

By the Committee on Environment and Natural Resources; and
Senator Albritton

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1 A bill to be entitled
2 An act relating to environmental resource management;
3 amending s. 403.067, F.S.; providing additional
4 management strategies for basin management action
5 plans; requiring certain basin management action plans
6 to include certain cooperative regional water quality
7 improvement elements; providing requirements for the
8 Department of Environmental Protection, the Department
9 of Agriculture and Consumer Services, and owners of
10 agricultural operations in developing and implementing
11 such elements; requiring the Department of Agriculture
12 and Consumer Services to work with the Department of
13 Environmental Protection to improve the accuracy of
14 data used to estimate certain agricultural land uses
15 and to work with producers to identify certain
16 agricultural technologies; requiring the University of
17 Florida Institute of Food and Agricultural Sciences to
18 work with the Department of Agriculture and Consumer
19 Services to develop a specified research plan and a
20 legislative budget request; requiring the Department
21 of Environmental Protection to work with the
22 University of Florida Institute of Food and
23 Agricultural Sciences to consider the adoption of best
24 management practices for nutrient impacts from golf
25 courses; establishing a nutrient reduction cost-share
26 program within the Department of Environmental
27 Protection; providing requirements for such program;
28 providing legislative intent regarding rural
29 homesteads; defining the term "rural homesteads";

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30 exempting such homesteads from certain best management
31 practices under certain conditions; amending s.
32 403.0675, F.S.; requiring the Department of
33 Environmental Protection and the Department of
34 Agriculture and Consumer Services to include specified
35 information in annual progress reports for basin
36 management action plans; amending s. 403.412, F.S.;
37 prohibiting local governments from recognizing,
38 granting, conveying, or extending legal rights or
39 legal standing to animals or certain parts of the
40 natural environment under certain circumstances;
41 providing construction; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

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

48 403.067 Establishment and implementation of total maximum
49 daily loads.—

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

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

53 1. In developing and implementing the total maximum daily
54 load for a water body, the department, or the department in
55 conjunction with a water management district, may develop a
56 basin management action plan that addresses some or all of the
57 watersheds and basins tributary to the water body. Such plan
58 must integrate the appropriate management strategies available

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59 to the state through existing water quality protection programs
60 to achieve the total maximum daily loads and may provide for
61 phased implementation of these management strategies to promote
62 timely, cost-effective, and technically and financially
63 practical actions as provided for in s. 403.151. The plan must
64 establish a schedule implementing the management strategies,
65 establish a basis for evaluating the plan's effectiveness, and
66 identify feasible funding strategies for implementing the plan's
67 management strategies. The management strategies may include:

68 a. Regional treatment systems or other public works, where
69 appropriate;~~and~~

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

72 c. Interim measures, best management practices, or other
73 measures in paragraph (c);

74 d. Implementation of cooperative agricultural regional
75 water quality improvement projects or practices in paragraph
76 (e); and

77 e. Cooperative urban, suburban, commercial, or
78 institutional regional water quality improvement projects or
79 practices in paragraph (f).

80 2. A basin management action plan must equitably allocate,
81 pursuant to paragraph (6) (b), pollutant reductions to individual
82 basins, as a whole to all basins, or to each identified point
83 source or category of nonpoint sources, as appropriate. For
84 nonpoint sources for which best management practices have been
85 adopted, the initial requirement specified by the plan must be
86 those practices developed pursuant to paragraph (c). Where
87 appropriate, the plan may take into account the benefits of

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88 pollutant load reduction achieved by point or nonpoint sources
89 that have implemented management strategies to reduce pollutant
90 loads, including best management practices, before the
91 development of the basin management action plan. The plan must
92 also identify the mechanisms that will address potential future
93 increases in pollutant loading.

94 3. The basin management action planning process is intended
95 to involve the broadest possible range of interested parties,
96 with the objective of encouraging the greatest amount of
97 cooperation and consensus possible. In developing a basin
98 management action plan, the department shall assure that key
99 stakeholders, including, but not limited to, applicable local
100 governments, water management districts, the Department of
101 Agriculture and Consumer Services, other appropriate state
102 agencies, local soil and water conservation districts,
103 environmental groups, regulated interests, and affected
104 pollution sources, are invited to participate in the process.
105 The department shall hold at least one public meeting in the
106 vicinity of the watershed or basin to discuss and receive
107 comments during the planning process and shall otherwise
108 encourage public participation to the greatest practicable
109 extent. Notice of the public meeting must be published in a
110 newspaper of general circulation in each county in which the
111 watershed or basin lies not less than 5 days nor more than 15
112 days before the public meeting. A basin management action plan
113 does not supplant or otherwise alter any assessment made under
114 subsection (3) or subsection (4) or any calculation or initial
115 allocation.

116 4. Each new or revised basin management action plan shall

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117 include:

118 a. The appropriate management strategies available through
119 existing water quality protection programs to achieve total
120 maximum daily loads, which may provide for phased implementation
121 to promote timely, cost-effective actions as provided for in s.
122 403.151;

123 b. A description of best management practices adopted by
124 rule;

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

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

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

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

137 6. The basin management action plan must include milestones
138 for implementation and water quality improvement, and an
139 associated water quality monitoring component sufficient to
140 evaluate whether reasonable progress in pollutant load
141 reductions is being achieved over time. An assessment of
142 progress toward these milestones shall be conducted every 5
143 years, and revisions to the plan shall be made as appropriate.
144 Revisions to the basin management action plan shall be made by
145 the department in cooperation with basin stakeholders. Revisions

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146 to the management strategies required for nonpoint sources must
147 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised
148 basin management action plans must be adopted pursuant to
149 subparagraph 5.

150 7. In accordance with procedures adopted by rule under
151 paragraph (9)(c), basin management action plans, and other
152 pollution control programs under local, state, or federal
153 authority as provided in subsection (4), may allow point or
154 nonpoint sources that will achieve greater pollutant reductions
155 than required by an adopted total maximum daily load or
156 wasteload allocation to generate, register, and trade water
157 quality credits for the excess reductions to enable other
158 sources to achieve their allocation; however, the generation of
159 water quality credits does not remove the obligation of a source
160 or activity to meet applicable technology requirements or
161 adopted best management practices. Such plans must allow trading
162 between NPDES permittees, and trading that may or may not
163 involve NPDES permittees, where the generation or use of the
164 credits involve an entity or activity not subject to department
165 water discharge permits whose owner voluntarily elects to obtain
166 department authorization for the generation and sale of credits.

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

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

173 1. The department shall be the lead agency in coordinating
174 the implementation of the total maximum daily loads through

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175 existing water quality protection programs. Application of a
176 total maximum daily load by a water management district must be
177 consistent with this section and does not require the issuance
178 of an order or a separate action pursuant to s. 120.536(1) or s.
179 120.54 for the adoption of the calculation and allocation
180 previously established by the department. Such programs may
181 include, but are not limited to:

- 182 a. Permitting and other existing regulatory programs,
183 including water-quality-based effluent limitations;
- 184 b. Nonregulatory and incentive-based programs, including
185 best management practices, cost sharing, waste minimization,
186 pollution prevention, agreements established pursuant to s.
187 403.061(21), and public education;
- 188 c. Other water quality management and restoration
189 activities, for example surface water improvement and management
190 plans approved by water management districts or basin management
191 action plans developed pursuant to this subsection;
- 192 d. Trading of water quality credits or other equitable
193 economically based agreements;
- 194 e. Public works including capital facilities; or
- 195 f. Land acquisition.

196 2. For a basin management action plan adopted pursuant to
197 paragraph (a), any management strategies and pollutant reduction
198 requirements associated with a pollutant of concern for which a
199 total maximum daily load has been developed, including effluent
200 limits ~~set forth~~ for a discharger subject to NPDES permitting,
201 if any, must be included in a timely manner in subsequent NPDES
202 permits or permit modifications for that discharger. The
203 department may not impose limits or conditions implementing an

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204 adopted total maximum daily load in an NPDES permit until the
205 permit expires, the discharge is modified, or the permit is
206 reopened pursuant to an adopted basin management action plan.

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

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

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

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

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233 NPDES permit.

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

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

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

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

261 i. A landowner, discharger, or other responsible person who

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

271 (c) *Best management practices.*—

272 1. The department, in cooperation with the water management
273 districts and other interested parties, as appropriate, may
274 develop suitable interim measures, best management practices, or
275 other measures necessary to achieve the level of pollution
276 reduction established by the department for nonagricultural
277 nonpoint pollutant sources in allocations developed pursuant to
278 subsection (6) and this subsection. These practices and measures
279 may be adopted by rule by the department and the water
280 management districts and, when ~~where~~ adopted by rule, shall be
281 implemented by those parties responsible for nonagricultural
282 nonpoint source pollution.

283 2. The Department of Agriculture and Consumer Services may
284 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
285 suitable interim measures, best management practices, or other
286 measures necessary to achieve the level of pollution reduction
287 established by the department for agricultural pollutant sources
288 in allocations developed pursuant to subsection (6) and this
289 subsection or for programs implemented pursuant to paragraph
290 (12) (b). These practices and measures may be implemented by

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291 those parties responsible for agricultural pollutant sources and
292 the department, the water management districts, and the
293 Department of Agriculture and Consumer Services shall assist
294 with implementation. In the process of developing and adopting
295 rules for interim measures, best management practices, or other
296 measures, the Department of Agriculture and Consumer Services
297 shall consult with the department, the Department of Health, the
298 water management districts, representatives from affected
299 farming groups, and environmental group representatives. Such
300 rules must also incorporate provisions for a notice of intent to
301 implement the practices and a system to assure the
302 implementation of the practices, including site inspection and
303 recordkeeping requirements.

304 3. When ~~Where~~ interim measures, best management practices,
305 or other measures are adopted by rule, the effectiveness of such
306 practices in achieving the levels of pollution reduction
307 established in allocations developed by the department pursuant
308 to subsection (6) and this subsection or in programs implemented
309 pursuant to paragraph (12) (b) must be verified at representative
310 sites by the department. The department shall use best
311 professional judgment in making the initial verification that
312 the best management practices are reasonably expected to be
313 effective and, where applicable, must notify the appropriate
314 water management district or the Department of Agriculture and
315 Consumer Services of its initial verification before the
316 adoption of a rule proposed pursuant to this paragraph.
317 Implementation, in accordance with rules adopted under this
318 paragraph, of practices that have been initially verified to be
319 effective, or verified to be effective by monitoring at

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320 representative sites, by the department, shall provide a
321 presumption of compliance with state water quality standards and
322 release from ~~the provisions of~~ s. 376.307(5) for those
323 pollutants addressed by the practices, and the department is not
324 authorized to institute proceedings against the owner of the
325 source of pollution to recover costs or damages associated with
326 the contamination of surface water or groundwater caused by
327 those pollutants. Research projects funded by the department, a
328 water management district, or the Department of Agriculture and
329 Consumer Services to develop or demonstrate interim measures or
330 best management practices shall be granted a presumption of
331 compliance with state water quality standards and a release from
332 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
333 and release is limited to the research site and only for those
334 pollutants addressed by the interim measures or best management
335 practices. Eligibility for the presumption of compliance and
336 release is limited to research projects on sites where the owner
337 or operator of the research site and the department, a water
338 management district, or the Department of Agriculture and
339 Consumer Services have entered into a contract or other
340 agreement that, at a minimum, specifies the research objectives,
341 the cost-share responsibilities of the parties, and a schedule
342 that details the beginning and ending dates of the project.

343 4. When ~~Where~~ water quality problems are demonstrated,
344 despite the appropriate implementation, operation, and
345 maintenance of best management practices and other measures
346 required by rules adopted under this paragraph, the department,
347 a water management district, or the Department of Agriculture
348 and Consumer Services, in consultation with the department,

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349 shall institute a reevaluation of the best management practice
350 or other measure. Should the reevaluation determine that the
351 best management practice or other measure requires modification,
352 the department, a water management district, or the Department
353 of Agriculture and Consumer Services, as appropriate, shall
354 revise the rule to require implementation of the modified
355 practice within a reasonable time period as specified in the
356 rule.

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

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

377 (d) *Enforcement and verification of basin management action*

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378 *plans and management strategies.*—

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

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

383 2. No later than January 1, 2017:

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

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

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

402

403 The rules required under this subparagraph shall include
404 enforcement procedures applicable to the landowner, discharger,
405 or other responsible person required to implement applicable
406 management strategies, including best management practices or

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407 water quality monitoring as a result of noncompliance.

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

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

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

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

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

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

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

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

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

448 (e) Cooperative agricultural regional water quality
449 improvement element.-

450 1. The department, the Department of Agriculture and
451 Consumer Services, and owners of agricultural operations in the
452 basin shall develop a cooperative agricultural regional water
453 quality improvement element as part of a basin management action
454 plan only if:

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

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

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

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

476 3. To qualify for participation in the cooperative
477 agricultural regional water quality improvement element, the
478 participant must have already implemented the interim measures,
479 best management practices, or other measures adopted by the
480 Department of Agriculture and Consumer Services pursuant to
481 subparagraph (c)2. The element may be included in the basin
482 management action plan as a part of the next 5-year assessment
483 under subparagraph (a)6.

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

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

491 a. Nonagricultural interim measures and nonagricultural
492 best management practices have been implemented and the
493 waterbody remains impaired;

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494 b. Nonagricultural nonpoint sources contribute to at least
495 20 percent of nonpoint source nutrient discharges; and

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

500 2. The element shall be implemented through a cost-sharing
501 program as provided by general law. The element must include
502 cost-effective and technically and financially practical
503 cooperative regional nutrient reduction projects that can be
504 implemented on urban, suburban, commercial, or institutional
505 properties if funding is made available as provided by general
506 law. The element must be included in the basin management action
507 plan as a part of the next 5-year assessment under subparagraph
508 (a) 6.

509 (g) Data collection and research.—

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

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

521 a. Evaluate and, if cost-effective and technically and
522 financially practical, suggest enhancements to adopted best

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523 management practices;

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

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

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

541 (14) NUTRIENT REDUCTION COST-SHARE PROGRAM.—A nutrient
542 reduction cost-share program is established within the
543 department.

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

548 1. Projects to retrofit onsite sewage treatment and
549 disposal systems.

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

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552 3. Projects to connect onsite sewage treatment and disposal
553 systems to central sewer facilities.

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

557 5. Projects identified in the cooperative agricultural
558 regional water quality improvement element pursuant to paragraph
559 (7) (e).

560 6. Data collection and research activities identified in
561 paragraph (7) (g).

562 (b) In allocating funds for projects, the department shall
563 prioritize projects in subbasins with the highest nutrient
564 concentrations within a basin management action plan and
565 projects that are identified in subparagraphs (a)1.-5. For
566 projects identified in subparagraphs (a)1.-4., further
567 prioritization must be given to projects that subsidize the
568 connection of onsite sewage treatment and disposal systems to a
569 wastewater treatment plant or that subsidize inspections and
570 assessments of onsite sewage treatment and disposal systems.

571 (c) In determining the priority of projects pursuant to
572 paragraph (b), the department shall consider the following for
573 each project:

574 1. The estimated reduction in nutrient load.

575 2. Readiness.

576 3. Cost-effectiveness.

577 4. Overall environmental benefit.

578 5. The location within the plan area.

579 6. The availability of local matching funds.

580 7. Projected water savings or water quantity improvements.

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

587 (e) The department shall coordinate with the Department of
588 Agriculture and Consumer Services, the University of Florida
589 Institute of Food and Agricultural Sciences, and each water
590 management district, as necessary, in allocating funds
591 appropriated pursuant to paragraph (a).

592 (f) Beginning January 1, 2021, and each January 1
593 thereafter, the department shall submit a report regarding the
594 projects funded pursuant to this subsection to the Governor, the
595 President of the Senate, and the Speaker of the House of
596 Representatives.

597 (g) The nutrient reduction cost-share program is in
598 addition to, and does not replace, existing funding
599 authorizations.

600 (15) RURAL HOMESTEADS.-

601 (a) The Legislature recognizes that lands classified as
602 agricultural by property appraisers may include rural homesteads
603 in addition to producing agricultural lands. It is the intent of
604 the Legislature to support those who seek to establish and
605 maintain rural homesteads and focus on a sustainable, self-
606 supporting lifestyle.

607 (b) As used in this subsection, the term "rural homesteads"
608 means low-density rural residential properties up to 50 acres in
609 size which are homesites and noncommercial in nature that

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610 include single-family homes and accessory structures together
611 with the keeping of livestock, horses, traditional farm animals
612 and poultry, and the planting and maintenance of groves and
613 gardens for the primary purpose of serving the needs and
614 interests of those living on the property.

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

620 Section 2. Section 403.0675, Florida Statutes, is amended
621 to read:

622 403.0675 Progress reports. ~~On or before July 1 of each~~
623 ~~year, beginning in 2018:~~

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

625 (a) Beginning in 2018, the department, in conjunction with
626 the water management districts, shall post on its website and
627 submit electronically an annual progress report to the Governor,
628 the President of the Senate, and the Speaker of the House of
629 Representatives on the status of each total maximum daily load,
630 basin management action plan, minimum flow or minimum water
631 level, and recovery or prevention strategy adopted pursuant to
632 s. 403.067 or parts I and VIII of chapter 373. The report must
633 include the status of each project identified to achieve a total
634 maximum daily load or an adopted minimum flow or minimum water
635 level, as applicable. If a report indicates that any of the 5-
636 year, 10-year, or 15-year milestones, or the 20-year target
637 date, if applicable, for achieving a total maximum daily load or
638 a minimum flow or minimum water level will not be met, the

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639 report must include an explanation of the possible causes and
640 potential solutions. If applicable, the report must include
641 project descriptions, estimated costs, proposed priority ranking
642 for project implementation, and funding needed to achieve the
643 total maximum daily load or the minimum flow or minimum water
644 level by the target date. Each water management district shall
645 post the department's report on its website.

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

648 1. The status of the results of verification of the
649 stormwater systems and nonagricultural best management
650 practices.

651 2. The number of landowners, dischargers, or other
652 responsible persons required to implement applicable management
653 strategies, including best management practices or water quality
654 monitoring, who did not comply with such requirements.

655 (2) (a) The Department of Agriculture and Consumer Services
656 shall post on its website and submit electronically an annual
657 progress report to the Governor, the President of the Senate,
658 and the Speaker of the House of Representatives on the status of
659 the implementation of the agricultural nonpoint source best
660 management practices, including an implementation assurance
661 report summarizing survey responses and response rates, site
662 inspections, and other methods used to verify implementation of
663 and compliance with best management practices pursuant to basin
664 management action plans.

665 (b) Beginning July 1, 2021, and each July 1 thereafter, the
666 Department of Agriculture and Consumer Services shall include in
667 the progress report required under paragraph (a) a status of the

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668 results of implementation of agricultural nonpoint source best
669 management practices in the following categories:

670 1. Irrigated and nonirrigated agricultural acres.

671 2. Fallow agricultural acres.

672 3. Agricultural parcels of fewer than 50 acres, excluding
673 rural homesteads as defined in s. 403.067(15).

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

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

680 403.412 Environmental Protection Act.—

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

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

691 1. Limit the ability of the Department of Legal Affairs,
692 any political subdivision of the state, or a resident of this
693 state to maintain an action for injunctive relief as provided in
694 this section.

695 2. Limit the ability of an aggrieved or adversely affected
696 party to appeal and challenge the consistency of a development

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697 order with a comprehensive plan, as provided in s. 163.3215, or
698 to file an action for injunctive relief to enforce the terms of
699 a development agreement or to challenge compliance of the
700 agreement with the Florida Local Government Development
701 Agreement Act, as provided in s. 163.3243.

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