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LEGISLATIVE ACTION

Senate

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House

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND



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11 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

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

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

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

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

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

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

37 e. Cooperative urban, suburban, commercial, or  
38 institutional regional water quality improvement projects or  
39 practices in paragraph (f).



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

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



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

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

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

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

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

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

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

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

97 6. The basin management action plan must include milestones



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

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



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

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

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

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

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

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

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

154           e. Public works including capital facilities; or

155           f. Land acquisition.



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156           2. For a basin management action plan adopted pursuant to  
157 paragraph (a), any management strategies and pollutant reduction  
158 requirements associated with a pollutant of concern for which a  
159 total maximum daily load has been developed, including effluent  
160 limits ~~set forth~~ for a discharger subject to NPDES permitting,  
161 if any, must be included in a timely manner in subsequent NPDES  
162 permits or permit modifications for that discharger. The  
163 department may not impose limits or conditions implementing an  
164 adopted total maximum daily load in an NPDES permit until the  
165 permit expires, the discharge is modified, or the permit is  
166 reopened pursuant to an adopted basin management action plan.

167           a. Absent a detailed allocation, total maximum daily loads  
168 must be implemented through NPDES permit conditions that provide  
169 for a compliance schedule. In such instances, a facility's NPDES  
170 permit must allow time for the issuance of an order adopting the  
171 basin management action plan. The time allowed for the issuance  
172 of an order adopting the plan may not exceed 5 years. Upon  
173 issuance of an order adopting the plan, the permit must be  
174 reopened or renewed, as necessary, and permit conditions  
175 consistent with the plan must be established. Notwithstanding  
176 the other provisions of this subparagraph, upon request by an  
177 NPDES permittee, the department as part of a permit issuance,  
178 renewal, or modification may establish individual allocations  
179 before the adoption of a basin management action plan.

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



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

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

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

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

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





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214 order to demonstrate compliance with the pollutant reductions  
215 established under subsection (6).

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

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

231 (c) *Best management practices.*—

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



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

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



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



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301 the cost-share responsibilities of the parties, and a schedule  
302 that details the beginning and ending dates of the project.

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

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

328 6. ~~The provisions of~~ Subparagraphs 1. and 2. do not  
329 preclude the department or water management district from



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

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

339 1. Basin management action plans are enforceable pursuant  
340 to this section and ss. 403.121, 403.141, and 403.161.

341 Management strategies, including best management practices and  
342 water quality monitoring, are enforceable under this chapter.

343 2. No later than January 1, 2017:

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

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

356 c. The Department of Agriculture and Consumer Services, in  
357 consultation with the water management districts and the  
358 department, shall initiate rulemaking to adopt procedures to



359 verify implementation of agricultural interim measures, best  
360 management practices, or other measures adopted by rule pursuant  
361 to subparagraph (c)2.

362  
363 The rules required under this subparagraph shall include  
364 enforcement procedures applicable to the landowner, discharger,  
365 or other responsible person required to implement applicable  
366 management strategies, including best management practices or  
367 water quality monitoring as a result of noncompliance.

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

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

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

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



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388 (b)2.g.

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

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

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

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

402  
403 If verification pursuant to this subparagraph cannot be  
404 accomplished every 2 years, the responsible agency shall include  
405 recommendations for meeting the intent of the verification along  
406 with a budget request as part of the progress report required  
407 under s. 403.0675.

408 (e) Cooperative agricultural regional water quality  
409 improvement element.—

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

415 a. Agricultural measures have been adopted by the  
416 Department of Agriculture and Consumer Services pursuant to



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417 subparagraph (c)2. and have been implemented and the waterbody  
418 remains impaired;

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

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

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

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

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





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

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

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

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

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

469 (g) Data collection and research.—

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



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475 financially practical and could be implemented on agricultural  
476 lands if funding is made available as provided by general law.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

531 (c) In determining the priority of projects pursuant to  
532 paragraph (b), the department shall consider the following for



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533 each project:

534 1. The estimated reduction in nutrient load.

535 2. Readiness.

536 3. Cost-effectiveness.

537 4. Overall environmental benefit.

538 5. The location within the plan area.

539 6. The availability of local matching funds.

540 7. Projected water savings or water quantity improvements.

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

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

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

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

560 (15) RURAL HOMESTEADS.-

561 (a) The Legislature recognizes that lands classified as



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

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

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

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

582 403.0675 Progress reports. ~~On or before July 1 of each~~  
583 ~~year, beginning in 2018:~~

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

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



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

606 (b) Beginning in 2020, the department shall include in the  
607 report required under paragraph (a):

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

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

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



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

625 (b) Beginning July 1, 2020, and each July 1 thereafter, the  
626 Department of Agriculture and Consumer Services shall include in  
627 the progress report required under paragraph (a) a status of the  
628 results of implementation of agricultural nonpoint source best  
629 management practices in the following categories:

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

634 (c) Beginning July 1, 2020, and each July 1 thereafter, the  
635 department shall include in the progress report the number of  
636 landowners, dischargers, or other responsible persons required  
637 to implement applicable management strategies, including best  
638 management practices or water quality monitoring, who did not  
639 comply with such requirements.

640 (3) A nonagricultural and agricultural nonpoint source  
641 owner and operator who discharges into a basin included in an  
642 adopted basin management action plan must comply with the  
643 following, as applicable, within 5 years after the date of the  
644 adoption of the basin management action plan or an amendment  
645 thereto:

646 (a) For a nonagricultural nonpoint source discharger,  
647 nonagricultural interim measures, nonagricultural best  
648 management practices, other measures adopted by rule pursuant to



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649 s. 403.067(7)(c)1., or management measures adopted in a basin  
650 management action plan.

651 (b) For an agricultural nonpoint source discharger,  
652 agricultural interim measures, agricultural best management  
653 practices, or other measures adopted by rule pursuant to s.  
654 403.067(7)(c)2. and implemented according to a notice of intent  
655 filed by the agricultural nonpoint source discharger.

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

660 (4) For the progress reports submitted on July 1, 2020,  
661 July 1, 2021, and July 1, 2022, the department and the  
662 Department of Agriculture and Consumer Services shall focus on  
663 the priority areas identified in the basin management action  
664 plans.

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

667 403.412 Environmental Protection Act.—

668 (9)(a) A local government regulation, ordinance, code,  
669 rule, comprehensive plan, or charter may not recognize, grant,  
670 convey, or extend legal standing or legal rights, as those terms  
671 are generally construed, to a plant, an animal, a body of water,  
672 or any other part of the natural environment which is not a  
673 person or a political subdivision as defined in s. 1.01(8),  
674 unless otherwise specifically authorized by state law or the  
675 State Constitution.

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





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678           1. Limit the ability of the Department of Legal Affairs,  
679 any political subdivision of the state, or a resident of this  
680 state to maintain an action for injunctive relief as provided in  
681 this section.

682           2. Limit the ability of an aggrieved or adversely affected  
683 party to appeal and challenge the consistency of a development  
684 order with a comprehensive plan, as provided in s. 163.3215, or  
685 to file an action for injunctive relief to enforce the terms of  
686 a development agreement or to challenge compliance of the  
687 agreement with the Florida Local Government Development  
688 Agreement Act, as provided in s. 163.3243.

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

690  
691 ===== T I T L E   A M E N D M E N T =====

692 And the title is amended as follows:

693           Delete everything before the enacting clause  
694 and insert:

695                           A bill to be entitled

696           An act relating to environmental resource management;  
697           amending s. 403.067, F.S.; providing additional  
698           management strategies for basin management action  
699           plans; requiring certain basin management action plans  
700           to include certain cooperative regional water quality  
701           improvement elements; providing requirements for the  
702           Department of Environmental Protection, the Department  
703           of Agriculture and Consumer Services, and owners of  
704           agricultural operations in developing and implementing  
705           such elements; requiring the Department of Agriculture  
706           and Consumer Services to work with the Department of



707 Environmental Protection to improve the accuracy of  
708 data used to estimate certain agricultural land uses  
709 and to work with producers to identify certain  
710 agricultural technologies; requiring the University of  
711 Florida Institute of Food and Agricultural Sciences to  
712 work with the Department of Agriculture and Consumer  
713 Services to develop a specified research plan and a  
714 legislative budget request; requiring the Department  
715 of Environmental Protection to work with the  
716 University of Florida Institute of Food and  
717 Agricultural Sciences to consider the adoption of best  
718 management practices for nutrient impacts from golf  
719 courses; establishing a nutrient reduction cost-share  
720 program within the Department of Environmental  
721 Protection; providing requirements for such program;  
722 providing legislative intent regarding rural  
723 homesteads; defining the term "rural homesteads";  
724 exempting such homesteads from certain best management  
725 practices under certain conditions; amending s.  
726 403.0675, F.S.; requiring the Department of  
727 Environmental Protection and the Department of  
728 Agriculture and Consumer Services to include specified  
729 information in annual progress reports for basin  
730 management action plans; amending s. 403.412, F.S.;  
731 prohibiting local governments from recognizing,  
732 granting, conveying, or extending legal rights or  
733 legal standing to animals or certain parts of the  
734 natural environment under certain circumstances;  
735 providing construction; providing an effective date.