

**April 19th Meeting South Florida Ecosystem Restoration Working Group
Legislative Update**

Senate Bill 98 Water Study Commission

Summary:

This bill creates the 2020 Water Study Commission, composed of appointees of the Governor, the President of the Senate, and the Speaker of the House of Representatives and nonvoting, ex officio members, to study state water resource management and planning laws and make recommendations with respect to water resource protection and use. It requires a final report with recommendations by February 1, 2007. This bill provides for the sum of \$250,000 to be appropriated from the General Revenue Fund to the Department of Environmental Protection for the purpose of creating the 2020 Water Study Commission.

Effect of Proposed Changes:

This bill creates the 2020 Water Study Commission.

The commission is to be composed of 17 voting members, 7 of whom are appointed by the Governor, 5 of whom are appointed by the President of the Senate, and 5 of whom are appointed by the Speaker of the House of Representatives. The Commissioner of Agriculture, the Secretary of Community Affairs, and the Secretary of Environmental Protection or their designees shall serve as ex officio, nonvoting members.

The Governor's appointees shall include at least one individual from each of the following groups:

- Business
- Agriculture
- Environmental
- Community representatives
- Local and Regional governments
- Water resources management and planning specialists

Senate Bill 360/PCS Relating to Growth Management

Summary:

The proposed committee substitute (PCS) requires a local government's comprehensive plan to be financially feasible and the capital improvements element in a local comprehensive plan to include a schedule of improvements that ensure the adopted level-of-service standards are achieved and maintained. Also, it requires an annual review of the capital improvements element to maintain a financially feasible 5-year schedule of capital improvements.

The 1985 Growth Management Act required that “public facilities and services” be available concurrently with development. This bill includes schools in the list of infrastructure subject to the concurrency requirement on a statewide basis. Transportation facilities must be in place when the local government approves the commencement of construction of each stage or phase of a development or the facility must be under actual construction within 3 years of such approval.

The bill contains mitigation options for transportation and schools.

A local government is encouraged to develop a community vision. The process of developing a community vision requires the local government to hold a workshop with stakeholders and two public hearings. Also, a local government is encouraged to adopt an urban service boundary.

This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The establishment of an urban service boundary does not preclude development outside the boundary.

A county that has adopted an urban service boundary and a community vision may levy the charter county transit system surtax and the infrastructure surtax under s. 212.055, F.S., by majority vote.

A small county that has adopted a community vision and an urban service boundary may levy the infrastructure surtax and small county surtax under s. 212.055, F.S., by majority vote for a combined rate of up to 2 percent.

A county that has adopted a community vision may levy the local option fuel tax and the ninth cent fuel tax by majority vote. This bill also provides for the indexing of local option gas taxes.

Subsection (6) of s. 163.3177, F.S., is amended to strengthen the link between development approval and water supply planning. Specifically, the potable water element must be consistent with the applicable regional water supply plan by December 1, 2006. It allows a local government to prepare its own water supply analysis as an alternative.

In addition, the PCS allows a local government to rely on the first 3 years of the tentative work program relating to the State Transportation Trust Fund for planning and concurrency purposes.

The Office of Program Policy Analysis and Government Accountability is to perform a study by December 31, 2005, regarding adjustments to the boundaries of the Florida Regional Planning Councils, Florida Water Management Districts, and Department of Transportation Districts.

The PCS creates the 21-member Century Commission with its members to be appointed by the Governor. One member shall be designated by the Governor as Chairman. It appropriates the sum of \$250,000 from the General Revenue Fund to the Department of Community Affairs for the funding of the Commission and staff during the 2005-2006 fiscal year.

April 13 Growth Management Announcement by Governor Bush

Governor Jeb Bush today recommended the state provide \$9.5 billion during the next decade -- \$1 billion in cash this year, followed in 2007 with a 10-year bond program -- to fund the transportation component of his growth management proposal. Under the funding plan, the Governor proposes asking Florida's voters to approve the bond program by referendum in November 2005. Governor Bush's growth management reform plan highlights the need for concurrency -- tying growth decisions made by local government to the availability of schools, roads and water.

The Governor's growth management plan requires a pay-as-you-go system, where decisions about new development are based on Florida's communities' ability to provide adequate infrastructure. Under the plan, comprehensive plans require a budget and timeline to address the backlog of infrastructure as well as the increased demands of new development.

The Governor's proposal addresses the following:

- Schools - Local governments and school boards would be required to work together to plan for a growing student population caused by new development. Educational facilities would need to be available or under construction within three years from approval of development.
- Roads - Capacity on roads would need to be available or under construction within three years from approval of development.
- Water - Local governments must ensure sustainable water sources are available by coordinating and planning with regional Water Management Districts. Adequate water supplies would be required to be available at the time of local development approval.

Under the transportation funding proposal, local governments would be required to use local revenues to meet local needs created by growth. Statewide, Florida communities have a combined annual total of \$5.3 billion available for infrastructure, including \$1.1 billion for roads, \$2.8 billion for schools and nearly \$1.4 billion for general infrastructure.

Under the growth management plan, local governments will be required to tap into existing funding sources to pay the cost of needed local infrastructure, while state government will fund infrastructure of statewide priority.

The plan unveiled today focuses on investing in our transportation system to relieve urban congestion and expand our major trade and tourism routes. According to the Florida Department of Transportation, every one dollar invested in transportation (highways, rails, and transit) generates a return on investment of \$5.50 in economic benefits.

The funding proposed will address the backlog of transportation funding and improve road conditions throughout the state. And if approved by the voters, the Governor's proposal would be the largest transportation funding increase in state history without raising taxes.

Senate Bill 502/HB 155 Lake Okeechobee Protection Program

Summary:

This bill establishes legislative findings that in order to achieve the goals and objectives of the Lake Okeechobee Protection Program and to effectively implement the Lake Okeechobee Watershed Phosphorus Control Program, the state must expeditiously implement the Lake Okeechobee Protection Plan. The bill establishes that a continuous source of funding is needed to implement a phosphorus control program that targets the most significant phosphorus sources within the watershed, and also establishes the Legislature's intent to provide funding on a continuous basis for the purposes of implementing the Lake Okeechobee Protection Plan and achieving phosphorus loading reductions.

The Department of Agriculture & Consumer Services (DACS), the Department of Environmental Protection (DEP), and the South Florida Water Management District (SFWMD), also defined in statute as the coordinating agencies, are jointly responsible for implementing the Lake Okeechobee Protection Plan. The coordinating agencies are directed to jointly establish annual funding priorities and must assign the highest priority to programs and projects that address sources having the highest relative contribution to phosphorus loading and the greatest potential for phosphorus reduction.

This bill substantially amends the following sections of the Florida Statutes: s. 373.4595.

Senate Bill 674/HB 769 Big Cypress Area of Critical State Concern

Summary:

The bill revises the boundaries of the Big Cypress Area of Critical State Concern to remove an urban area consisting of mobile home sites. This bill amends section 380.055 of the Florida Statutes.

Effect of Proposed Changes:

Removes the Plantation Island Subdivision (unrecorded) that is located in Sections 13 and 24, Township 53 South, Range 29 East, Collier County, Florida from the boundaries of the Big Cypress Area of Critical State Concern.

Provides the act shall take effect upon becoming a law.

By removing these mobile home lots from the designated area of critical state concern, a lot owner applying for a permit to build or improve a structure on the lot will no longer be subject to heightened review of the permit application.

Senate Bill 0774/HB 1141 Greenways and Trails

Summary:

This bill requests the Division of Statutory Revision to rename chapter 260, Florida Statutes, as the "Florida Greenways and Trails", establishes the Legislature's intent to recognize the Florida National Scenic Trail (Trail) as Florida's official statewide nonmotorized trail from the Florida Panhandle to the Everglades and the Florida Keys, and recognizes the federal government's major contributions and the efforts of private landowners, state government and non-profit entities in establishing the Trail. The bill establishes the Legislature's intent to encourage private landowners to continue to allow the use of private property for Trail purposes through incentives and liability protection, and encourages state and local agencies responsible for ecotourism to recognize the importance of the Trail in providing nature-based recreational opportunities to local communities along the Trail route.

Senate Bill 1182/HB 0137 Florida Incentive Based Permitting Act

Summary:

This bill creates the Florida Incentive-based Permitting Act. The purpose of the act is to provide the Department of Environmental Protection (DEP) with clear and specific authority to consider the compliance history of a permit applicant who has applied for an incentive-based permit.

Incentive-based permits are proposed to include Level 1 and Level 2 incentives which include longer duration permits, expedited permit reviews, short-form permit renewals, and other incentives to reward and encourage such applicants.

DEP would be required to develop rules associated with Level 1 and Level 2 incentives. DEP is encouraged to provide notice to permit applicants on the incentive-based components.

The incentive-based permitting program would apply to all permits issued under ch. 403, F.S., to coastal construction permitting activities permitted under ch. 161, F.S., and to permits issued under ch. 373, F.S.

This bill substantially amends the following sections of the Florida Statutes: 161.041, 373.413, and 403.087.

The bill creates the following section of the Florida Statutes: 403.0874.

Senate Bill 1316/HB 0955 Water Front Property

Summary:

This bill addresses a range of issues relating to recreational and commercial waterfront property and the preservation of public boating access to waterways. In addition to providing legislative findings and a definition for the term “recreational and commercial working waterfronts,” the bill provides for the following:

Requires counties to include strategies for preserving recreational and commercial working waterfronts within their comprehensive plans;

- Provides that the Board of Trustees of the Internal Improvement Trust Fund must encourage the use of sovereign submerged lands for water-dependent uses and public access;
- Provides technical assistance and support to waterfront communities through the creation of the Waterfronts Florida Program within the Department of Community Affairs; Directs the Department of Environmental Protection to evaluate the current use of state parks for recreational boating and identify appropriate locations for the future expansion of public boating access;
- Increases the current schedule of vessel registration fees and provides that the additional revenue generated must be deposited into the competitive boating grants program for the construction of publicly owned boating infrastructure; and
- Creates a property tax deferral program for qualifying recreational and commercial working waterfront properties.
- This bill substantially amends the following sections of the Florida Statutes: 163.3177, 163.3178, 253.03, 327.47, 328.72, and 328.76. This bill creates sections 197.304-197.3047 and 324.07 of the Florida Statutes. This bill creates unnumbered sections of the Florida Statutes.

Effect of Proposed Changes:

This bill addresses a wide range of issues relating to the preservation of traditional working waterfronts and public boating access in Florida. Specifically, the bill strengthens existing waterfront-related programs, revises local planning requirements to recognize the importance of traditional working waterfronts and public boating access, and provides additional funding for boating-related infrastructure projects.

Senate Bill 1572/HB 0675 Scripps Florida Funding Corporation

Summary:

This bill allows the Scripps Florida Funding Corporation's board of directors to select the provider of water and wastewater services for the Scripps campus. This bill repeals Palm Beach County's exclusive right to provide water and wastewater services to the Scripps campus.

This bill substantially amends section 288.955 of the Florida Statutes.

This bill repeals section 4 of chapter 2003-420, Laws of Florida.

Effect of Proposed Changes:

Section 1 amends s. 288.955, F.S., to allow the board of directors of the Scripps Florida Funding Corporation to select the provider of water and wastewater services to the Scripps campus.

All public agencies in the county having legislative authority to provide utility services must be invited to submit service proposals. When selecting a provider, the board is to consider service, current availability of existing facilities, capital costs to a utility provider to extend such service to the institution and campus, and such other factors it deems relevant.

Section 2 repeals s. 4 of ch. 2003-420, L.O.F., which grants Palm Beach County the exclusive right to provide water and wastewater services to the Scripps campus.

Section 3 provides that this bill shall take effect upon becoming a law.

Senate Bill 1670/HB1627 Oceans and Coastal Conservation Act

Summary:

The bill creates part IV, of chapter 161, F.S., to be entitled the Florida Oceans and Coastal Resources Conservation and Management Act. Specific provisions contained in the bill would:

- Require state agencies involved in protecting and managing oceans and coastal resources to encourage and support public-private partnerships to preserve these resources.
- Require coordination with federal partners and programs.
- Direct the Department of Environmental Protection (department or DEP) and the Fish and Wildlife Conservation Commission (FWCC) to establish the Florida Oceans and Coastal Science Work Group (work group).
- Establishes conservation and management goals to guide the work group.
- Requires the department and commission to prepare a resource assessment for use by the work group.

- Requires the department and commission, in coordination with the work group to annually prepare a research plan.
- Creates the Florida Oceans and Coastal Restoration Program and directs the department, commission, and work group to develop priorities for restoration of the state's oceans and coastal resources.
- Creates the Florida Oceans and Sustainable-Use Program and directs the department, commission, work group, water management districts, and other appropriate agencies to develop a management framework to ensure sustainable-use of these resources.
- Requires the department and commission to coordinate the efforts of the work group and new programs to ensure that actions are complementary and not duplicative.
- The bill creates Part IV, Chapter 161 (ss. 161.70 thru 161.78), Florida Statutes.

Senate Bill 2502/HB1445 Relating to Water Management Districts

Summary:

The committee substitute authorizes each water management district to establish a program to encourage small businesses, including those owned by women and minorities, to participate in the procurement and contract activities of the district. The committee substitute also allows a water management district governing board member to continue to serve at the expiration of his or her term until a successor is appointed. Further, the committee substitute addresses a glitch in the grandfathering provision that allows the use of jurisdictional declaratory statements for wetlands delineation that was issued prior to the adoption of the statewide methodology for wetlands delineation.

This bill substantially amends ss. 373.073 and 373.414, Florida Statutes; and creates s. 373.1135, Florida Statutes.

Senate Bill 1880 Save Our Everglades Trust Fund

Summary:

The proposed legislation would establish the legislature's intent to expedite CERP implementation by making more funds available to acquire needed lands.

The proposed legislation would provide an additional \$100 million specifically for land acquisition recognizing that land values and market competition for lands that are appropriate for acquisition under CERP may, if not acquired sooner, increase overall cost or limit implementation of Everglades restoration.

Amends s. 373.470, F.S., with legislative findings that increases in land prices and market competition for lands that are appropriate for acquisition under CERP may increase the overall cost or limit CERP implementation and provides legislative intent that CERP implementation be expedited to avoid increasing land acquisition costs and competition for available lands.

Provides for each of the 5 consecutive years beginning with FY 2005-2006, \$200 million of state funds shall be deposited into the SOETF and that \$100 million of the deposit must be used solely to acquire lands for CERP implementation.

As an alternative to using state funds to increase deposits into the SOETF described in subparagraph 1, proceed of bonds issued under s. 215.619 may be deposited into the SOETF.

This act shall take effect July 1, 2005

Senate Bill 2298 Everglades Oversight Committee

Summary:

The proposed legislation would repeal the law that created the Joint Legislative Oversight Committee.

This act shall take effect July 1, 2005

House Bill 1881/SB 0440/SB 0444/CS 2322

Summary:

The bill creates a new Part VII to Chapter 373 to include all those sections of Chapter 373 that address water supply policy, planning, and production. The new Part VII also includes revisions to current law to reflect the increasing need for the development of alternative water supplies, and the need for increased levels of cooperation between local governments to develop such alternative water supplies. These revisions include provisions for priority funding assistance from water management districts for the development of alternative water supplies and provisions to encourage the formation of regional water supply authorities and "multijurisdictional water supply entities."

House Bill 1087 Environmental Control

Summary:

The bill grants express authorization to the Department of Environmental Protection (DEP) to cooperate with the Department of Agriculture and Consumer Services (DACS) in the implementation of Best Management Practices (BMPs) consistent with statutory guidelines for alternative or innovative methods of resource protection expressed in Florida Statutes sections 373.4595 (Lake Okeechobee Protection Program), 403.067 (Establishment and implementation of total maximum daily loads), 576.045 (Nitrogen and phosphorus), and 597.004 (Aquaculture).

In addition, the bill encourages and authorizes alternative or innovative methods of resource protection (i.e., BMPs), specifically ratifies the January 1999 Agreement in Principle on Nutrient Management in the Suwannee River Basin, and ratifies any subsequent dairy administrative agreements entered into prior to January 1, 2004. The fiscal impact is indeterminate.

Effect of Proposed Changes

The bill grants express authorization to the DEP to cooperate with the DACS in the implementation of BMPs consistent with statutory guidelines for alternative or innovative methods of resource protection expressed in Florida Statutes sections 373.4595 (Lake Okeechobee Protection Program), 403.067 (Establishment and implementation of total maximum daily loads), 576.045 (Nitrogen and phosphorus), and 597.004 (Aquaculture). This bill provides specific statutory authorization to the DEP to encourage and promote alternative methodologies to ameliorate pollution in these specific areas, in addition to the general grant of authority provided in s. 403.0611, F.S.

House Bill 1641 Comprehensive Everglades Restoration Plan

Summary:

The proposed legislation requires the Department of Environmental Protection to expend appropriated funds for acquisitions relating to restoration of the Everglades in accordance with the comprehensive plan; prohibits reversion of appropriated funds to the General Revenue Fund; provides for the sale of lands acquired using appropriated funds after a finding by the department and the South Florida Water Management District that the land is no longer needed for the comprehensive plan; provides for deposit of the proceeds of the sale, or an equivalent amount, into the Save Our Everglades Trust Fund; provides for use of such deposited moneys to implement the comprehensive plan; provides an appropriation.

Effect of Proposed Changes:

The proposed legislation requires the Department to expend or contract to expend the \$100 million as appropriated by the Legislature in 2005-2006 and for each of the following 4 fiscal years for the purposes of CERP implementation.

This Legislation would have no adverse impact on the Department as we reimburse the SFWMD based on invoices received. The District has indicated that they are capable of spending more that \$100 million annually in support of CERP implementation.

The legislation also provides that any lands acquired by the SFWMD in support of CERP that are later determined to not to be needed can be sold as surplus at not less than appraised value with the proceeds to be deposited into the SOETF to implement CERP. The District may also use a different source of funds to pay or reimburse the SOETF for that portion of land not needed to implement CERP.

Our existing cooperative agreement with the SFWMD requires that should the district dispose of any lands or interest acquired, all revenues derived therefrom will be used to acquire other lands within the boundaries of a CERP component.

The Legislation would require us to amend our current cooperative agreement regarding the surplusing of land acquired for CERP.

House Bill 1683 Creation of the Scripps Research Improvement District

Summary

The proposed bill creates a special district to be known as the Scripps Research Improvement District, to be given broad powers, including the power of eminent domain, powers with respect to water management, irrigation, erosion control, regulation of the use of sewers and the supply of water, waste collection and disposal, mosquito and pest control, recreation and parking facilities, fire protection, transportation, designation, creation and enhancement of conservation areas, issuance of bonds, and acquisition, construction and maintenance of roads.

Effect of Proposed Changes:

House Bill 1693 creates a new special district vesting it with broad powers not unlike the powers of a city. The powers are similar to the broad powers granted to the Reedy Creek Improvement District for establishment of the Disney facilities in Central Florida, with the exception of the exclusive nature of certain powers set forth in Section 8 of the bill.

Section 8 of this bill establishes the primary powers of this district. Subsection (7) of section 8 grants the district the power to 1) “regulate the supply and level of water within the district,” 2) “divert waters from one area, lake, pond, river, stream, basin, or drainage or water flood control facility to any other area, lake, pond, river, stream, basin, or drainage and water flood control facility,” and 3) “regulate, control, and restrict the development and use of natural or artificial streams or bodies of water, lakes, or ponds.” The bill grants the district the exclusive power to exercise all the powers listed above, and specifies that no other public body, agency, authority, or subdivision shall exercise the same or like powers within the bounds of the special district.

Granting the above powers exclusively to this special district is problematic, since it appears to preclude the Department of Environmental Protection and the South Florida Water Management District from regulating the supply and level of water through consumptive use permits and environmental resource permits within the geographic limits of the district. In addition, granting this special district the exclusive authority to divert waters from one area to another, and to regulate, control and restrict the use of natural or artificial streams within its geographic limits will impede the ability of the Department of Environmental Protection and the South Florida Water Management District to flow water through the lands located within the district to deliver water to the North Fork of the Loxachatchee River. Ultimately, this will be problematic to restoration of the Loxachatchee River. Restoration of the Loxahatchee River is an important part of the overall Everglades Restoration project.

Currently, the Department of Environmental Protection and the South Florida Water Management District have the ability to establish “reservations” of water. The special district’s exclusive authority to regulate the supply and level of water also calls into question the ability of the Department of Environmental Protection and the South Florida Water Management District to continue to establish any needed reservations of water in or surrounding the geographic boundaries of the district.

Senate Bill 1748 Agricultural Water Conservation

Summary:

The bill requires the water management districts (WMDs), the Department of Environmental Protection (DEP) and the Department of Agriculture and Consumer Services (DACCS) to make recommendations regarding alternative regulatory approaches under the environmental resource permitting program that promote agricultural water conservation; provides for 20 year consumptive use permits for agricultural uses under certain circumstances; provides that implementation of measures for water conservation may qualify for an exemption from ERP permitting under certain circumstances; authorizes the development of general environmental resource permits for water conservation measures, including tailwater recovery.

Effect of Proposed Changes:

The bill seeks to provide regulatory incentives for increased water conservation by agricultural water users by making agricultural water conservation measures eligible for the existing ERP “de minimis exemption” on a case by case basis, authorizing the development of additional ERP and CUP exemptions and general permits for activities that promote agricultural water conservation, providing for 20 years CUP permits for agricultural uses that implement effective water conservation or replace a water supply source that has been negatively impacted by withdrawals; and requiring the WMDs to submit recommendations to the Legislature on regulatory alternatives in the ERP program that would encourage agricultural water conservation.

House Bill 1839 Total Maximum Daily Loads

Summary:

Section 403.067, F.S., authorizes DEP to implement the requirements of Section 303(d) of the Federal Clean Water Act, which requires the identification of “impaired waters” (those that do not meet their designated uses) and the calculation of “Total Maximum Daily Loads (TMDLs)” for those waters. A TMDL represents the assimilative capacity of a water body—the number of pounds of a specific pollutant that can be discharged to the water body and still have it meet its designated uses and associated water quality criteria. Once a water body has been established as impaired, the department quantifies the reduction in pollutant loading, from both point sources and nonpoint sources, necessary to eliminate impairment and expresses this in the TMDL. Because TMDLs and the plans developed to implement them address a broad range of pollutant sources, some of which are addressed by a number of existing regulatory and non-regulatory pollution control programs, the relationship among these programs is not always clear.

The proposed legislation clarifies the allocation of pollutant loadings associated with a TMDL; institutionalizes the development of basin management action plans as a road map for surface water restoration; clarifies the relationship between TMDLs and regulatory actions; creates a structure for promoting the implementation of basin management action plans by unregulated sources of pollution; allows for alternative to this structure; provides for improved verification of best management practices and similar pollution reduction measures; and promotes an expert evaluation of pollutant trading opportunities as another tool for implementing TMDLs.

Effect of Proposed Changes:

Clarification of the Allocation Process: Given the time constraints imposed on the TMDL process, it is not possible to accurately determine equitable allocations at the time of TMDL development. To rectify this issue, the proposed bill clarifies that the allocation consists of a preliminary allocation at the time of TMDL development and a more detailed allocation during development of a basin management plan, at which time the equitable allocation of pollutant loadings responsibilities can be better applied.

Clarifying and Institutionalizing the Basin Management Plan: Subsection 403.067(7) is being revised to describe the content and processes associated with development of the Basin Management Action Plan (BMAP; previously referred to as basin management plan). Because these BMAPs will address more substantive considerations and will affect the obligations of pollution sources to reduce pollution, the revisions require the department to adopt the plans by Secretarial order, formalizing the plans and affording the public a point of entry to challenge the order.

TMDL Implementation and Permitting: The bill creates incentives to participate in the BMAP process and establishes a more direct linkage between the actions specified in the BMAP and activities regulated by DEP. In creating this more direct link between actions required in the BMAP and potentially identical actions required through a permit, the bill provides for chapter 120 challenges to only one of the two identical actions (either when it is required in the BMAP or in the permit, but not both). This provision covers only those issues that are identical in the BMAP and the permit and does not apply to other pollutants of concern or other regulatory requirements.

Consistent with the existing provisions in s. 403.067, non-point sources are still managed through a non-regulatory, incentive-based program. However, in order to promote the same predictable pollution reduction performance among non-regulated entities as exists for permitted entities, the bill establishes the following:

- Non-regulated activities are not eligible for the incentives associated with the presumption of compliance with state water quality standards and the waiver of liability for pollution if adopted Best Management Practices are not properly and timely implemented.
- Non-regulated activities that choose not to implement adopted Best Management Practices must demonstrate compliance with applicable water quality standards.
- DEP is authorized to take enforcement where a party fails to properly implement Best Management Practices or provide data demonstrating compliance with water quality standards.

The bill also requires state, regional, or local governments that regulate urban nonpoint sources of pollution to adopt the requirements of any BMAP into their regulatory programs.

Agricultural BMP Verification Process: The bill elaborates the existing process whereby DEP may verify the effectiveness of Best Management Practices in protecting water quality by creating a two-step process: first, verification would occur through a preliminary evaluation to enable timely feedback to the entity developing the practice, as a means of improving the practice; and subsequent to adoption of the practice, verifying its effectiveness as it is implemented at representative sites.

Pollutant Trading: Requires that prior to the adoption of rules for pollutant trading and no later than November 30, 2006, the department shall submit a report to the Governor and legislature specifically addressing the proposed basis for equitable economically based agreements and the tracking and accounting of pollution credits.