

Office Acronyms

BMP – best management practices

FDACS – Florida Department of Agriculture and Consumer Services

FDEP – Florida Department of Environmental Protection

IV – implementation verification

NARF – Nutrient Application Record Form

OAWP – Office of Agricultural Water Policy within FDACS

What is Senate Bill 712?

On June 30, 2020, Governor DeSantis signed Senate Bill 712, the “Clean Waterways Act” (Chapter 2020-150, Laws of Florida). This new law requires a wide range of water quality protection provisions aimed at minimizing impacts from known nutrient pollution sources and includes changes to the FDACS BMP program administered by OAWP. The law covers both permitted point source contributors, including National Pollutant Discharge Elimination System (NPDES) permitted discharge points, and non-point source contributors like agriculture and residential septic systems.

The new law impacts agricultural landowners and producers enrolled in the FDACS BMP program. The law also has new requirements pertaining to landowners enrolled in the BMP program that are applying nutrients, particularly within areas covered by an adopted BMAP.

How did Senate Bill 712 change the FDACS BMP Program?

The requirements of SB 712, which went into effect July 1, 2020, impact agricultural landowners and producers enrolled in the FDACS BMP program administered by OAWP. 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. The law also requires FDACS to retain records related to the application of nitrogen and phosphorus.

Who does this new law apply to?

The new law applies to all producers and landowners enrolled in the FDACS BMP program, whether they are located within a basin management action plan area or not.



The new law states that agricultural landowners and growers must submit their application records for nitrogen and phosphorus to FDACS. What information am I required to submit?

Enrolled landowners and producers are required to keep records on the total pounds of nitrogen and phosphorus (in the form of P_2O_5) from all sources that are applied to their operation, including bio-solids. FDACS will collect these records for a two-year period identified when an implementation verification site visit is scheduled. The landowners and producers do not need to submit records of other nutrient applications, such as minor elements or soil amendments like lime, but must continue to keep records on all nutrient and soil amendment applications in order to comply with BMP program requirements.

Why did I receive a letter in the mail with record keeping examples and instructions?

The letter from FDACS dated June 30th, 2020, was to inform you of the new law that went into effect on July 1, 2020. You do not need to submit any records yet. The required records will be collected by an FDACS Office of Agricultural Water Policy (OAWP) representative during a scheduled implementation verification (IV) site visit. The example nutrient application record keeping form (NARF) that you received in the mail outlines what the OAWP representative will retain from the IV site visit. Please do not transmit the NARF to FDACS through either electronic or physical mail as your records may not be received or recorded.

When do I submit my records?

Submit your nitrogen and phosphorus application records only when requested by an OAWP representative during an implementation verification site visit.

What is an implementation verification site visit?

FDACS is required to conduct implementation verification (IV) site visits on properties enrolled in the FDACS BMP program every two years to ensure that applicable BMPs are being implemented properly. During these IV site visits, a representative from the FDACS Office of Agricultural Water Policy (OAWP) will review the records that must be maintained by the landowner or producer and will retain certain records that the new law requires. The OAWP representative will be ready to work with the landowner or producer to identify sensitive water resources located on or impacted by production activities on the enrolled property and opportunities to achieve greater efficiency in nutrient, irrigation, or water resource management.



When will implementation verification (IV) site visits take place?

The IV site visits will be conducted once every two years. Initially, the priority will be on visits to operations located in basin management action plan areas, but every producer enrolled in the FDACS BMP program will be visited eventually.

Who will be conducting the implementation verification (IV) site visits, and how will I be notified when I am receiving a visit?

A representative from the FDACS Office of Agricultural Water Policy will contact you to schedule an IV site visit. The visits are not unannounced.

Why is FDACS collecting nutrient records?

Senate Bill 712, which went into effect July 1, 2020, requires FDACS to collect records on the total amount of nitrogen and phosphorus applied on properties enrolled in the BMP program. The new law also requires FDACS to provide this information to the Florida Department of Environmental Protection (FDEP). FDACS will collect the information for each enrolled property on a standardized form. Before the information is provided to FDEP, FDACS will aggregate, or combine, the data within specific basins or sub-basins that are located within basin management action plan areas.

What will be done with the records once they are in the possession of the FDACS Office of Agricultural Water Policy?

The data collected from the standardized form labeled the “Nutrient Application Record Form” (NARF) are entered into a data management system that allows FDACS to combine the data in a basin management action plan area and provide the information to the Florida Department of Environmental Protection. The NARF data are linked to existing enrollment information already in the data management system.



How do I record my nitrogen and phosphorus application information on the Nutrient Application Record Form (NARF) and give it to FDACS?

FDACS has provided an example form, the NARF, for a landowner or producer to review and use. The form is easy to follow and shows the information that the OAWP representative will retain from the implementation verification site visit. The NARF is available as a hard copy, printable PDF, or in electronic form. Producers may use their own form if it is substantially similar to the NARF to provide the nutrient data to FDACS. An Excel technical assistance tool is also available that allows a landowner or producer to calculate the pounds of nitrogen and phosphorus applied based on information entered into the tool. The Excel technical assistance tool is recommended, as it also enables the required NARF records to be automatically uploaded into the FDACS data management system and linked with a producer's existing enrollment records.

Do I have to give the OAWP representative my only copies of my nutrient records?

No, you must keep the original copies of your records. Give the OAWP representative a copy of the Nutrient Application Record Form (NARF) mentioned above or something substantially similar.

What will the nutrient application record keeping timeline look like? How far back do I need to go?

The BMP manuals require enrolled landowners or producers to maintain nutrient application records as identified in the manual for five years. This includes the receipts and other documents needed to demonstrate proper implementation of the applicable BMPs for the enrolled property and compliance with the BMPs. During an implementation verification site visit, an OAWP representative will review the previous two years of nutrient application records and retain the information shown on the Nutrient Application Record Form. All other records will remain with you.

How far back do my records need to go for this new requirement?

The law requires you to submit nitrogen and phosphorus records for the past two years from the date of your scheduled implementation verification (IV) site visit. For example, if your IV site visit is scheduled for August 25, 2020, you'll submit nitrogen and phosphorus application records dating back to August 25, 2018.



Are the records I submit public information?

No, the records are confidential and protected under the public records exemption contained within Section 403.067, Florida Statutes. However, FDACS is required to provide these confidential and exempt records to the Florida Department of Environmental Protection or any water management district, as long as the confidentiality specified for the records is maintained.

What if I do not have this information available for the OAWP representative at the time of the implementation verification (IV) site visit?

Enrolled landowners and producers must work with an OAWP representative. A landowner or producer that does not have the required records at the time of the IV visit may be placed in remedial action and given a certain time period to submit the records. If the landowner or producer chooses not to submit records, the individual may be reported to the Florida Department of Environmental Protection for regulatory action.

What is the record keeping requirement specifically? All fertilizer? Bulk purchases? Amount applied to individual fields?

There are two different types of records that will be reviewed or retained during an implementation verification (IV) site visit:

Compliance: FDACS BMP manuals require that producers and landowners keep records detailing all applications of nutrients on the enrolled property. This includes both fertilizers (with a guaranteed analysis) and other nutrient sources (without a guaranteed analysis). These records are audited by OAWP representatives during the IV site visit to determine compliance with the applicable BMPs and to establish corrective measures if BMPs are not being properly implemented. Record keeping requirements have existed in each BMP manual since their adoption and have been required to be verified for compliance during IV visits since 2016.

Retention: The Nutrient Application Record Form (NARF) that will be retained by FDACS OAWP requires totals of all nitrogen and phosphorus applications and sources of nutrients applied on the production acreage of properties enrolled in the BMP program. This requirement must be implemented to fulfill the new law established by Senate Bill 712 that went into effect July 1, 2020. The NARF is the only record that will be retained by OAWP representatives as a result of an IV site visit.



I'm enrolled in the FDACS BMP program. How should I maintain my nutrient application records?

When possible, maintain your required records in an electronic format, which will allow for greater efficiency in verifying compliance with the BMP program requirements. This means using a computer spreadsheet or record keeping form that can be saved on an electronic device and downloaded as needed. Receipts, invoices, and recommendations that support those records should be organized and properly maintained. An OAWP representative can provide you with the electronic version of the Nutrient Application Record Form to save and use on your computer, or you may use a substantially similar electronic record form to collect the required information. FDACS OAWP also has developed an electronic tool that will aid producers in maintaining the records. An OAWP representative can provide more information.

How does the 2-year timeline work?

FDACS representatives from the Office of Agricultural Water Policy (OAWP) will conduct implementation verification (IV) site visits every two years for enrolled producers and landowners. During the IV site visit, the OAWP representative will review the BMPs applicable to the operation and verify that they are being properly implemented. The enrolled producer or landowner is required to produce all records required by the applicable BMP manual to determine BMP compliance by OAWP representatives, including but not limited to, soil tests, tissue tests, and fertilizer records. Non-compliance results in creation of a remedial action plan, and further non-compliance can result in referral to the Florida Department of Environmental Protection for enforcement. The nutrient application records maintained and provided by the enrolled producer that FDACS is required to retain during the IV site visit must cover the two-year period prior to the visit.

