A bill to be entitled
An act relating to environmental resource management; amending s. 403.067, F.S.; providing that basin management action plan management strategies may include certain water quality improvement elements; requiring the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, to develop and implement a cooperative agricultural regional water quality improvement element; providing guidelines for the element; providing requirements for participation in the element; requiring the Department of Environmental Protection, in coordination with the Department of Health or water management districts, to develop and implement a cooperative urban, suburban, commercial, or institutional water quality improvement element; providing guidelines for the element; requiring the Department of Environmental Protection to work with the Department of Agriculture and Consumer Services and producers to improve certain data and technology resources; requiring the Institute of Food and Agriculture Sciences of the University of Florida, in cooperation with the Department of Agriculture and Consumer Services, to develop a research plan and a legislative budget request; providing requirements for the plan; establishing a nutrient reduction cost-share program within the Department of Environmental Protection; providing requirements for the program, subject to legislative appropriation; providing
priorities for funding allocations; authorizing the
department to waive a local match requirement under
certain circumstances; requiring an annual report to
the Governor and the Legislature; amending s. 403.412,
F.S.; prohibiting local governments from recognizing,
granting, conveying, or extending legal rights or
legal standing to animals or the natural environment
under certain circumstances; providing construction;
providing an effective date.

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

Section 1. Paragraph (a) of subsection (7) of section
403.067, Florida Statutes, is amended, paragraphs (e), (f), and
(g) are added to that subsection, and subsection (14) is added
to that section, to read:

403.067 Establishment and implementation of total maximum
daily loads.—

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

(a) Basin management action plans.—

1. In developing and implementing the total maximum daily
load for a water body, the department, or the department in
conjunction with a water management district, may develop a
basin management action plan that addresses some or all of the
watersheds and basins tributary to the water body. Such plan
must integrate the appropriate management strategies available
to the state through existing water quality protection programs
to achieve the total maximum daily loads and may provide for
phased implementation of these management strategies to promote
timely, technically cost-effective actions as provided for in s.
403.151. The plan must establish a schedule for implementing the
management strategies, establish a basis for evaluating the
plan's effectiveness, and identify feasible funding strategies
for implementing the plan's management strategies. The
management strategies may include regional treatment systems or
other public works, where appropriate, and voluntary trading of
water quality credits to achieve the needed pollutant load
reductions. In addition to the interim measures, best management
practices, or other measures required in paragraph (c),
management strategies may include a cooperative agricultural
regional water quality improvement element, as set forth in
paragraph (e), or a cooperative urban, suburban, commercial, or
institutional regional water quality improvement element, as set
forth in paragraph (f).

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

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

4. Each new or revised basin management action plan must include:
   a. The appropriate management strategies available through existing water quality protection programs to achieve total maximum daily loads, which may provide for phased implementation to promote timely, cost-effective actions as provided for in s.
403.151;

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

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

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

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

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

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

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

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

(e) Cooperative agricultural regional water quality improvement element.—A basin management action plan may include as an additional management strategy a cooperative agricultural regional water quality improvement element.

1. The department, in coordination with the Department of Agriculture and Consumer Services, shall develop the element and implement it through a cost-sharing program. The element may
include cost-effective, technically and financially practical cooperative agricultural nutrient reduction projects that may be implemented on private properties, subject to available funding. The projects may include any of the following on lands of willing sellers or willing participants, which, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, will reduce the nutrient impacts from agricultural operations:

a. Land acquisition in fee or in conservation easements.

b. Site-specific water quality improvement or dispersed water management projects.

2. To qualify for participation in the element, the participant must have already implemented the interim measures, best management practices, or other measures adopted by the department pursuant to subparagraph (c)2.

3. The element may be included in the basin management action plan as a part of the 5-year assessment under subparagraph (a)6.

(f) Cooperative urban, suburban, commercial, or institutional water quality improvement element.—The basin management action plan may include as an additional management strategy a cooperative urban, suburban, commercial, or institutional regional water quality improvement element.

1. The department, in coordination with the Department of Health or water management districts, shall develop the element and implement it through a cost-sharing program. The element may include cost-effective, technically and financially practical cooperative urban, suburban, commercial, or institutional regional nutrient reduction projects that may be implemented on
properties, subject to available funding. The projects may include those that reduce stormwater pollutant loading, which, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, will reduce the nutrient impacts from urban, suburban, commercial, or institutional operations.

2. The element may be included in the basin management action plan as a part of the 5-year assessment under subparagraph (a)6.

(g) Data collection and research.—
1. The department shall work with the Department of Agriculture and Consumer Services to improve the accuracy of data used to estimate agricultural land uses in basin management action plans. The departments shall work with producers to identify agricultural technologies that could be implemented, subject to available funding, on properties where the technologies are deemed technically and financially practical.

2. The Institute of Food and Agricultural Sciences of the University of Florida, in cooperation with the Department of Agriculture and Consumer Services, shall develop a research plan and a legislative budget request to:

a. Evaluate and, where cost-effective and technically and financially practical, suggest enhancements to the adopted best management practices;

b. Develop new best management practices that are cost-effective and technically and financially practical and that, when proven, may be considered by the department for rule adoption pursuant to paragraph (c).

c. Develop technically and financially practical
agricultural nutrient reduction projects that would be implemented with willing participants on a site-specific, cooperative basis in addition to best management practices, and that would be considered for inclusion in a basin management action plan pursuant to paragraph (e).

3. The department, in cooperation with the Institute of Food and Agricultural Sciences of the University of Florida and the regulated entities, shall consider the adoption by rule of best management practices for the management of nutrient impacts from golf courses and other recreational areas.

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

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

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

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

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

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

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

6. Data collection and research activities identified in paragraph (7)(f).

(b) In allocating funds for projects, the department shall equally prioritize projects identified in subparagraphs (a)1.-4. with projects identified in subparagraph (a)5. For projects identified in subparagraphs (a)1.-4., priority must be given to projects that subsidize the connection of onsite sewage treatment and disposal systems to a wastewater treatment plant or that subsidize inspections and assessments of onsite sewage treatment and disposal systems. In determining such priorities, the department shall consider the estimated reduction in nutrient load per project, project readiness, the cost effectiveness of the project, the overall environmental benefit of a project, the location of a project within the plan area, the availability of local matching funds, and the projected water savings or quantity improvements associated with the project.

(c) Each project described in subparagraphs (a)1.-3. must require a minimum of a 50 percent local match of funds. However, the department may waive, in whole or in part, this consideration of the local contribution for proposed projects within an area designated as a rural area of opportunity pursuant to s. 288.0656.

(d) The department shall coordinate with the Department of Agriculture and Consumer Services, the Institute of Food and Agricultural Sciences of the University of Florida, and each water management district, as necessary, in allocating funds pursuant to this subsection.
(e) Beginning January 1, 2021, and each January 1
thereafter, the department shall submit a report regarding the
projects funded pursuant to this section to the Governor, the
President of the Senate, and the Speaker of the House of
Representatives.

Section 2. Subsection (9) is added to section 403.412,
Florida Statutes, to read:

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

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

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

2. Limit the ability of an aggrieved or adversely affected
party to appeal and challenge the consistency of a development
order with a comprehensive plan, as provided in s. 163.3215, or
to file an action for injunctive relief to enforce the terms of
a development agreement or to challenge compliance of the
agreement with the Florida Local Government Development
Agreement Act, as provided in s. 163.3243.
Section 3. This act shall take effect July 1, 2020.