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LEGISLATIVE ACTION

Senate

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House

The Committee on Environment and Natural Resources (Albritton) recommended the following:

1 **Senate Substitute for Amendment (887650) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

9 403.067 Establishment and implementation of total maximum
10 daily loads.-



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11 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
12 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

13 (a) *Basin management action plans.*—

14 1. In developing and implementing the total maximum daily
15 load for a water body, the department, or the department in
16 conjunction with a water management district, may develop a
17 basin management action plan that addresses some or all of the
18 watersheds and basins tributary to the water body. Such plan
19 must integrate the appropriate management strategies available
20 to the state through existing water quality protection programs
21 to achieve the total maximum daily loads and may provide for
22 phased implementation of these management strategies to promote
23 timely, cost-effective, and technically and financially
24 practical actions as provided for in s. 403.151. The plan must
25 establish a schedule implementing the management strategies,
26 establish a basis for evaluating the plan's effectiveness, and
27 identify feasible funding strategies for implementing the plan's
28 management strategies. The management strategies may include:

29 a. Regional treatment systems or other public works, where
30 appropriate; ~~and~~

31 b. Voluntary trading of water quality credits to achieve
32 the needed pollutant load reductions;

33 c. Interim measures, best management practices, or other
34 measures in paragraph (c);

35 d. Implementation of cooperative agricultural regional
36 water quality improvement projects or practices in paragraph
37 (e); and

38 e. Cooperative urban, suburban, commercial, or
39 institutional regional water quality improvement projects or



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40 practices in paragraph (f).

41 2. A basin management action plan must equitably allocate,
42 pursuant to paragraph (6) (b), pollutant reductions to individual
43 basins, as a whole to all basins, or to each identified point
44 source or category of nonpoint sources, as appropriate. For
45 nonpoint sources for which best management practices have been
46 adopted, the initial requirement specified by the plan must be
47 those practices developed pursuant to paragraph (c). Where
48 appropriate, the plan may take into account the benefits of
49 pollutant load reduction achieved by point or nonpoint sources
50 that have implemented management strategies to reduce pollutant
51 loads, including best management practices, before the
52 development of the basin management action plan. The plan must
53 also identify the mechanisms that will address potential future
54 increases in pollutant loading.

55 3. The basin management action planning process is intended
56 to involve the broadest possible range of interested parties,
57 with the objective of encouraging the greatest amount of
58 cooperation and consensus possible. In developing a basin
59 management action plan, the department shall assure that key
60 stakeholders, including, but not limited to, applicable local
61 governments, water management districts, the Department of
62 Agriculture and Consumer Services, other appropriate state
63 agencies, local soil and water conservation districts,
64 environmental groups, regulated interests, and affected
65 pollution sources, are invited to participate in the process.
66 The department shall hold at least one public meeting in the
67 vicinity of the watershed or basin to discuss and receive
68 comments during the planning process and shall otherwise



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69 encourage public participation to the greatest practicable
70 extent. Notice of the public meeting must be published in a
71 newspaper of general circulation in each county in which the
72 watershed or basin lies not less than 5 days nor more than 15
73 days before the public meeting. A basin management action plan
74 does not supplant or otherwise alter any assessment made under
75 subsection (3) or subsection (4) or any calculation or initial
76 allocation.

77 4. Each new or revised basin management action plan shall
78 include:

79 a. The appropriate management strategies available through
80 existing water quality protection programs to achieve total
81 maximum daily loads, which may provide for phased implementation
82 to promote timely, cost-effective actions as provided for in s.
83 403.151;

84 b. A description of best management practices adopted by
85 rule;

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

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

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

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



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98 6. The basin management action plan must include milestones
99 for implementation and water quality improvement, and an
100 associated water quality monitoring component sufficient to
101 evaluate whether reasonable progress in pollutant load
102 reductions is being achieved over time. An assessment of
103 progress toward these milestones shall be conducted every 5
104 years, and revisions to the plan shall be made as appropriate.
105 Revisions to the basin management action plan shall be made by
106 the department in cooperation with basin stakeholders. Revisions
107 to the management strategies required for nonpoint sources must
108 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised
109 basin management action plans must be adopted pursuant to
110 subparagraph 5.

111 7. In accordance with procedures adopted by rule under
112 paragraph (9)(c), basin management action plans, and other
113 pollution control programs under local, state, or federal
114 authority as provided in subsection (4), may allow point or
115 nonpoint sources that will achieve greater pollutant reductions
116 than required by an adopted total maximum daily load or
117 wasteload allocation to generate, register, and trade water
118 quality credits for the excess reductions to enable other
119 sources to achieve their allocation; however, the generation of
120 water quality credits does not remove the obligation of a source
121 or activity to meet applicable technology requirements or
122 adopted best management practices. Such plans must allow trading
123 between NPDES permittees, and trading that may or may not
124 involve NPDES permittees, where the generation or use of the
125 credits involve an entity or activity not subject to department
126 water discharge permits whose owner voluntarily elects to obtain



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127 department authorization for the generation and sale of credits.

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

133 (b) *Total maximum daily load implementation.*—

134 1. The department shall be the lead agency in coordinating
135 the implementation of the total maximum daily loads through
136 existing water quality protection programs. Application of a
137 total maximum daily load by a water management district must be
138 consistent with this section and does not require the issuance
139 of an order or a separate action pursuant to s. 120.536(1) or s.
140 120.54 for the adoption of the calculation and allocation
141 previously established by the department. Such programs may
142 include, but are not limited to:

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

145 b. Nonregulatory and incentive-based programs, including
146 best management practices, cost sharing, waste minimization,
147 pollution prevention, agreements established pursuant to s.
148 403.061(21), and public education;

149 c. Other water quality management and restoration
150 activities, for example surface water improvement and management
151 plans approved by water management districts or basin management
152 action plans developed pursuant to this subsection;

153 d. Trading of water quality credits or other equitable
154 economically based agreements;

155 e. Public works including capital facilities; or



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156 f. Land acquisition.

157 2. For a basin management action plan adopted pursuant to

158 paragraph (a), any management strategies and pollutant reduction

159 requirements associated with a pollutant of concern for which a

160 total maximum daily load has been developed, including effluent

161 limits ~~set forth~~ for a discharger subject to NPDES permitting,

162 if any, must be included in a timely manner in subsequent NPDES

163 permits or permit modifications for that discharger. The

164 department may not impose limits or conditions implementing an

165 adopted total maximum daily load in an NPDES permit until the

166 permit expires, the discharge is modified, or the permit is

167 reopened pursuant to an adopted basin management action plan.

168 a. Absent a detailed allocation, total maximum daily loads

169 must be implemented through NPDES permit conditions that provide

170 for a compliance schedule. In such instances, a facility's NPDES

171 permit must allow time for the issuance of an order adopting the

172 basin management action plan. The time allowed for the issuance

173 of an order adopting the plan may not exceed 5 years. Upon

174 issuance of an order adopting the plan, the permit must be

175 reopened or renewed, as necessary, and permit conditions

176 consistent with the plan must be established. Notwithstanding

177 the other provisions of this subparagraph, upon request by an

178 NPDES permittee, the department as part of a permit issuance,

179 renewal, or modification may establish individual allocations

180 before the adoption of a basin management action plan.

181 b. For holders of NPDES municipal separate storm sewer

182 system permits and other stormwater sources, implementation of a

183 total maximum daily load or basin management action plan must be

184 achieved, to the maximum extent practicable, through the use of



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185 best management practices or other management measures.

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

189 d. Management strategies ~~set forth~~ in a basin management
190 action plan to be implemented by a discharger subject to
191 permitting by the department must be completed pursuant to the
192 schedule ~~set forth~~ in the basin management action plan. This
193 implementation schedule may extend beyond the 5-year term of an
194 NPDES permit.

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

200 f. For nonagricultural pollutant sources not subject to
201 NPDES permitting but permitted pursuant to other state,
202 regional, or local water quality programs, the pollutant
203 reduction actions adopted in a basin management action plan must
204 be implemented to the maximum extent practicable as part of
205 those permitting programs.

206 g. A nonpoint source discharger included in a basin
207 management action plan must demonstrate compliance with the
208 pollutant reductions established under subsection (6) by
209 implementing the appropriate best management practices
210 established pursuant to paragraph (c) or conducting water
211 quality monitoring prescribed by the department or a water
212 management district. A nonpoint source discharger may, in
213 accordance with department rules, supplement the implementation



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

217 h. A nonpoint source discharger included in a basin
218 management action plan may be subject to enforcement action by
219 the department or a water management district based upon a
220 failure to implement the responsibilities ~~set forth~~ in sub-
221 subparagraph g.

222 i. A landowner, discharger, or other responsible person who
223 is implementing applicable management strategies specified in an
224 adopted basin management action plan may not be required by
225 permit, enforcement action, or otherwise to implement additional
226 management strategies, including water quality credit trading,
227 to reduce pollutant loads to attain the pollutant reductions
228 established pursuant to subsection (6) and shall be deemed to be
229 in compliance with this section. This subparagraph does not
230 limit the authority of the department to amend a basin
231 management action plan as specified in subparagraph (a)6.

232 (c) *Best management practices.*—

233 1. The department, in cooperation with the water management
234 districts and other interested parties, as appropriate, may
235 develop suitable interim measures, best management practices, or
236 other measures necessary to achieve the level of pollution
237 reduction established by the department for nonagricultural
238 nonpoint pollutant sources in allocations developed pursuant to
239 subsection (6) and this subsection. These practices and measures
240 may be adopted by rule by the department and the water
241 management districts and, when ~~where~~ adopted by rule, shall be
242 implemented by those parties responsible for nonagricultural



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243 nonpoint source pollution.

244 2. The Department of Agriculture and Consumer Services may
245 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
246 suitable interim measures, best management practices, or other
247 measures necessary to achieve the level of pollution reduction
248 established by the department for agricultural pollutant sources
249 in allocations developed pursuant to subsection (6) and this
250 subsection or for programs implemented pursuant to paragraph
251 (12) (b). These practices and measures may be implemented by
252 those parties responsible for agricultural pollutant sources and
253 the department, the water management districts, and the
254 Department of Agriculture and Consumer Services shall assist
255 with implementation. In the process of developing and adopting
256 rules for interim measures, best management practices, or other
257 measures, the Department of Agriculture and Consumer Services
258 shall consult with the department, the Department of Health, the
259 water management districts, representatives from affected
260 farming groups, and environmental group representatives. Such
261 rules must also incorporate provisions for a notice of intent to
262 implement the practices and a system to assure the
263 implementation of the practices, including site inspection and
264 recordkeeping requirements.

265 3. When ~~where~~ interim measures, best management practices,
266 or other measures are adopted by rule, the effectiveness of such
267 practices in achieving the levels of pollution reduction
268 established in allocations developed by the department pursuant
269 to subsection (6) and this subsection or in programs implemented
270 pursuant to paragraph (12) (b) must be verified at representative
271 sites by the department. The department shall use best



272 professional judgment in making the initial verification that
273 the best management practices are reasonably expected to be
274 effective and, where applicable, must notify the appropriate
275 water management district or the Department of Agriculture and
276 Consumer Services of its initial verification before the
277 adoption of a rule proposed pursuant to this paragraph.
278 Implementation, in accordance with rules adopted under this
279 paragraph, of practices that have been initially verified to be
280 effective, or verified to be effective by monitoring at
281 representative sites, by the department, shall provide a
282 presumption of compliance with state water quality standards and
283 release from ~~the provisions of~~ s. 376.307(5) for those
284 pollutants addressed by the practices, and the department is not
285 authorized to institute proceedings against the owner of the
286 source of pollution to recover costs or damages associated with
287 the contamination of surface water or groundwater caused by
288 those pollutants. Research projects funded by the department, a
289 water management district, or the Department of Agriculture and
290 Consumer Services to develop or demonstrate interim measures or
291 best management practices shall be granted a presumption of
292 compliance with state water quality standards and a release from
293 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
294 and release is limited to the research site and only for those
295 pollutants addressed by the interim measures or best management
296 practices. Eligibility for the presumption of compliance and
297 release is limited to research projects on sites where the owner
298 or operator of the research site and the department, a water
299 management district, or the Department of Agriculture and
300 Consumer Services have entered into a contract or other



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301 agreement that, at a minimum, specifies the research objectives,
302 the cost-share responsibilities of the parties, and a schedule
303 that details the beginning and ending dates of the project.

304 4. ~~When~~ ~~where~~ water quality problems are demonstrated,
305 despite the appropriate implementation, operation, and
306 maintenance of best management practices and other measures
307 required by rules adopted under this paragraph, the department,
308 a water management district, or the Department of Agriculture
309 and Consumer Services, in consultation with the department,
310 shall institute a reevaluation of the best management practice
311 or other measure. Should the reevaluation determine that the
312 best management practice or other measure requires modification,
313 the department, a water management district, or the Department
314 of Agriculture and Consumer Services, as appropriate, shall
315 revise the rule to require implementation of the modified
316 practice within a reasonable time period as specified in the
317 rule.

318 5. Agricultural records relating to processes or methods of
319 production, costs of production, profits, or other financial
320 information held by the Department of Agriculture and Consumer
321 Services pursuant to subparagraphs 3. and 4. or pursuant to any
322 rule adopted pursuant to subparagraph 2. are confidential and
323 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
324 Constitution. Upon request, records made confidential and exempt
325 pursuant to this subparagraph shall be released to the
326 department or any water management district provided that the
327 confidentiality specified by this subparagraph for such records
328 is maintained.

329 6. ~~The provisions of~~ Subparagraphs 1. and 2. do not



330 preclude the department or water management district from
331 requiring compliance with water quality standards or with
332 current best management practice requirements ~~set forth~~ in any
333 applicable regulatory program authorized by law for the purpose
334 of protecting water quality. Additionally, subparagraphs 1. and
335 2. are applicable only to the extent that they do not conflict
336 with any rules adopted by the department that are necessary to
337 maintain a federally delegated or approved program.

338 (d) *Enforcement and verification of basin management action*
339 *plans and management strategies.*—

340 1. Basin management action plans are enforceable pursuant
341 to this section and ss. 403.121, 403.141, and 403.161.
342 Management strategies, including best management practices and
343 water quality monitoring, are enforceable under this chapter.

344 2. No later than January 1, 2017:

345 a. The department, in consultation with the water
346 management districts and the Department of Agriculture and
347 Consumer Services, shall initiate rulemaking to adopt procedures
348 to verify implementation of water quality monitoring required in
349 lieu of implementation of best management practices or other
350 measures pursuant to sub-subparagraph (b)2.g.;

351 b. The department, in consultation with the water
352 management districts and the Department of Agriculture and
353 Consumer Services, shall initiate rulemaking to adopt procedures
354 to verify implementation of nonagricultural interim measures,
355 best management practices, or other measures adopted by rule
356 pursuant to subparagraph (c)1.; and

357 c. The Department of Agriculture and Consumer Services, in
358 consultation with the water management districts and the



359 department, shall initiate rulemaking to adopt procedures to
360 verify implementation of agricultural interim measures, best
361 management practices, or other measures adopted by rule pursuant
362 to subparagraph (c)2.

363

364 The rules required under this subparagraph shall include
365 enforcement procedures applicable to the landowner, discharger,
366 or other responsible person required to implement applicable
367 management strategies, including best management practices or
368 water quality monitoring as a result of noncompliance.

369 3. A nonagricultural and agricultural nonpoint source owner
370 or operator who discharges into a basin included in an adopted
371 basin management action plan must comply with the following, as
372 applicable, within 5 years after the date of the adoption of the
373 basin management action plan or an amendment thereto that
374 imposes new requirements:

375 a. For a nonagricultural nonpoint source discharger,
376 nonagricultural interim measures, nonagricultural best
377 management practices, or other measures adopted by rule pursuant
378 to subparagraph (c)1. or management measures adopted in a basin
379 management action plan.

380 b. For an agricultural nonpoint source discharger,
381 agricultural interim measures, agricultural best management
382 practices, or other measures adopted by rule pursuant to
383 subparagraph (c)2. and implemented according to a notice of
384 intent filed by the agricultural nonpoint source discharger.

385 c. For an agricultural and nonagricultural nonpoint source
386 discharger who opts to implement water quality monitoring in
387 lieu of compliance with sub-subparagraph a. or sub-subparagraph



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388 b., water quality monitoring required under sub-subparagraph
389 (b)2.g.

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

393 a. For nonagricultural interim measures, nonagricultural
394 best management practices, or other measures adopted by rule
395 pursuant to subparagraph (c)1., verification by the department
396 or water management district, as appropriate.

397 b. For agricultural interim measures, agricultural best
398 management practices, or other measures adopted by rule pursuant
399 to subparagraph (c)2., verification by the Department of
400 Agriculture and Consumer Services.

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

403
404 If verification pursuant to this subparagraph cannot be
405 accomplished every 2 years, the responsible agency shall include
406 recommendations for meeting the intent of the verification along
407 with a budget request as part of the progress report required
408 under s. 403.0675.

409 (e) *Cooperative agricultural regional water quality*
410 *improvement element.*

411 1. The department, the Department of Agriculture and
412 Consumer Services, and owners of agricultural operations in the
413 basin shall develop a cooperative agricultural regional water
414 quality improvement element as part of a basin management action
415 plan only if:

416 a. Agricultural measures have been adopted by the



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417 Department of Agriculture and Consumer Services pursuant to
418 subparagraph (c)2. and have been implemented and the waterbody
419 remains impaired;

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

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

426 2. The element will be implemented through a cost-sharing
427 program as provided by law. The element must include cost-
428 effective and technically and financially practical cooperative
429 regional agricultural nutrient reduction projects that can be
430 implemented on private properties on a site-specific,
431 cooperative basis if funding is made available as provided by
432 law. Such cooperative regional agricultural nutrient reduction
433 projects may include land acquisition in fee or conservation
434 easements on the lands of willing sellers and site-specific
435 water quality improvement or dispersed water management projects
436 on the lands of program participants.

437 3. To qualify for participation in the cooperative
438 agricultural regional water quality improvement element, the
439 participant must have already implemented the interim measures,
440 best management practices, or other measures adopted by the
441 Department of Agriculture and Consumer Services pursuant to
442 subparagraph (c)2. The element may be included in the basin
443 management action plan as a part of the next 5-year assessment
444 under subparagraph (a)6.

445 (f) Cooperative urban, suburban, commercial, or



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446 institutional regional water quality improvement element.-

447 1. The department, the Department of Health, local
448 governments, and water management districts with jurisdiction in
449 the basin shall develop a cooperative urban, suburban,
450 commercial, or institutional regional water quality improvement
451 element as part of a basin management action plan in which:

452 a. Nonagricultural interim measures and nonagricultural
453 best management practices have been implemented and the
454 waterbody remains impaired;

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

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

461 2. The element shall be implemented through a cost-sharing
462 program as provided by general law. The element must include
463 cost-effective and technically and financially practical
464 cooperative regional nutrient reduction projects that can be
465 implemented on urban, suburban, commercial, or institutional
466 properties if funding is made available as provided by general
467 law. The element must be included in the basin management action
468 plan as a part of the next 5-year assessment under subparagraph
469 (a) 6.

470 (g) Data collection and research.-

471 1. The Department of Agriculture and Consumer Services
472 shall work with the department to improve the accuracy of data
473 used to estimate agricultural land uses in the basin management
474 action plan and work with producers to identify agricultural



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475 technologies that are cost-effective and technically and
476 financially practical and could be implemented on agricultural
477 lands if funding is made available as provided by general law.

478 2. The University of Florida Institute of Food and
479 Agricultural Sciences shall work with the Department of
480 Agriculture and Consumer Services to develop a research plan and
481 a legislative budget request to:

482 a. Evaluate and, if cost-effective and technically and
483 financially practical, suggest enhancements to adopted best
484 management practices;

485 b. Develop new best management practices that are cost-
486 effective and technically and financially practical and that,
487 when proven, can be considered by the Department of Agriculture
488 and Consumer Services for rule adoption pursuant to paragraph
489 (c); and

490 c. Develop technically and financially practical
491 cooperative agricultural nutrient reduction projects to be
492 considered by the department for inclusion in a basin management
493 action plan pursuant to paragraph (e) that will reduce the
494 nutrient impacts from agricultural operations on surface and
495 groundwater quality.

496 3. The department shall work with the University of Florida
497 Institute of Food and Agricultural Sciences and regulated
498 entities to consider the adoption by rule of best management
499 practices for nutrient impacts from golf courses. Such adopted
500 best management practices are subject to the requirements of
501 paragraph (c).

502 (14) NUTRIENT REDUCTION COST-SHARE PROGRAM.—A nutrient
503 reduction cost-share program is established within the



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504 department.

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

509 1. Projects to retrofit onsite sewage treatment and
510 disposal systems.

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

513 3. Projects to connect onsite sewage treatment and disposal
514 systems to central sewer facilities.

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

518 5. Projects identified in the cooperative agricultural
519 regional water quality improvement element pursuant to paragraph
520 (7) (e).

521 6. Data collection and research activities identified in
522 paragraph (7) (g).

523 (b) In allocating funds for projects, the department shall
524 prioritize projects in subbasins with the highest nutrient
525 concentrations within a basin management action plan and
526 projects that are identified in subparagraphs (a)1.-5. For
527 projects identified in subparagraphs (a)1.-4., further
528 prioritization must be given to projects that subsidize the
529 connection of onsite sewage treatment and disposal systems to a
530 wastewater treatment plant or that subsidize inspections and
531 assessments of onsite sewage treatment and disposal systems.

532 (c) In determining the priority of projects pursuant to



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533 paragraph (b), the department shall consider the following for
534 each project:

- 535 1. The estimated reduction in nutrient load.
- 536 2. Readiness.
- 537 3. Cost-effectiveness.
- 538 4. Overall environmental benefit.
- 539 5. The location within the plan area.
- 540 6. The availability of local matching funds.
- 541 7. Projected water savings or water quantity improvements.

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

548 (e) The department shall coordinate with the Department of
549 Agriculture and Consumer Services, the University of Florida
550 Institute of Food and Agricultural Sciences, and each water
551 management district, as necessary, in allocating funds
552 appropriated pursuant to paragraph (a).

553 (f) Beginning January 1, 2021, and each January 1
554 thereafter, the department shall submit a report regarding the
555 projects funded pursuant to this subsection to the Governor, the
556 President of the Senate, and the Speaker of the House of
557 Representatives.

558 (g) The nutrient reduction cost-share program is in
559 addition to, and does not replace, existing funding
560 authorizations.

561 (15) RURAL HOMESTEADS.-



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562 (a) The Legislature recognizes that lands classified as
563 agricultural by property appraisers may include rural homesteads
564 in addition to producing agricultural lands. It is the intent of
565 the Legislature to support those who seek to establish and
566 maintain rural homesteads and focus on a sustainable, self-
567 supporting lifestyle.

568 (b) As used in this subsection, the term "rural homesteads"
569 means low-density rural residential properties up to 50 acres in
570 size which are homesites and noncommercial in nature that
571 include single-family homes and accessory structures together
572 with the keeping of livestock, horses, traditional farm animals
573 and poultry, and the planting and maintenance of groves and
574 gardens for the primary purpose of serving the needs and
575 interests of those living on the property.

576 (c) Rural homesteads are not subject to the requirements of
577 paragraph (7)(c). However, if any activity on a rural homestead
578 rises to the level of bona fide agricultural activity and is
579 classified as agricultural use pursuant to s. 193.461, the land
580 owner must comply with the requirements of paragraph (7)(c).

581 Section 2. Section 403.0675, Florida Statutes, is amended
582 to read:

583 403.0675 Progress reports. ~~On or before July 1 of each~~
584 ~~year, beginning in 2018:~~

585 (1) On or before July 1 of each year:

586 (a) Beginning in 2018, the department, in conjunction with
587 the water management districts, shall post on its website and
588 submit electronically an annual progress report to the Governor,
589 the President of the Senate, and the Speaker of the House of
590 Representatives on the status of each total maximum daily load,



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591 basin management action plan, minimum flow or minimum water
592 level, and recovery or prevention strategy adopted pursuant to
593 s. 403.067 or parts I and VIII of chapter 373. The report must
594 include the status of each project identified to achieve a total
595 maximum daily load or an adopted minimum flow or minimum water
596 level, as applicable. If a report indicates that any of the 5-
597 year, 10-year, or 15-year milestones, or the 20-year target
598 date, if applicable, for achieving a total maximum daily load or
599 a minimum flow or minimum water level will not be met, the
600 report must include an explanation of the possible causes and
601 potential solutions. If applicable, the report must include
602 project descriptions, estimated costs, proposed priority ranking
603 for project implementation, and funding needed to achieve the
604 total maximum daily load or the minimum flow or minimum water
605 level by the target date. Each water management district shall
606 post the department's report on its website.

607 (b) Beginning in 2021, the department shall include in the
608 report required under paragraph (a):

609 1. The status of the results of verification of the
610 stormwater systems and nonagricultural best management
611 practices.

612 2. The number of landowners, dischargers, or other
613 responsible persons required to implement applicable management
614 strategies, including best management practices or water quality
615 monitoring, who did not comply with such requirements.

616 (2) (a) The Department of Agriculture and Consumer Services
617 shall post on its website and submit electronically an annual
618 progress report to the Governor, the President of the Senate,
619 and the Speaker of the House of Representatives on the status of



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620 the implementation of the agricultural nonpoint source best
621 management practices, including an implementation assurance
622 report summarizing survey responses and response rates, site
623 inspections, and other methods used to verify implementation of
624 and compliance with best management practices pursuant to basin
625 management action plans.

626 (b) Beginning July 1, 2021, and each July 1 thereafter, the
627 Department of Agriculture and Consumer Services shall include in
628 the progress report required under paragraph (a) a status of the
629 results of implementation of agricultural nonpoint source best
630 management practices in the following categories:

- 631 1. Irrigated and nonirrigated agricultural acres.
632 2. Fallow agricultural acres.
633 3. Agricultural parcels of fewer than 50 acres, excluding
634 rural homesteads as defined in s. 403.067(15).

635 (3) For the progress reports submitted on July 1, 2021, and
636 July 1, 2022, the department and the Department of Agriculture
637 and Consumer Services shall address the priority focus areas
638 identified in the basin management action plans.

639 Section 3. Subsection (9) is added to section 403.412,
640 Florida Statutes, to read:

641 403.412 Environmental Protection Act.—

642 (9) (a) A local government regulation, ordinance, code,
643 rule, comprehensive plan, or charter may not recognize, grant,
644 convey, or extend legal standing or legal rights, as those terms
645 are generally construed, to a plant, an animal, a body of water,
646 or any other part of the natural environment which is not a
647 person or a political subdivision as defined in s. 1.01(8),
648 unless otherwise specifically authorized by state law or the



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649 State Constitution.

650 (b) This subsection may not be interpreted or construed to
651 do any of the following:

652 1. Limit the ability of the Department of Legal Affairs,
653 any political subdivision of the state, or a resident of this
654 state to maintain an action for injunctive relief as provided in
655 this section.

656 2. Limit the ability of an aggrieved or adversely affected
657 party to appeal and challenge the consistency of a development
658 order with a comprehensive plan, as provided in s. 163.3215, or
659 to file an action for injunctive relief to enforce the terms of
660 a development agreement or to challenge compliance of the
661 agreement with the Florida Local Government Development
662 Agreement Act, as provided in s. 163.3243.

663 Section 4. This act shall take effect July 1, 2020.

664
665 ===== T I T L E A M E N D M E N T =====

666 And the title is amended as follows:

667 Delete everything before the enacting clause
668 and insert:

669 A bill to be entitled
670 An act relating to environmental resource management;
671 amending s. 403.067, F.S.; providing additional
672 management strategies for basin management action
673 plans; requiring certain basin management action plans
674 to include certain cooperative regional water quality
675 improvement elements; providing requirements for the
676 Department of Environmental Protection, the Department
677 of Agriculture and Consumer Services, and owners of



678 agricultural operations in developing and implementing
679 such elements; requiring the Department of Agriculture
680 and Consumer Services to work with the Department of
681 Environmental Protection to improve the accuracy of
682 data used to estimate certain agricultural land uses
683 and to work with producers to identify certain
684 agricultural technologies; requiring the University of
685 Florida Institute of Food and Agricultural Sciences to
686 work with the Department of Agriculture and Consumer
687 Services to develop a specified research plan and a
688 legislative budget request; requiring the Department
689 of Environmental Protection to work with the
690 University of Florida Institute of Food and
691 Agricultural Sciences to consider the adoption of best
692 management practices for nutrient impacts from golf
693 courses; establishing a nutrient reduction cost-share
694 program within the Department of Environmental
695 Protection; providing requirements for such program;
696 providing legislative intent regarding rural
697 homesteads; defining the term "rural homesteads";
698 exempting such homesteads from certain best management
699 practices under certain conditions; amending s.
700 403.0675, F.S.; requiring the Department of
701 Environmental Protection and the Department of
702 Agriculture and Consumer Services to include specified
703 information in annual progress reports for basin
704 management action plans; amending s. 403.412, F.S.;
705 prohibiting local governments from recognizing,
706 granting, conveying, or extending legal rights or



707 | legal standing to animals or certain parts of the
708 | natural environment under certain circumstances;
709 | providing construction; providing an effective date.