

## What programs are administered by the Florida Department of Agriculture and Consumer Services (FDACS) Office of Agricultural Water Policy (OAWP)?

The FDACS Office of Agricultural Water Policy is involved in the development and implementation of best management practices (BMPs); agricultural water quality and water supply policy and planning; administration of cost-share programs; BMP research and demonstration; providing mobile irrigation lab services; and providing data and technical assistance to producers, stakeholders, and state agencies.

## What is a BMP?

For the purposes of the FDACS BMP program, a BMP is defined by law as a means, a practice or combination of practices determined by the coordinating agencies, based on research, field-testing, and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges. BMPs for agricultural discharges must reflect a balance between water quality improvements and agricultural productivity (Section 373.4595(2)(a), Florida Statutes).

## Are landowners required to implement BMPs?

Landowners/producers are required to implement all applicable, adopted best management practices (BMPs) on agricultural land uses within basin management action plan areas (BMAPs) adopted by the Florida Department of Environmental Protection (FDEP) (section 403.067, Florida Statutes). The implementation and maintenance of BMPs provides a presumption of compliance with water quality standards. See “What happens after I enroll in the BMP Program?” below.

## How are BMPs adopted?

Best management practices (BMPs) with supporting narrative are compiled into a BMP manual that is adopted by rule in Title 5M-1, Florida Administrative Code. BMP development and adoption is a collaborative process between agricultural industry groups, commodity-specific BMP working groups, research institutions and organizations, state agencies, and water management districts. BMP manuals are also vetted through public workshops during the rule development process. BMP manuals are revised and updated on a periodic basis based on current research and industry changes.



## **Does the Office of Agricultural Water Policy (OAWP) participate in BMP research and demonstration projects?**

Yes. We work with educational institution partners and other research facilities in the BMP development and implementation process. FDACS utilizes state appropriations to fund research and demonstration projects.

## **Why does an agricultural landowner/producer need to work with an FDACS OAWP representative to develop and submit a NOI?**

The Notice of Intent to Implement BMPs (NOI) is a formal notification to FDACS of a commitment by a landowner to implement all best management practices (BMPs) identified in the FDACS-adopted BMP manual(s) that is applicable to your operation. Submittal of the NOI and implementation of the BMPs according to rule are required by law and provide a presumption of compliance with water quality standards. Further, for an agricultural landowner/producer to be eligible to receive BMP cost-share funds, a producer must have an approved, active NOI.

## **How is a Notice of Intent to Implement BMPs (NOI) developed and what information is required?**

FDACS works collaboratively with the landowner/producer to identify all applicable best management practices (BMPs) in the BMP manual(s) for the operation and complete the NOI. The NOI requires important information for FDACS concerning the owner of the property where the agricultural operation exists, a contact person for the property, the size of the property enrolled in the BMP program, the specific BMPs to be implemented on the property, and the schedule for implementing BMPs where appropriate.

## **What funds are available to help landowners implement BMPs?**

State and federal cost-share funds are available to assist growers with BMP implementation. State cost-share funds may also be available for the implementation of precision agriculture and other practices and projects that assist in nutrient reductions in basin management action plan (BMAP) areas.



## How does the Office of Agricultural Water Policy (OAWP) work with the Florida Department of Environmental Protection (FDEP) and water management districts?

The Office of Agricultural Water Policy works cooperatively with the Florida Department of Environmental Protection and water management districts to implement the requirements of basin management action plans and reduce impacts of agricultural nonpoint source issues while sustaining the viability of agriculture in the state.

## What happens after I enroll in the BMP Program?

After enrolling in the FDACS Best Management Practices (BMP) Program, producers must implement and maintain all applicable BMPs to receive a presumption of compliance with state water quality standards for the pollutants addressed by the BMPs. Producers also become eligible for technical assistance and cost-share funding for BMP implementation. A representative from the Office of Agricultural Water Policy (OAWP) will assist producers in preparing any cost-share application package.

A new law passed in July 2020, impacts agricultural landowners and producers enrolled in the FDACS BMP program. FDACS is required to make implementation verification (IV) site visits on properties enrolled in the BMP program every two years. During these IV site visits, OAWP representatives will ensure the proper implementation of the applicable BMPs for the enrolled property and review the required records that producers must maintain to demonstrate compliance with the BMPs. For landowners and producers applying nutrients to their property, the law requires FDACS to retain records related to the application of nitrogen and phosphorus.

## What happens if I don't enroll in the BMP program?

Agricultural landowners located within basin management action plan (BMAP) areas are required to either implement agricultural best management practices (BMPs) or conduct water quality monitoring prescribed by Florida Department of Environmental Protection (FDEP) at their own cost (Section 403.067, Florida Statutes). Producers within BMAPs who choose not to enroll in the program will be referred to the FDEP to develop a monitoring plan to comply with the BMAP requirements. Landowners who choose not to implement BMPs or conduct water quality monitoring may be subject to enforcement action by FDEP.

