

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

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

40 |
41 | Be It Enacted by the Legislature of the State of Florida:

42 |
43 | Section 1. Subsection (7) of section 403.067, Florida
44 | Statutes, is amended, and subsections (14) and (15) are added to
45 | that section, to read:

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

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

50 | (a) Basin management action plans.—

51 1. In developing and implementing the total maximum daily
52 load for a water body, the department, or the department in
53 conjunction with a water management district, may develop a
54 basin management action plan that addresses some or all of the
55 watersheds and basins tributary to the water body. Such plan
56 must integrate the appropriate management strategies available
57 to the state through existing water quality protection programs
58 to achieve the total maximum daily loads and may provide for
59 phased implementation of these management strategies to promote
60 timely, cost-effective, and technically and financially
61 practical actions as provided for in s. 403.151. The plan must
62 establish a schedule implementing the management strategies,
63 establish a basis for evaluating the plan's effectiveness, and
64 identify feasible funding strategies for implementing the plan's
65 management strategies. The management strategies may include:

66 a. Regional treatment systems or other public works, where
67 appropriate; ~~and~~

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

70 c. Interim measures, best management practices, or other
71 measures in paragraph (c);

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

75 e. Cooperative urban, suburban, commercial, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

170 (b) Total maximum daily load implementation.—

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

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

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

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

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

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

192 e. Public works including capital facilities; or

193 f. Land acquisition.

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

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

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

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

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

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

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

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

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

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

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

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

269 (c) Best management practices.—

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

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

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

301 recordkeeping requirements.

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

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

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

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

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

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

375 (d) Enforcement and verification of basin management

376 | action plans and management strategies.—

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

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

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

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

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

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

400 |

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

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

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

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

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

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

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

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

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

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

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

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

451 plan only if:

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

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

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

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

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

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

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

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

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

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

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

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

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

506 (g) Data collection and research.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

569 1. The estimated reduction in nutrient load.

570 2. Readiness.

571 3. Cost effectiveness.

572 4. Overall environmental benefit.

573 5. The location within the plan area.

574 6. The availability of local matching funds.

575 7. Projected water savings or water quantity improvements.

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

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

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

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

595 (15) RURAL HOMESTEADS.-

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

601 supporting lifestyle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

675 (3) A nonagricultural and agricultural nonpoint source

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

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

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

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

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

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