaking to adopt procedures  
385 | to verify implementation of water quality monitoring required in  
386 | lieu of implementation of best management practices or other  
387 | measures pursuant to sub-subparagraph (b)2.g.;

388 |       b. The department, in consultation with the water  
389 | management districts and the Department of Agriculture and  
390 | Consumer Services, shall initiate rulemaking to adopt procedures  
391 | to verify implementation of nonagricultural interim measures,  
392 | best management practices, or other measures adopted by rule  
393 | pursuant to subparagraph (c)1.; and

394 |       c. The Department of Agriculture and Consumer Services, in  
395 | consultation with the water management districts and the  
396 | department, shall initiate rulemaking to adopt procedures to  
397 | verify implementation of agricultural interim measures, best  
398 | management practices, or other measures adopted by rule pursuant  
399 | to subparagraph (c)2.

400 |



401 The rules required under this subparagraph shall include  
402 enforcement procedures applicable to the landowner, discharger,  
403 or other responsible person required to implement applicable  
404 management strategies, including best management practices or  
405 water quality monitoring as a result of noncompliance.

406 3. A nonagricultural and agricultural nonpoint source  
407 owner or operator who discharges into a basin included in an  
408 adopted basin management action plan must comply with the  
409 following, as applicable, within 5 years after the date of the  
410 adoption of the basin management action plan or an amendment  
411 thereto that imposes new requirements:

412 a. For a nonagricultural nonpoint source discharger,  
413 nonagricultural interim measures, nonagricultural best  
414 management practices, or other measures adopted by rule pursuant  
415 to subparagraph (c)1. or management measures adopted in a basin  
416 management action plan.

417 b. For an agricultural nonpoint source discharger,  
418 agricultural interim measures, agricultural best management  
419 practices, or other measures adopted by rule pursuant to  
420 subparagraph (c)2. and implemented according to a notice of  
421 intent filed by the agricultural nonpoint source discharger.

422 c. For an agricultural and nonagricultural nonpoint source  
423 discharger who opts to implement water quality monitoring in  
424 lieu of compliance with sub-subparagraph a. or sub-subparagraph  
425 b., water quality monitoring required under subparagraph (b)2.g.

426 4. Implementation of actions in subparagraph 3. shall be  
427 verified by a site visit at least once every 2 years by the  
428 responsible agency as follows:

429 a. For nonagricultural interim measures, nonagricultural  
430 best management practices, or other measures adopted by rule  
431 pursuant to subparagraph (c)1., verification by the department  
432 or water management district, as appropriate.

433 b. For agricultural interim measures, agricultural best  
434 management practices, or other measures adopted by rule pursuant  
435 to subparagraph (c)2., verification by the Department of  
436 Agriculture and Consumer Services.

437 c. For management measures adopted in a basin management  
438 action plan, verification by the department.

439  
440 If verification pursuant to this subparagraph cannot be  
441 accomplished every 2 years, the responsible agency shall include  
442 recommendations for meeting the intent of the verification along  
443 with a budget request as part of the progress report required  
444 under s. 403.0675.

445 (e) Cooperative agricultural regional water quality  
446 improvement element.-

447 1. The department, the Department of Agriculture and  
448 Consumer Services, and owners of agricultural operations in the  
449 basin shall develop a cooperative agricultural regional water  
450 quality improvement element as part of a basin management action

451 plan only if:

452 a. Agricultural measures have been adopted by the  
453 Department of Agriculture and Consumer Services pursuant to  
454 subparagraph (c)2. and have been implemented and the waterbody  
455 remains impaired;

456 b. Agricultural nonpoint sources contribute to at least 20  
457 percent of nonpoint source nutrient discharges; and

458 c. The department determines that additional measures, in  
459 combination with state-sponsored regional projects and other  
460 management strategies included in the basin management action  
461 plan, are necessary to achieve the total maximum daily load.

462 2. The element will be implemented through a cost-sharing  
463 program as provided by law. The element must include cost-  
464 effective and technically and financially practical cooperative  
465 regional agricultural nutrient reduction projects that can be  
466 implemented on private properties on a site-specific,  
467 cooperative basis if funding is made available as provided by  
468 law. Such cooperative regional agricultural nutrient reduction  
469 projects may include land acquisition in fee or conservation  
470 easements on the lands of willing sellers and site-specific  
471 water quality improvement or dispersed water management projects  
472 on the lands of program participants.

473 3. To qualify for participation in the cooperative  
474 agricultural regional water quality improvement element, the  
475 participant must have already implemented the interim measures,

476 best management practices, or other measures adopted by the  
477 Department of Agriculture and Consumer Services pursuant to  
478 subparagraph (c)2. The element may be included in the basin  
479 management action plan as a part of the next 5-year assessment  
480 under subparagraph (a)6.

481 (f) Cooperative urban, suburban, commercial, or  
482 institutional regional water quality improvement element.-

483 1. The department, the Department of Health, local  
484 governments, and water management districts with jurisdiction in  
485 the basin shall develop a cooperative urban, suburban,  
486 commercial, or institutional regional water quality improvement  
487 element as part of a basin management action plan in which:

488 a. Nonagricultural interim measures and nonagricultural  
489 best management practices have been implemented and the  
490 waterbody remains impaired;

491 b. Nonagricultural nonpoint sources contribute to at least  
492 20 percent of nonpoint source nutrient discharges; and

493 c. The department determines that additional measures, in  
494 combination with state-sponsored regional projects and other  
495 management strategies included in the basin management action  
496 plan, are necessary to achieve the total maximum daily load.

497 2. The element shall be implemented through a cost-sharing  
498 program as provided by general law. The element must include  
499 cost-effective and technically and financially practical  
500 cooperative regional nutrient reduction projects that can be

501 implemented on urban, suburban, commercial, or institutional  
502 properties if funding is made available as provided by general  
503 law. The element must be included in the basin management action  
504 plan as a part of the next 5-year assessment under subparagraph  
505 (a) 6.

506 (g) Data collection and research.-

507 1. The Department of Agriculture and Consumer Services  
508 shall work with the department to improve the accuracy of data  
509 used to estimate agricultural land uses in the basin management  
510 action plan and work with producers to identify agricultural  
511 technologies that are cost effective and technically and  
512 financially practical and could be implemented on agricultural  
513 lands if funding is made available as provided by general law.

514 2. The University of Florida Institute of Food and  
515 Agricultural Sciences shall work with the Department of  
516 Agriculture and Consumer Services to develop a research plan and  
517 a legislative budget request to:

518 a. Evaluate and, if cost effective and technically and  
519 financially practical, suggest enhancements to adopted best  
520 management practices;

521 b. Develop new best management practices that are cost  
522 effective and technically and financially practical and that,  
523 when proven, can be considered by the Department of Agriculture  
524 and Consumer Services for rule adoption pursuant to paragraph  
525 (c); and

526 c. Develop technically and financially practical  
527 cooperative agricultural nutrient reduction projects to be  
528 considered by the department for inclusion in a basin management  
529 action plan pursuant to paragraph (e) that will reduce the  
530 nutrient impacts from agricultural operations on surface and  
531 groundwater quality.

532 3. The department shall work with the University of  
533 Florida Institute of Food and Agricultural Sciences and  
534 regulated entities to consider the adoption by rule of best  
535 management practices for nutrient impacts from golf courses.  
536 Such adopted best management practices are subject to the  
537 requirements of paragraph (c).

538 (14) NUTRIENT REDUCTION COST-SHARE PROGRAM.-A nutrient  
539 reduction cost-share program is established within the  
540 department.

541 (a) Subject to appropriation, the department may provide  
542 funding for the following projects in a basin management action  
543 plan or an alternative restoration plan that will individually  
544 or collectively reduce nutrient pollution:

545 1. Projects to retrofit onsite sewage treatment and  
546 disposal systems.

547 2. Projects to construct, upgrade, or expand facilities to  
548 provide advanced waste treatment as defined in s. 403.086(4).

549 3. Projects to connect onsite sewage treatment and  
550 disposal systems to central sewer facilities.

551 4. Projects identified in the cooperative urban, suburban,  
552 commercial, or institutional regional water quality improvement  
553 element pursuant to paragraph (7) (f).

554 5. Projects identified in the cooperative agricultural  
555 regional water quality improvement element pursuant to paragraph  
556 (7) (e).

557 6. Data collection and research activities identified in  
558 paragraph (7) (g).

559 (b) In allocating funds for projects, the department shall  
560 prioritize projects identified in subparagraphs (a)1.-5. For  
561 projects identified in subparagraphs (a)1.-4., priority must be  
562 given to projects that subsidize the connection of onsite sewage  
563 treatment and disposal systems to a wastewater treatment plant  
564 or that subsidize inspections and assessments of onsite sewage  
565 treatment and disposal systems.

566 (c) In determining the priority of projects pursuant to  
567 paragraph (b), the department shall consider the following for  
568 each project:

569 1. The estimated reduction in nutrient load.

570 2. Readiness.

571 3. Cost effectiveness.

572 4. Overall environmental benefit.

573 5. The location within the plan area.

574 6. The availability of local matching funds.

575 7. Projected water savings or water quantity improvements.

576 (d) Each project described in subparagraphs (a)1.-3. must  
577 require a minimum of a 50-percent local matching funds. However,  
578 the department may, at its discretion, waive, in whole or in  
579 part, consideration of the local contribution for proposed  
580 projects within an area designated as a rural area of  
581 opportunity as defined in s. 288.0656(2).

582 (e) The department shall coordinate with the Department of  
583 Agricultural and Consumer Services, the University of Florida  
584 Institute of Food and Agricultural Sciences, and each water  
585 management district, as necessary, in allocating funds  
586 appropriated pursuant to paragraph (a).

587 (f) Beginning January 1, 2021, and each January 1  
588 thereafter, the department shall submit a report regarding the  
589 projects funded pursuant to this subsection to the Governor, the  
590 President of the Senate, and the Speaker of the House of the  
591 Representatives.

592 (g) The nutrient reduction cost-share program is in  
593 addition to, and does not replace, existing funding  
594 authorizations.

595 (15) RURAL HOMESTEADS.-

596 (a) The Legislature recognizes that lands classified as  
597 agricultural by property appraisers may include rural homesteads  
598 in addition to producing agricultural lands. It is the intent of  
599 the Legislature to support those who seek to establish and  
600 maintain rural homesteads and focus on a sustainable, self-



601 supporting lifestyle.

602 (b) As used in this subsection, the term "rural  
603 homesteads" means low-density rural residential properties up to  
604 50 acres in size which are homesites and noncommercial in nature  
605 that include single-family homes and accessory structures  
606 together with the keeping of livestock, horses, traditional farm  
607 animals and poultry, and the planting and maintenance of groves  
608 and gardens for the primary purpose of serving the needs and  
609 interests of those living on the property.

610 (c) Rural homesteads are not subject to the requirements  
611 of paragraph (7) (c). However, if any activity on a rural  
612 homestead rises to the level of bona fide agricultural activity  
613 and is classified as agricultural use pursuant to s. 193.461,  
614 the land owner must comply with the requirements of paragraph  
615 (7) (c).

616 Section 2. Section 403.0675, Florida Statutes, is amended  
617 to read:

618 403.0675 Progress reports.—On or before July 1 of each  
619 year, beginning in 2018:

620 (1) (a) The department, in conjunction with the water  
621 management districts, shall post on its website and submit  
622 electronically an annual progress report to the Governor, the  
623 President of the Senate, and the Speaker of the House of  
624 Representatives on the status of each total maximum daily load,  
625 basin management action plan, minimum flow or minimum water

626 level, and recovery or prevention strategy adopted pursuant to  
627 s. 403.067 or parts I and VIII of chapter 373. The report must  
628 include the status of each project identified to achieve a total  
629 maximum daily load or an adopted minimum flow or minimum water  
630 level, as applicable. If a report indicates that any of the 5-  
631 year, 10-year, or 15-year milestones, or the 20-year target  
632 date, if applicable, for achieving a total maximum daily load or  
633 a minimum flow or minimum water level will not be met, the  
634 report must include an explanation of the possible causes and  
635 potential solutions. If applicable, the report must include  
636 project descriptions, estimated costs, proposed priority ranking  
637 for project implementation, and funding needed to achieve the  
638 total maximum daily load or the minimum flow or minimum water  
639 level by the target date. Each water management district shall  
640 post the department's report on its website.

641 (b) Beginning on July 1, 2020, and each July 1 thereafter,  
642 the department shall include in the report:

643 1. The status of the results of verification of the  
644 stormwater systems and nonagricultural best management  
645 practices.

646 2. The number of landowners, dischargers, or other  
647 responsible persons required to implement applicable management  
648 strategies, including best management practices or water quality  
649 monitoring, who did not comply with such requirements.

650 (2) (a) The Department of Agriculture and Consumer Services

651 shall post on its website and submit electronically an annual  
652 progress report to the Governor, the President of the Senate,  
653 and the Speaker of the House of Representatives on the status of  
654 the implementation of the agricultural nonpoint source best  
655 management practices, including an implementation assurance  
656 report summarizing survey responses and response rates, site  
657 inspections, and other methods used to verify implementation of  
658 and compliance with best management practices pursuant to basin  
659 management action plans.

660 (b) Beginning July 1, 2020, and each July 1 thereafter,  
661 the Department of Agriculture and Consumer Services shall  
662 include in the report a status of the results of implementation  
663 of agricultural nonpoint source best management practices in the  
664 following categories:

- 665 1. Irrigated and nonirrigated agricultural acres.  
666 2. Fallow agricultural acres.  
667 3. Agricultural parcels of fewer than 50 acres, excluding  
668 rural homesteads as defined in s. 403.067(15).

669 (c) Beginning July 1, 2020, and each July 1 thereafter,  
670 the department shall include in the report the number of  
671 landowners, dischargers, or other responsible persons required  
672 to implement applicable management strategies, including best  
673 management practices or water quality monitoring, who did not  
674 comply with such requirements.

675 (3) A nonagricultural and agricultural nonpoint source

676 owner and operator who discharges into a basin included in an  
677 adopted basin management action plan must comply with the  
678 following, as applicable, within 5 years after the date of the  
679 adoption of the basin management action plan or an amendment  
680 thereto:

681 (a) For a nonagricultural nonpoint source discharger,  
682 nonagricultural interim measures, nonagricultural best  
683 management practices, other measures adopted by rule pursuant to  
684 s. 403.067(7)(c)1., or management measures adopted in a basin  
685 management action plan.

686 (b) For an agricultural nonpoint source discharger,  
687 agricultural interim measures, agricultural best management  
688 practices, or other measures adopted by rule pursuant to s.  
689 403.067(7)(c)2. and implemented according to a notice of intent  
690 filed by the agricultural nonpoint source discharger.

691 (c) For an agricultural and nonagricultural nonpoint  
692 source discharger who opts to implement water quality monitoring  
693 in lieu of compliance with paragraph (a) or paragraph (b), water  
694 quality monitoring required under s. 403.067(7)(b)2.g.

695 (4) For the annual report submitted July 1, 2020, July 1,  
696 2021, and July 1, 2022, the department and the Department of  
697 Agriculture and Consumer Services shall focus on the priority  
698 areas identified in the basin management action plans.

699 Section 3. This act shall take effect July 1, 2020.