

By Senator Rouson

19-00643-21

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1                                   A bill to be entitled  
2       An act relating to a large-scale agricultural  
3       pollution reduction pilot program; creating s.  
4       403.068, F.S.; creating a large-scale agricultural  
5       pollution reduction pilot program within the  
6       Department of Environmental Protection as a  
7       partnership with dairy farms for a specified purpose;  
8       providing pilot program application and project  
9       selection requirements; providing that projects must  
10      be available for inspection by the department, the  
11      Department of Agriculture and Consumer Services, and  
12      water management districts; specifying that pilot  
13      program participants are presumed to comply with water  
14      quality standards and are eligible for certain permit  
15      terms and funding; authorizing the department to adopt  
16      rules to provide a general permit for the construction  
17      of systems and projects under certain circumstances;  
18      requiring the Office of Program Policy Analysis and  
19      Government Accountability to evaluate the pilot  
20      program by a specified date using specified minimum  
21      criteria and report its findings to the Legislature;  
22      providing for the future repeal of the pilot program  
23      unless reviewed and saved from repeal by the  
24      Legislature; amending s. 403.814, F.S.; authorizing  
25      the department to grant general permits for certain  
26      department-approved large-scale dairy farm pollution  
27      reduction pilot program participants; providing an  
28      appropriation; providing an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Section 403.068, Florida Statutes, is created to  
33 read:

34 403.068 Large-scale agricultural pollution reduction pilot  
35 program.—

36 (1) There is created within the department a large-scale  
37 agricultural pollution reduction pilot program as a partnership  
38 with dairy farms, as defined in s. 502.012. The purpose of the  
39 pilot program is to develop and maintain regional pollution  
40 reduction projects that are designed to eliminate pollution to  
41 waters of the state.

42 (2) A pilot program applicant must submit an application to  
43 the department in a format prescribed by the department. The  
44 application must include all of the following information:

45 (a) A plan for the design, construction, operation,  
46 management, maintenance, and monitoring of pollution reduction  
47 from the agricultural properties that are participating in the  
48 project.

49 (b) A financial plan, including financial commitments for  
50 the development and long-term maintenance of the pollution  
51 reduction project or projects. The financial plan may include a  
52 cooperative agreement among multiple dairy farms to collectively  
53 pool resources to support systems designed to capture, reuse,  
54 and treat all stormwater to reduce nutrient loading to waters of  
55 the state.

56 (c) A plan to reduce nutrient loading to waters of the  
57 state completely or to negligible levels for each participating  
58 dairy farm.

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59       (3) Selection of projects shall be made at the discretion  
60 of the department, and all aspects of selected projects are  
61 subject to department review and comment. All aspects of  
62 projects planned and developed pursuant to this section must be  
63 available for inspection by the department, the Department of  
64 Agriculture and Consumer Services, and water management  
65 districts.

66       (4) A participant in a department-approved regional  
67 pollution reduction project that meets the requirements of this  
68 section and that operates in accordance with all rules and plans  
69 applicable to such project shall:

70       (a) Have a rebuttable presumption that the dairy farms  
71 participating in the project comply with water quality  
72 standards;

73       (b) Unless inconsistent with federal law, receive a permit  
74 duration of up to 20 years;

75       (c) Be eligible for state funding pursuant to this section;

76       (d) If the project is incorporated into the applicable  
77 basin management action plan, be eligible for state funding  
78 pursuant to s. 403.067(7) (e); and

79       (e) Be eligible for self-certification pursuant to  
80 paragraph (5) (a) for systems and projects constructed under the  
81 department-approved regional pollution reduction project.

82       (5) The department:

83       (a) May adopt rules to provide a general permit pursuant to  
84 s. 403.814(13) that authorizes the construction of the systems  
85 and projects that are part of a department-approved project.

86 Such construction projects may proceed without any further  
87 agency action by the department or water management district if,

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88 before construction begins, an electronic self-certification is  
89 submitted to the department or water management district which  
90 certifies that the proposed system was designed by a Florida  
91 registered professional and that the registered professional has  
92 certified that the proposed system will meet the following  
93 additional requirements:

94 1. Activities will not impact wetlands or surface waters;

95 2. Activities are not conducted in, on, or over wetlands or  
96 other surface waters;

97 3. Drainage facilities will not include pipes having  
98 diameters greater than 24 inches, or the hydraulic equivalent,  
99 and will not use pumps in any manner;

100 4. The project is not part of a larger common plan,  
101 development, or sale; and

102 5. The project does not:

103 a. Cause or contribute to adverse water quantity or  
104 flooding impacts to receiving water and adjacent lands;

105 b. Cause or contribute to adverse impacts to existing  
106 surface water storage and conveyance;

107 c. Cause or contribute to violation of state water quality  
108 standards; or

109 d. Cause or contribute to an adverse impact to the  
110 maintenance of surface or groundwater flows established pursuant  
111 to s. 373.042 or a work of the district established pursuant to  
112 s. 373.086.

113 (b) Shall adopt rules to implement this section.

114 (6) By June 30, 2024, the Office of Program Policy Analysis  
115 and Government Accountability shall evaluate the pilot program  
116 created pursuant to this section and report its findings to the

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117 President of the Senate and the Speaker of the House of  
118 Representatives. The report shall examine, at a minimum, the  
119 costs associated with pilot program projects and the level of  
120 nutrient loading into the waters of the state by properties  
121 participating in this pilot program.

122 (7) This section shall stand repealed on October 2, 2025,  
123 unless reviewed and saved from repeal through reenactment by the  
124 Legislature. Any commitments entered into or benefits received  
125 pursuant to this section shall continue to be binding for any  
126 project partnerships entered into before the repeal date unless  
127 or until the department terminates the project partnership.

128 Section 2. Subsection (13) is added to section 403.814,  
129 Florida Statutes, to read:

130 403.814 General permits; delegation.—

131 (13) The department may grant general permits for projects  
132 that are part of a department-approved large-scale dairy farm  
133 pollution reduction pilot program pursuant to s. 403.068.

134 Section 3. For the 2021-2022 fiscal year, the sum of  
135 \$1,300,000 in nonrecurring funds is appropriated from the  
136 General Revenue Fund to the Department of Environmental  
137 Protection for the purpose of large-scale dairy farm pollution  
138 reduction projects approved pursuant to s. 403.068, which shall  
139 be allocated as follows:

140 (1) The sum of \$800,000 shall be allocated to a project or  
141 projects located within the Okeechobee Basin Management Action  
142 Plan.

143 (2) The sum of \$500,000 shall be allocated to a project or  
144 projects located within the Suwanee Basin Management Action  
145 Plan.

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Section 4. This act shall take effect July 1, 2021.