



FLORIDA FARM BUREAU FEDERATION

THE VOICE OF AGRICULTURE

Agricultural Best Management Practices, Senate Bill 712, and Implementation Verification How We Got Here and the Path Forward

Agricultural Best Management Practices (BMPs) are practical, cost effective actions that agricultural producers can take to conserve water and reduce the amount of nutrients and other pollutants entering water resources. They are designed to benefit water quality and water conservation while maintaining or even enhancing agricultural production.

Florida farmers, ranchers and growers depend on the Best Management Practices Program because it provides a presumption of compliance with water quality standards in a science-based, common sense way while providing meaningful cost-share opportunities when available.

The program has come under attack in recent years by environmental activists who claim that BMPs are ineffective and have made attempts to move the program into a more “command and control” regulatory system under the Florida Department of Environmental Protection (FDEP).

Florida Farm Bureau has always strongly supported the BMP program through expansive policy adopted by our delegation: We believe that it is imperative for the program to remain in its current form and remain within the Florida Department of Agriculture and Consumer Services (FDACS).

There are many arguments used to attack the BMP program, but most of them fall into three main points:

- The BMP program does not effectively improve water quality.
- Farmers have very little accountability. They sign up for the program to obtain cost-share funding, but there is no proof they actually implement the practices.
- BMPs are static and based on outdated information.

In an effort to combat these arguments, FFBF worked with the Florida Ag Coalition and commodity associations to make changes to the law to help add credibility to the program while maintaining its current form and keeping it within the oversight of FDACS.

This effort began in 2016, under the leadership of Commissioner Adam Putnam and Speaker Steve Crisafulli. A comprehensive water bill included language to clarify the regulatory roles of agricultural BMPs and created a process that allows FDACS to verify BMP implantation verification by enrollees.

Following the Blue-Green Algae attacks on agriculture in 2018, it became evident that additional action was required to bolster the program’s credibility and counter the legislative threat to move the BMP program to FDEP.

To accomplish this task, the Florida Ag Coalition worked with legislators to create language in the 2020 Legislative Session that passed as a part of SB 712. The provisions of SB 712 made 3 substantive changes to the BMP program:

1. It placed a two-year timeline on the already established Implementation Verification (IV) process.
 - The IV process was established in the 2016 law. However, FDACS and the BMP program faced criticism because there were not many IVs being administered.
 - SB 712 did not change the information required during an IV. It simply required FDACS to perform an on-site IV every 24 months.
 - Enhancing the IV process allows the industry to directly push back on criticism that BMP enrollees are not implementing BMPs.
2. It required FDACS to retain fertilization records used in the IV process.
 - As a part of the IV process, FDACS always needed to review fertilizer records to verify BMP implementation per the 2016 law.
 - FDACS provides aggregate data to FDEP to help determine BMP's effectiveness per the 2016 law.
 - Clarified what data is collected and maintained.
 - Requires collection of Total N and Total P applied as well as the timing of the applications.
 - It provides for data protection from public records requests and protected as trade secret information.
 - Collected records are to be aggregated and sent to FDEP to assess BMP effectiveness on a watershed scale.
3. It directed FDACS and UF/IFAS to coordinate to improve data collection and research efforts to enhance existing BMPs and develop new technically and financially practical BMPs.
 - Obviously, the effectiveness of the BMP program is dependent on good science and data. For the credibility of the program to remain high, the BMPs must continually be improving while taking into consideration their environmental impact, practicality and cost effectiveness.

Though the FDACS letter and Nutrient Application Record form created some confusion as to the requirements set forth in SB 712 and nutrient recordkeeping, BMP enrollees should continue to manage their recordkeeping in a manner that maintains compliance with their BMP plan and Florida Statute. This is consistent with past recordkeeping requirements.

Common Questions and Answers for Members

- I'm not located within a Basin Management Action Plan (BMAP) area nor have I ever received any cost-share funds. Why should I continue to be in the FDACS BMP program?
 - Our society does not understand agriculture and the great work that you do on your farm. Your acreage in Florida's BMP program helps to send a message to Floridians that agriculturalists are seriously considering environmental health by growing the food and fiber that we need in a sustainable manner.
- If Senate Bill 712 brought on changes like this, why did Farm Bureau support the bill in the first place?
 - Going into the 2020 legislative session there was a real threat for the entire BMP program to be moved from FDACS to FDEP. A move such as this would have completely removed the incentive-based approach only to be replaced with a command and control structure. There would also be the very real threat that growers would not have the ability to choose BMPs applicable to their operation.
 - Rights of Nature language was also in the bill that prohibits local municipalities to provide legal human status to nature (river, plants, and animals).
- I've heard that Senate Bill 712 requires me to implement all of the BMPs for the crops that I grow instead of just the BMPs that I selected when I signed up. Is that true?
 - No, that is not true. Growers are only required to have implemented the BMPs that they selected when they signed up for the program. If a grower has not implemented all of the BMPs that they selected due to economics (cash flow, lack of cost-share, etc.), this is a valid reply in the IV visit.
- I cannot grow an economically viable crop with the UF/IFAS fertilizer recommendations therefore I have applied more fertilizer (N and P) than the recommended amounts. What will happen?
 - Unless you are able to provide a valid reason for exceeding the IFAS fertilizer recommendations (an example may be unpredicted excessive rainfall after application), you will be determined out-of-compliance during the IV visit. It is the understanding of Farm Bureau that your name will not be turned over to FDEP but FDACS staff will ask that you come into compliance before the next IV visit (24 months). Because Farm Bureau understands the problematic nature of using UF/IFAS recommendations in a regulatory setting, we are very actively working with IFAS to update fertilizer recommendations as well as soil and tissue testing methods to ensure they are compatible with our soils and climatic conditions.