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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
01/27/2020	.	
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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



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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



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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.