

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative LaMarca offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 **Section 1. Subsection (6) of section 20.255, Florida**
7 **Statutes, is amended to read:**

8 20.255 Department of Environmental Protection.—There is
9 created a Department of Environmental Protection.

10 ~~(6) There is created as a part of the Department of~~
11 ~~Environmental Protection an Environmental Regulation Commission.~~
12 ~~The commission shall be composed of seven residents of this~~
13 ~~state appointed by the Governor, subject to confirmation by the~~
14 ~~Senate. In making appointments, the Governor shall provide~~
15 ~~reasonable representation from all sections of the state.~~
16 ~~Membership shall be representative of agriculture, the~~

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~~development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering. The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. All appointments shall be for 4-year terms. The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department. The commission may employ independent counsel and contract for the services of outside technical consultants.~~

Section 2. Subsection (5) of section 163.3205, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section, to read:

163.3205 Solar facility approval process; construction requirements.—

(5) CONSTRUCTION BEST MANAGEMENT PRACTICES.—

(a) An applicant for permits required under s. 373.413 shall incorporate site specific appropriate additional protections in the development and implementation of an erosion

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42 and sediment control plan for the construction of a solar
43 facility. Such plans must include, but are not limited to, all
44 of the following:

45 1. Soil percolation testing on the premises of a proposed
46 solar facility.

47 2. Implementation of stormwater best management practices
48 and related erosion controls for runoff during the construction
49 of a solar facility that are based on rainfall amounts up to the
50 100-year, 24-hour design storm for the project site.

51 3. Clearing and stabilization in phases as needed to
52 reduce disturbed portions of the project site which may be
53 susceptible to erosion during construction.

54 4. Inspections must be performed by a certified Florida
55 Stormwater, Erosion, and Sedimentation Control Inspector during
56 construction to ensure the plan is being implemented in
57 accordance with permitting requirements under s. 373.413.

58 (b) Within the jurisdictional boundary of the Northwest
59 Florida Water Management District, an operational phase
60 stormwater management system permitted under part IV of chapter
61 373 that serves a solar facility must be designed based on the
62 100-year, 24-hour design storm for the project site. This
63 paragraph applies to applications for new solar facilities filed
64 after July 1, 2026.

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65 (c) The operator of a solar facility or a proposed solar
66 facility shall implement all construction and operational permit
67 requirements developed and applicable under paragraph (a).

68 **Section 3. Paragraph (i) of subsection (1) of section**
69 **255.065, Florida Statutes, is amended to read:**

70 255.065 Public-private partnerships.—

71 (1) DEFINITIONS.—As used in this section, the term:

72 (i) "Qualifying project" means:

73 1. A facility or project that serves a public purpose,
74 including, but not limited to, any ferry or mass transit
75 facility, vehicle parking facility, airport or seaport facility,
76 rail facility or project, fuel supply facility, oil or gas
77 pipeline, medical or nursing care facility, recreational
78 facility, sporting or cultural facility, or educational facility
79 or other building or facility that is used or will be used by a
80 public educational institution, or any other public facility or
81 infrastructure that is used or will be used by the public at
82 large or in support of an accepted public purpose or activity;

83 2. An improvement, including equipment, of a building that
84 will be principally used by a public entity or the public at
85 large or that supports a service delivery system in the public
86 sector;

87 3. A water, wastewater, or surface water management
88 facility or other related infrastructure;

89 4. A coastal resiliency project as defined in s.

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90 380.0934(1); or

91 ~~5.4~~ Notwithstanding any provision of this section, for
92 projects that involve a facility owned or operated by the
93 governing board of a county, district, or municipal hospital or
94 health care system, or projects that involve a facility owned or
95 operated by a municipal electric utility, only those projects
96 that the governing board designates as qualifying projects
97 pursuant to this section.

98 **Section 4. Paragraph (d) of subsection (3) of section**
99 **373.469, Florida Statutes, is amended to read:**

100 373.469 Indian River Lagoon Protection Program.—

101 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian
102 River Lagoon Protection Program consists of the Banana River
103 Lagoon Basin Management Action Plan, Central Indian River Lagoon
104 Basin Management Action Plan, North Indian River Lagoon Basin
105 Management Action Plan, and Mosquito Lagoon Reasonable Assurance
106 Plan, and such plans are the components of the Indian River
107 Lagoon Protection Program which achieve phosphorous and nitrogen
108 load reductions for the Indian River Lagoon.

109 (d) *Onsite sewage treatment and disposal systems.*—

110 1. Beginning on January 1, 2024, unless previously
111 permitted, the installation of new onsite sewage treatment and
112 disposal systems is prohibited within the Banana River Lagoon
113 Basin Management Action Plan, Central Indian River Lagoon Basin
114 Management Action Plan, North Indian River Lagoon Basin

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115 Management Action Plan, and Mosquito Lagoon Reasonable Assurance
116 Plan areas where a publicly owned or investor-owned sewerage
117 system is available as defined in s. 381.0065(2) (a). Where
118 central sewerage is not available, only enhanced nutrient-
119 reducing onsite sewage treatment and disposal systems or other
120 wastewater treatment systems that achieve at least 65 percent
121 nitrogen reduction are authorized.

122 2. By July 1, 2035 ~~2030~~, any commercial property or any
123 residential property of 10 acres or less with an existing onsite
124 sewage treatment and disposal system located within the Banana
125 River Lagoon Basin Management Action Plan, Central Indian River
126 Lagoon Basin Management Action Plan, North Indian River Lagoon
127 Basin Management Action Plan, and Mosquito Lagoon Reasonable
128 Assurance Plan areas must connect to central sewer if available
129 or upgrade to an enhanced nutrient-reducing onsite sewage
130 treatment and disposal system or other wastewater treatment
131 system that achieves at least 65 percent nitrogen reduction. For
132 all applications submitted before July 1, 2035, to a permitting
133 agency to repair, modify, or replace a conventional onsite
134 sewage treatment and disposal system on a commercial property or
135 a residential property of 10 acres or less, the permitting
136 agency shall notify the property owner of the requirement
137 provided in this subparagraph.

138 **Section 5. Section 380.0934, Florida Statutes, is created**
139 **to read:**

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140 380.0934 Public-private partnerships for coastal
141 resiliency projects.-
142 (1) As used in this section, the term:
143 (a) "Coastal resiliency project" means:
144 1. Planning, contracting, and executing a project to
145 address flooding and sea level rise in a coastal or inland
146 community in this state under s. 380.093(5);
147 2. Public infrastructure repair and upgrades to seawalls
148 and stormwater drainage; and
149 3. Resiliency measures designed to withstand extreme
150 weather, mitigate flooding, and prevent coastal erosion,
151 including:
152 a. Acquisition of at-risk coastal and flood-prone
153 properties;
154 b. Acquisition of properties in areas at high risk of
155 flooding;
156 c. Infrastructure hardening and development of natural
157 barriers;
158 d. Construction of large-scale seawalls, levees, and
159 elevated flood barriers; or
160 e. Expansion and restoration of natural protective
161 systems.
162 (b) "Department" means the Department of Environmental
163 Protection.
164 (c) "Public-private partnership" means a coastal

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165 resiliency project entered into by a local government under s.
166 255.065.

167 (2) To encourage investment from the private sector in
168 coastal resiliency projects, the department may:

169 (a) Enter into long-term revenue-sharing agreements.

170 (b) Provide expedited permitting for construction.

171 (c) Seek comments from local governments and the public
172 during project planning and execution and incorporate actions
173 responsive to such comments into the project.

174 (d) Engage in-state vocational schools and apprenticeship
175 programs to train workers in specialized resiliency
176 construction.

177 (3) The department shall publish on its website biennial
178 progress reports for each coastal resiliency project funded
179 through a public-private partnership, including project
180 milestones, expenditures, and public benefits. The department
181 shall also create and maintain on its website an online
182 dashboard for real-time updates on project execution.

183 **Section 6. Subsection (11) of section 403.0872, Florida**
184 **Statutes, is amended to read:**

185 403.0872 Operation permits for major sources of air
186 pollution; annual operation license fee.—Provided that program
187 approval pursuant to 42 U.S.C. s. 7661a has been received from
188 the United States Environmental Protection Agency, beginning
189 January 2, 1995, each major source of air pollution, including

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190 electrical power plants certified under s. 403.511, must obtain
191 from the department an operation permit for a major source of
192 air pollution under this section. This operation permit is the
193 only department operation permit for a major source of air
194 pollution required for such source; provided, at the applicant's
195 request, the department shall issue a separate acid rain permit
196 for a major source of air pollution that is an affected source
197 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
198 for major sources of air pollution, except general permits
199 issued pursuant to s. 403.814, must be issued in accordance with
200 the procedures contained in this section and in accordance with
201 chapter 120; however, to the extent that chapter 120 is
202 inconsistent with this section, the procedures contained in this
203 section prevail.

204 (11) Each major source of air pollution permitted to
205 operate in this state must pay by June 30 ~~between January 15 and~~
206 ~~April 1~~ of each year, upon written notice from the department,
207 an annual operation license fee in an amount determined by
208 department rule. The annual operation license fee shall be
209 terminated immediately in the event the United States
210 Environmental Protection Agency imposes annual fees solely to
211 implement and administer the major source air-operation permit
212 program in Florida under 40 C.F.R. s. 70.10(d).

213 (a) The annual fee must be assessed based upon the
214 source's previous year's emissions and must be calculated by

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215 multiplying the applicable annual operation license fee factor
216 times the tons of each regulated air pollutant actually emitted,
217 as calculated in accordance with the department's emissions
218 computation and reporting rules. The annual fee shall only apply
219 to those regulated pollutants, except carbon monoxide and
220 greenhouse gases, for which an allowable numeric emission
221 limiting standard is specified in the source's most recent
222 construction or operation permit; provided, however, that:

223 1. The license fee factor is \$25 or another amount
224 determined by department rule which ensures that the revenue
225 provided by each year's operation license fees is sufficient to
226 cover all reasonable direct and indirect costs of the major
227 stationary source air-operation permit program established by
228 this section. The license fee factor may be increased beyond \$25
229 only if the secretary of the department affirmatively finds that
230 a shortage of revenue for support of the major stationary source
231 air-operation permit program will occur in the absence of a fee
232 factor adjustment. The annual license fee factor may never
233 exceed \$35.

234 2. The amount of each regulated air pollutant in excess of
235 4,000 tons per year emitted by any source, or group of sources
236 belonging to the same Major Group as described in the Standard
237 Industrial Classification Manual, 1987, may not be included in
238 the calculation of the fee. Any source, or group of sources,
239 which does not emit any regulated air pollutant in excess of

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240 4,000 tons per year, is allowed a one-time credit not to exceed
241 25 percent of the first annual licensing fee for the prorated
242 portion of existing air-operation permit application fees
243 remaining upon commencement of the annual licensing fees.

244 3. If the department has not received the fee ~~by March 1~~
245 ~~of the calendar year, the permittee must be sent a written~~
246 ~~warning of the consequences for failing to pay the fee by April~~
247 ~~1. If the fee is not postmarked by June 30 April 1~~ of the
248 calendar year, the department shall impose, in addition to the
249 fee, a penalty of 50 percent of the amount of the fee, plus
250 interest on such amount computed in accordance with s. 220.807.
251 The department may not impose such penalty or interest on any
252 amount underpaid, provided that the permittee has timely
253 remitted payment of at least 90 percent of the amount determined
254 to be due and remits full payment within 60 days after receipt
255 of notice of the amount underpaid. The department may waive the
256 collection of underpayment and may not be required to refund
257 overpayment of the fee, if the amount due is less than 1 percent
258 of the fee, up to \$50. The department may revoke any major air
259 pollution source operation permit if it finds that the
260 permitholder has failed to timely pay any required annual
261 operation license fee, penalty, or interest.

262 4. Notwithstanding the computational provisions of this
263 subsection, the annual operation license fee for any source
264 subject to this section may not be less than \$250, except that

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265 the annual operation license fee for sources permitted solely
266 through general permits issued under s. 403.814 may not exceed
267 \$50 per year.

268 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
269 air pollution construction permit fees, the department may not
270 require such fees for changes or additions to a major source of
271 air pollution permitted pursuant to this section, unless the
272 activity triggers permitting requirements under Title I, Part C
273 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
274 7514a. ~~Costs to issue and administer such permits shall be~~
275 ~~considered direct and indirect costs of the major stationary~~
276 ~~source air-operation permit program under s. 403.0873.~~ The
277 department shall, however, require fees pursuant to s.
278 403.087(7)(a)5.a. for the construction of a new major source of
279 air pollution that will be subject to the permitting
280 requirements of this section once constructed and for activities
281 triggering permitting requirements under Title I, Part C or Part
282 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

283 (b) Annual operation license fees collected by the
284 department must be sufficient to cover all reasonable direct and
285 indirect costs required to develop and administer the major
286 stationary source air-operation permit program, which shall
287 consist of the following elements to the extent that they are
288 reasonably related to the regulation of major stationary air
289 pollution sources, in accordance with United States

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290 Environmental Protection Agency regulations and guidelines:
291 1. Reviewing and acting upon any application for such a
292 permit.
293 2. Implementing and enforcing the terms and conditions of
294 any such permit, excluding court costs or other costs associated
295 with any enforcement action.
296 3. Emissions and ambient monitoring.
297 4. Preparing generally applicable regulations or guidance.
298 5. Modeling, analyses, and demonstrations.
299 6. Preparing inventories and tracking emissions.
300 7. Implementing the Small Business Stationary Source
301 Technical and Environmental Compliance Assistance Program.
302 8. Any audits conducted under paragraph (c).
303 (c) An audit of the major stationary source air-operation
304 permit program must be conducted 2 years after the United States
305 Environmental Protection Agency has given full approval of the
306 program to ascertain whether the annual operation license fees
307 collected by the department are used solely to support any
308 reasonable direct and indirect costs as listed in paragraph (b).
309 A program audit must be performed biennially after the first
310 audit.
311 **Section 7. Section 403.804, Florida Statutes, is repealed.**
312 **Section 8. Subsection (6) of section 120.81, Florida**
313 **Statutes, is amended to read:**
314 120.81 Exceptions and special requirements; general

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315 areas.-

316 (6) RISK IMPACT STATEMENT.—The Department of Environmental
317 Protection shall prepare a risk impact statement for any rule
318 that is proposed for adoption which ~~approval by the~~
319 ~~Environmental Regulation Commission and that~~ establishes or
320 changes standards or criteria based on impacts to or effects
321 upon human health. The Department of Agriculture and Consumer
322 Services shall prepare a risk impact statement for any rule that
323 is proposed for adoption that establishes standards or criteria
324 based on impacts to or effects upon human health.

325 (a) This subsection does not apply to rules adopted
326 pursuant to federally delegated or mandated programs where such
327 rules are identical or substantially identical to the federal
328 regulations or laws being adopted or implemented by the
329 Department of Environmental Protection or Department of
330 Agriculture and Consumer Services, as applicable. However, the
331 Department of Environmental Protection and the Department of
332 Agriculture and Consumer Services shall identify any risk
333 analysis information available to them from the Federal
334 Government that has formed the basis of such a rule.

335 (b) This subsection does not apply to emergency rules
336 adopted pursuant to this chapter.

337 (c) The Department of Environmental Protection and the
338 Department of Agriculture and Consumer Services shall prepare
339 and publish notice of the availability of a clear and concise

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340 risk impact statement for all applicable rules. The risk impact
341 statement must explain the risk to the public health addressed
342 by the rule and shall identify and summarize the source of the
343 scientific information used in evaluating that risk.

344 (d) ~~Nothing in~~ This subsection does not ~~shall be construed~~
345 ~~to~~ create a new cause of action or basis for challenging a rule
346 nor diminish any existing cause of action or basis for
347 challenging a rule.

348 **Section 9. Subsection (1) of section 373.421, Florida**
349 **Statutes, is amended, and paragraph (b) of subsection (7) of**
350 **that section is reenacted, to read:**

351 373.421 Delineation methods; formal determinations.—

352 (1) The department's ~~Environmental Regulation Commission~~
353 ~~shall adopt a~~ unified statewide methodology for the delineation
354 of the extent of wetlands as defined in s. 373.019(27). ~~This~~
355 ~~methodology~~ shall consider regional differences in the types of
356 soils and vegetation that may serve as indicators of the extent
357 of wetlands. This methodology shall also include provisions for
358 determining the extent of surface waters other than wetlands for
359 the purposes of regulation under s. 373.414. This methodology
360 shall not become effective until ratified by the Legislature.
361 Subsequent to legislative ratification, the wetland definition
362 in s. 373.019(27) and the adopted wetland methodology shall be
363 binding on the department, the water management districts, local
364 governments, and any other governmental entities. Upon

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365 ratification of such wetland methodology, the Legislature
366 preempts the authority of any water management district, state
367 or regional agency, or local government to define wetlands or
368 develop a delineation methodology to implement the definition
369 and determines that the exclusive definition and delineation
370 methodology for wetlands shall be that established pursuant to
371 s. 373.019(27) and this section. Upon such legislative
372 ratification, any existing wetlands definition or wetland
373 delineation methodology shall be superseded by the wetland
374 definition and delineation methodology established pursuant to
375 this chapter. Subsequent to legislative ratification, a
376 delineation of the extent of a surface water or wetland by the
377 department or a water management district, pursuant to a formal
378 determination under subsection (2), or pursuant to a permit
379 issued under this part in which the delineation was field-
380 verified by the permitting agency and specifically approved in
381 the permit, shall be binding on all other governmental entities
382 for the duration of the formal determination or permit. All
383 existing rules and methodologies of the department, the water
384 management districts, and local governments, regarding surface
385 water or wetland definition and delineation shall remain in full
386 force and effect until the common methodology rule becomes
387 effective. However, this shall not be construed to limit any
388 power of the department, the water management districts, and
389 local governments to amend or adopt a surface water or wetland

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390 definition or delineation methodology until the common
391 methodology rule becomes effective.

392 (7)

393 (b) Wetlands contiguous to surface waters of the state as
394 defined in s. 403.031(13), Florida Statutes (1991), shall be
395 delineated pursuant to the department's rules as such rules
396 existed prior to January 24, 1984, while wetlands not contiguous
397 to surface waters of the state as defined in s. 403.031(13),
398 Florida Statutes (1991), shall be delineated pursuant to the
399 applicable methodology ratified by s. 373.4211 for any
400 development which obtains an individual permit from the United
401 States Army Corps of Engineers under 33 U.S.C. s. 1344:

402 1. Where a jurisdictional determination validated by the
403 department pursuant to rule 17-301.400(8), Florida
404 Administrative Code, as it existed in rule 17-4.022, Florida
405 Administrative Code, on April 1, 1985, is revalidated pursuant
406 to s. 373.414(13) and the affected lands are part of a project
407 for which a vested rights determination has been issued pursuant
408 to s. 380.06, or

409 2. Where the lands affected were grandfathered pursuant to
410 s. 403.913(6), Florida Statutes (1991), and proof of prior
411 notification pursuant to s. 403.913(6), Florida Statutes (1991),
412 is submitted to the department within 180 days of the
413 publication of a notice by the department of the existence of
414 this provision. Failure to timely submit the proof of prior

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415 notification to the department serves as a waiver of the
416 benefits conferred by this subsection.

417 3. This subsection shall not be applicable to lands:

418 a. Within the geographical area to which an individual or
419 general permit issued prior to June 1, 1994, under rules adopted
420 pursuant to this part applies; or

421 b. Within the geographical area to which a conceptual
422 permit issued prior to June 1, 1994, under rules adopted
423 pursuant to this part applies if wetland delineations were
424 identified and approved by the conceptual permit as set forth in
425 s. 373.414(12)(b)1. or 2.; or

426 c. Where no development activity as defined in s.
427 380.01(1) or (2)(a)-(d) and (f) has occurred within the project
428 boundaries since October 1, 1986; or

429 d. Of a project which is not in compliance with this part
430 or the rules adopted pursuant to ss. 403.91-403.929, 1984
431 Supplement to the Florida Statutes 1983, as amended.

432 4. The wetland delineation methodology required in this
433 subsection shall only apply within the geographical area of an
434 individual permit issued by the United States Army Corps of
435 Engineers under 33 U.S.C. s. 1344. The requirement to obtain
436 such individual permit to secure the benefit of this subsection
437 shall not apply to any activities exempt or not subject to
438 regulation under 33 U.S.C. s. 1344.

439 5. Notwithstanding subsection (1), the wetland delineation

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440 methodology required in this subsection and any wetland
441 delineation pursuant thereto, shall only apply to agency action
442 under this part and shall not be binding on local governments
443 except in their implementation of this part.

444 **Section 10. Paragraph (a) of subsection (1) of section**
445 **376.302, Florida Statutes, is amended to read:**

446 376.302 Prohibited acts; penalties.—

447 (1) It shall be a violation of this chapter and it shall
448 be prohibited for any reason:

449 (a) To discharge pollutants or hazardous substances into
450 or upon the surface or ground waters of the state or lands,
451 which discharge violates any departmental "standard" as defined
452 in s. 403.803 ~~s. 403.803(13)~~.

453 **Section 11. Paragraph (b) of subsection (23) of section**
454 **403.031, Florida Statutes, is amended to read:**

455 403.031 Definitions.—In construing this chapter, or rules
456 and regulations adopted pursuant hereto, the following words,
457 phrases, or terms, unless the context otherwise indicates, have
458 the following meanings:

459 (23) "Waters" include, but are not limited to, rivers,
460 lakes, streams, springs, impoundments, wetlands, and all other
461 waters or bodies of water, including fresh, brackish, saline,
462 tidal, surface, or underground waters. Waters owned entirely by
463 one person other than the state are included only in regard to
464 possible discharge on other property or water. Underground

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465 waters include, but are not limited to, all underground waters
466 passing through pores of rock or soils or flowing through in
467 channels, whether manmade or natural. Solely for purposes of s.
468 403.0885, waters of the state also include navigable waters or
469 waters of the contiguous zone as used in s. 502 of the Clean
470 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in
471 existence on January 1, 1993, except for those navigable waters
472 seaward of the boundaries of the state set forth in s. 1, Art.
473 II of the State Constitution. Solely for purposes of this
474 chapter, waters of the state also include the area bounded by
475 the following:

476 (b) The area bounded by the line described in paragraph
477 (a) generally includes those waters to be known as waters of the
478 state. The landward extent of these waters shall be determined
479 by the delineation methodology ratified in s. 373.4211. Any
480 waters which are outside the general boundary line described in
481 paragraph (a) but which are contiguous thereto by virtue of the
482 presence of a wetland, watercourse, or other surface water, as
483 determined by the delineation methodology ratified in s.
484 373.4211, shall be a part of this waterbody. Any areas within
485 the line described in paragraph (a) which are neither a wetland
486 nor surface water, as determined by the delineation methodology
487 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~
488 ~~Florida Environmental Regulation Commission designates the~~
489 ~~waters within the boundaries an Outstanding Florida Water,~~

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490 ~~waters outside the boundaries may not be included as part of~~
491 ~~such designation unless a hearing is held pursuant to notice in~~
492 ~~each appropriate county and the boundaries of such lands are~~
493 ~~specifically considered and described for such designation.~~

494 **Section 12. Subsections (7) and (32) of section 403.061,**
495 **Florida Statutes, are amended to read:**

496 403.061 Department; powers and duties.—The department
497 shall have the power and the duty to control and prohibit
498 pollution of air and water in accordance with the law and rules
499 adopted and promulgated by it and, for this purpose, to:

500 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
501 implement this act. Any rule adopted pursuant to this act must
502 be consistent with the provisions of federal law, if any,
503 relating to control of emissions from motor vehicles, effluent
504 limitations, pretreatment requirements, or standards of
505 performance. A county, municipality, or political subdivision
506 may not adopt or enforce any local ordinance, special law, or
507 local regulation requiring the installation of Stage II vapor
508 recovery systems, as currently defined by department rule,
509 unless such county, municipality, or political subdivision is or
510 has been in the past designated by federal regulation as a
511 moderate, serious, or severe ozone nonattainment area. Rules
512 adopted pursuant to this act may not require dischargers of
513 waste into waters of the state to improve natural background
514 conditions. The department shall adopt rules to reasonably

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515 limit, reduce, and eliminate domestic wastewater collection and
516 transmission system pipe leakages and inflow and infiltration.
517 Discharges from steam electric generating plants existing or
518 licensed under this chapter on July 1, 1984, may not be required
519 to be treated to a greater extent than may be necessary to
520 assure that the quality of nonthermal components of discharges
521 from nonrecirculated cooling water systems is as high as the
522 quality of the makeup waters; that the quality of nonthermal
523 components of discharges from recirculated cooling water systems
524 is no lower than is allowed for blowdown from such systems; or
525 that the quality of noncooling system discharges which receive
526 makeup water from a receiving body of water which does not meet
527 applicable department water quality standards is as high as the
528 quality of the receiving body of water. ~~The department may not~~
529 ~~adopt standards more stringent than federal regulations, except~~
530 ~~as provided in s. 403.804.~~

531 (32) Adopt rules necessary to obtain approval from the
532 United States Environmental Protection Agency to administer the
533 Federal National Pollution Discharge Elimination System (NPDES)
534 permitting program in Florida under ss. 318, 402, and 405 of the
535 federal Clean Water Act, Pub. L. No. 92-500, as amended. This
536 authority shall be implemented consistent with the provisions of
537 part II, which shall be applicable to facilities certified
538 thereunder. The department shall establish all rules, standards,
539 and requirements that regulate the discharge of pollutants into

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540 waters of the United States as defined by and in a manner
541 consistent with federal regulations; provided, however, that the
542 department may adopt a standard that is stricter or more
543 stringent than one set by the United States Environmental
544 Protection Agency ~~if approved by the Governor and Cabinet in~~
545 ~~accordance with the procedures of s. 403.804(2).~~

546

547 The department shall implement such programs in conjunction with
548 its other powers and duties and shall place special emphasis on
549 reducing and eliminating contamination that presents a threat to
550 humans, animals or plants, or to the environment.

551 **Section 13. Paragraph (c) of subsection (6) of section**
552 **403.067, Florida Statutes, is amended to read:**

553 403.067 Establishment and implementation of total maximum
554 daily loads.—

555 (6) CALCULATION AND ALLOCATION.—

556 (c) Adoption of rules. The total maximum daily load
557 calculations and allocations established under this subsection
558 for each water body or water body segment shall be adopted by
559 rule by the secretary pursuant to ss. 120.536(1), 120.54, and
560 403.805. Where additional data collection and analysis are
561 needed to increase the scientific precision and accuracy of the
562 total maximum daily load, the department is authorized to adopt
563 phased total maximum daily loads that are subject to change as
564 additional data becomes available. Where phased total maximum

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565 daily loads are proposed, the department shall, in the detailed
566 statement of facts and circumstances justifying the rule,
567 explain why the data are inadequate so as to justify a phased
568 total maximum daily load. The rules adopted pursuant to this
569 paragraph are not subject to ~~approval by the Environmental~~
570 ~~Regulation Commission and are not subject to~~ the provisions of
571 s. 120.541(3). As part of the rule development process, the
572 department shall hold at least one public workshop in the
573 vicinity of the water body or water body segment for which the
574 total maximum daily load is being developed. Notice of the
575 public workshop shall be published not less than 5 days nor more
576 than 15 days before the public workshop in a newspaper of
577 general circulation in the county or counties containing the
578 water bodies or water body segments for which the total maximum
579 daily load calculation and allocation are being developed.

580 **Section 14. For the purpose of incorporating the amendment**
581 **made by this act to section 403.0872, Florida Statutes, in a**
582 **reference thereto, section 403.0873, Florida Statutes, is**
583 **reenacted to read:**

584 403.0873 Florida Air-Operation License Fee Account.—The
585 "Florida Air-Operation License Fee Account" is established as a
586 nonlapsing account within the Department of Environmental
587 Protection's Air Pollution Control Trust Fund. All license fees
588 paid pursuant to s. 403.0872(11) shall be deposited in such
589 account and must be used solely by the department and approved

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590 local programs under the advice and consent of the Legislature
591 to pay the direct and indirect costs required to develop and
592 administer the major stationary source air-operation permit
593 program. Any approved local pollution control program that
594 accepts funds from the department as reimbursement for services
595 it performs in the implementation of the major source air-
596 operation permit program, receives delegation from the
597 department or the United States Environmental Protection Agency
598 for implementation of the major source air-operation permit
599 program, or performs functions, duties, or activities
600 substantially similar to or duplicative of the services
601 performed by the department or the United States Environmental
602 Protection Agency in the implementation of the major source air-
603 operation permit program is prohibited from collecting
604 additional fees attributable to such services from any source
605 permitted under s. 403.0872.

606 **Section 15. Paragraphs (a) and (b) of subsection (3) of**
607 **section 403.1838, Florida Statutes, are amended to read:**

608 403.1838 Small Community Sewer Construction Assistance
609 Act.—

610 (3) (a) In accordance with rules adopted by the department
611 ~~Environmental Regulation Commission~~ under this section, the
612 department may provide grants, from funds specifically
613 appropriated for this purpose, to financially disadvantaged
614 small communities for up to 100 percent of the costs of

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615 planning, designing, constructing, upgrading, or replacing
616 wastewater collection, transmission, treatment, disposal, and
617 reuse facilities, including necessary legal and administrative
618 expenses.

619 (b) The rules of the department ~~Environmental Regulation~~
620 ~~Commission~~ must:

621 1. Require that projects to plan, design, construct,
622 upgrade, or replace wastewater collection, transmission,
623 treatment, disposal, and reuse facilities be cost-effective,
624 environmentally sound, permittable, and implementable.

625 2. Require appropriate user charges, connection fees, and
626 other charges sufficient to ensure the long-term operation,
627 maintenance, and replacement of the facilities constructed under
628 each grant.

629 3. Require grant applications to be submitted on
630 appropriate forms with appropriate supporting documentation, and
631 require records to be maintained.

632 4. Establish a system to determine eligibility of grant
633 applications.

634 5. Establish a system to determine the relative priority
635 of grant applications. The system must consider public health
636 protection and water pollution prevention or abatement and must
637 prioritize projects that plan for the installation of wastewater
638 transmission facilities to be constructed concurrently with
639 other construction projects occurring within or along a

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640 transportation facility right-of-way.

641 6. Establish requirements for competitive procurement of
642 engineering and construction services, materials, and equipment.

643 7. Provide for termination of grants when program
644 requirements are not met.

645 **Section 16. Subsection (9) of section 403.704, Florida**
646 **Statutes, is amended to read:**

647 403.704 Powers and duties of the department.—The
648 department shall have responsibility for the implementation and
649 enforcement of this act. In addition to other powers and duties,
650 the department shall:

651 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
652 implement and enforce this act, including requirements for the
653 classification, construction, operation, maintenance, and
654 closure of solid waste management facilities and requirements
655 for, and conditions on, solid waste disposal in this state,
656 whether such solid waste is generated within this state or
657 outside this state as long as such requirements and conditions
658 are not based on the out-of-state origin of the waste and are
659 consistent with applicable law. When classifying solid waste
660 management facilities, the department shall consider the
661 hydrogeology of the site for the facility, the types of wastes
662 to be handled by the facility, and methods used to control the
663 types of waste to be handled by the facility and shall seek to
664 minimize the adverse effects of solid waste management on the

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665 environment. ~~Whenever the department adopts any rule stricter or~~
666 ~~more stringent than one that has been set by the United States~~
667 ~~Environmental Protection Agency, the procedures set forth in s.~~
668 ~~403.804(2) shall be followed.~~ The department may ~~shall~~ not,
669 ~~however,~~ adopt hazardous waste rules for solid waste for which
670 special studies were required before ~~prior to~~ October 1, 1988,
671 under s. 8002 of the Resource Conservation and Recovery Act, 42
672 U.S.C. s. 6982, as amended, until the studies are completed by
673 the United States Environmental Protection Agency and the
674 information is available to the department for consideration in
675 adopting its own rule.

676 **Section 17. Paragraph (d) of subsection (3) and paragraph**
677 **(h) of subsection (9) of section 403.707, Florida Statutes, are**
678 **amended to read:**

679 403.707 Permits.—

680 (3)

681 (d) The department may adopt rules to administer this
682 subsection. ~~However, the department is not required to submit~~
683 ~~such rules to the Environmental Regulation Commission for~~
684 ~~approval.~~ Notwithstanding the limitations of s. 403.087(7)(a),
685 permit fee caps for solid waste management facilities must ~~shall~~
686 be prorated to reflect the extended permit term authorized by
687 this subsection.

688 (9) The department shall establish a separate category for
689 solid waste management facilities that accept only construction

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690 and demolition debris for disposal or recycling. The department
691 shall establish a reasonable schedule for existing facilities to
692 comply with this section to avoid undue hardship to such
693 facilities. However, a permitted solid waste disposal unit that
694 receives a significant amount of waste prior to the compliance
695 deadline established in this schedule shall not be required to
696 be retrofitted with liners or leachate control systems.

697 (h) The department shall ensure that the requirements of
698 this section are applied and interpreted consistently throughout
699 this the state. ~~In accordance with s. 20.255,~~ The Division of
700 Waste Management shall direct the district offices and bureaus
701 on matters relating to the interpretation and applicability of
702 this section.

703 **Section 18. Subsection (3) of section 403.7222, Florida**
704 **Statutes, is amended to read:**

705 403.7222 Prohibition of hazardous waste landfills.—

706 (3) This section does not prohibit the department from
707 banning the disposal of hazardous waste in other types of waste
708 management units in a manner consistent with federal
709 requirements, ~~except as provided under s. 403.804(2).~~

710 **Section 19. Subsection (4) of section 403.7234, Florida**
711 **Statutes, is amended to read:**

712 403.7234 Small quantity generator notification and
713 verification program.—

714 (4) Within 30 days of receipt of a notification, which

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715 includes a survey form, a small quantity generator shall
716 disclose its management practices and the types and quantities
717 of waste to the county government. Annually, each county shall
718 verify the management practices of at least 20 percent of its
719 small quantity generators. The procedure for verification used
720 by the county must ~~shall~~ be developed as part of the guidance
721 established by the department under s. 403.7226. The department
722 may also regulate the waste management practices of small
723 quantity generators in order to ensure proper management of
724 hazardous waste in a manner consistent with federal
725 requirements, ~~except as provided under s. 403.804(2).~~

726 **Section 20. Section 403.803, Florida Statutes, is amended**
727 **to read:**

728 403.803 Definitions.—When used in this part act, the term,
729 phrase, or word:

730 (1) "Branch office" means a geographical area, the
731 boundaries of which may be established as a part of a district.

732 (2) "Canal" is a manmade trench, the bottom of which is
733 normally covered by water with the upper edges of its sides
734 normally above water.

735 (3) "Channel" is a trench, the bottom of which is normally
736 covered entirely by water, with the upper edges of its sides
737 normally below water.

738 ~~(4) "Commission" means the Environmental Regulation~~
739 ~~Commission.~~

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740 ~~(4)-(5)~~ "Department" means the Department of Environmental
741 Protection.

742 ~~(5)-(6)~~ "District" or "environmental district" means one of
743 the geographical areas, the boundaries of which are established
744 pursuant to this act.

745 ~~(6)-(7)~~ "Drainage ditch" or "irrigation ditch" is a manmade
746 trench dug for the purpose of draining water from the land or
747 for transporting water for use on the land and is not built for
748 navigational purposes.

749 ~~(7)-(8)~~ "Environmental district center" means the
750 facilities and personnel which are centralized in each district
751 for the purposes of carrying out the provisions of this act.

752 ~~(8)-(9)~~ "Headquarters" means the physical location of the
753 offices of the secretary and the division directors of the
754 department.

755 ~~(9)-(10)~~ "Insect control impoundment dikes" means
756 artificial structures, including earthen berms, constructed and
757 used to impound waters for the purpose of insect control.

758 ~~(10)-(11)~~ "Manager" means the head of an environmental
759 district or branch office who shall supervise all environmental
760 functions of the department within such environmental district
761 or branch office.

762 ~~(11)-(12)~~ "Secretary" means the Secretary of Environmental
763 Protection.

764 ~~(12)-(13)~~ "Standard" means any rule of the Department of

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Amendment No.

765 Environmental Protection relating to air and water quality,
766 noise, solid-waste management, and electric and magnetic fields
767 associated with electrical transmission and distribution lines
768 and substation facilities. The term "standard" does not include
769 rules of the department which relate exclusively to the internal
770 management of the department, the procedural processing of
771 applications, the administration of rulemaking or adjudicatory
772 proceedings, the publication of notices, the conduct of
773 hearings, or other procedural matters.

774 ~~(13)-(14)~~ "Swale" means a manmade trench which:

775 (a) Has a top width-to-depth ratio of the cross-section
776 equal to or greater than 6:1, or side slopes equal to or greater
777 than 3 feet horizontal to 1 foot vertical;

778 (b) Contains contiguous areas of standing or flowing water
779 only following a rainfall event;

780 (c) Is planted with or has stabilized vegetation suitable
781 for soil stabilization, stormwater treatment, and nutrient
782 uptake; and

783 (d) Is designed to take into account the soil erodibility,
784 soil percolation, slope, slope length, and drainage area so as
785 to prevent erosion and reduce pollutant concentration of any
786 discharge.

787 **Section 21. Subsections (1) and (3) of section 403.805,**
788 **Florida Statutes, are amended to read:**

789 403.805 Secretary; powers and duties; review of specified

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790 rules.-

791 (1) The secretary shall have the powers and duties of
792 heads of departments set forth in chapter 20, including the
793 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
794 to implement this chapter and ~~the provisions of chapters 253,~~
795 ~~373, and 376 and this chapter. The secretary shall have~~
796 ~~rulemaking responsibility under chapter 120, but shall submit~~
797 ~~any proposed rule containing standards to the Environmental~~
798 ~~Regulation Commission for approval, modification, or disapproval~~
799 ~~pursuant to s. 403.804, except for total maximum daily load~~
800 ~~calculations and allocations developed pursuant to s.~~
801 ~~403.067(6).~~ The secretary shall have responsibility for final
802 agency action regarding total maximum daily load calculations
803 and allocations developed pursuant to s. 403.067(6). The
804 secretary shall employ legal counsel to represent the department
805 in matters affecting the department. Except for appeals on
806 permits specifically assigned by this act to the Governor and
807 Cabinet, and unless otherwise prohibited by law, the secretary
808 may delegate the authority assigned to the department by this
809 act to the assistant secretary, division directors, and district
810 and branch office managers and to the water management
811 districts.

812 (3) After adoption of proposed rule 62-302.531(9), Florida
813 Administrative Code, a nonseverability and effective date
814 provision approved by the commission on December 8, 2011, ~~in~~

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815 ~~accordance with the commission's legislative authority under s.~~
816 ~~403.804,~~ notice of which was published by the department on
817 December 22, 2011, in the Florida Administrative Register, Vol.
818 37, No. 51, page 4446, any subsequent rule or amendment altering
819 the effect of such rule must ~~shall~~ be submitted to the President
820 of the Senate and the Speaker of the House of Representatives no
821 later than 30 days before the next regular legislative session,
822 and such amendment may not take effect until it is ratified by
823 the Legislature.

824 **Section 22. Section 403.8055, Florida Statutes, is amended**
825 **to read:**

826 403.8055 Department adoption of federal standards.—
827 Notwithstanding s. 120.54 ~~ss. 120.54 and 403.804,~~ the secretary
828 is empowered to adopt rules substantively identical to
829 regulations adopted in the Federal Register by the United States
830 Environmental Protection Agency pursuant to federal law, in
831 accordance with the following procedures:

832 (1) The secretary shall publish notice of intent to adopt
833 a rule pursuant to this section in the Florida Administrative
834 Register at least 21 days before ~~prior to~~ filing the rule with
835 the Department of State. The secretary shall mail a copy of the
836 notice of intent to adopt a rule to the Administrative
837 Procedures Committee at least 21 days before ~~prior to~~ the date
838 of filing with the Department of State. Before ~~Prior to~~ filing
839 the rule with the Department of State, the secretary shall

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840 consider any written comments received within 21 days after the
841 date of publication of the notice of intent to adopt a rule. The
842 rule must ~~shall~~ be adopted upon filing with the Department of
843 State. Substantive changes from the rules as noticed ~~shall~~
844 require republishing of notice as required in this section.

845 (2) Any rule adopted pursuant to this section becomes
846 ~~shall become~~ effective upon the date designated in the rule by
847 the secretary; however, ~~no~~ such a rule may not ~~shall~~ become
848 effective earlier than the effective date of the substantively
849 identical United States Environmental Protection Agency
850 regulation.

851 (3) The secretary shall stay any terms or conditions of a
852 permit implementing department rules adopted pursuant to this
853 section if the substantively identical provisions of a United
854 States Environmental Protection Agency regulation have been
855 stayed under federal judicial review. A stay issued pursuant to
856 this subsection shall terminate upon completion of federal
857 judicial review.

858 (4) Any domestic for-profit or nonprofit corporation or
859 association formed, in whole or in part:

860 (a) To promote conservation or natural beauty;

861 (b) To protect the environment, personal health, or other
862 biological values;

863 (c) To preserve historical sites;

864 (d) To promote consumer interests;

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865 (e) To represent labor, commercial, or industrial groups;
866 or

867 (f) To promote orderly development;

868

869 and any other substantially affected person may, within 14 days
870 after the date of publication of the notice of intent to adopt a
871 rule, file an objection to rulemaking with the department
872 ~~Environmental Regulation Commission~~. The objection shall specify
873 the portions of the proposed rule to which the person objects
874 and the reasons for the objection. The secretary shall not have
875 the authority under this section to adopt those portions of a
876 proposed rule specified in such objection. Objections which are
877 frivolous shall not be considered sufficient to prohibit the
878 secretary from adopting rules under this section.

879 (5) Whenever all or part of any rule proposed for adoption
880 by the department is substantively identical to a regulation
881 adopted in the Federal Register by the United States
882 Environmental Protection Agency pursuant to federal law, such
883 rule shall be written in a manner so that the rule specifically
884 references such regulation whenever possible.

885 **Section 23. Subsection (1) of section 403.814, Florida**
886 **Statutes, is amended to read:**

887 403.814 General permits; delegation.—

888 (1) The secretary is authorized to adopt rules
889 establishing and providing for a program of general permits

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890 under this chapter and chapter 253 ~~and this chapter~~ for
891 projects, or categories of projects, which have, either singly
892 or cumulatively, a minimal adverse environmental effect. Such
893 rules must ~~shall~~ specify design or performance criteria that
894 ~~which~~, if applied, would result in compliance with appropriate
895 standards ~~adopted by the commission~~. Except as provided for in
896 subsection (3), any person complying with the requirements of a
897 general permit may use the permit 30 days after giving notice to
898 the department without any agency action by the department.

899 **Section 24. For the purpose of incorporating the amendment**
900 **made by this act to section 403.1838, Florida Statutes, in a**
901 **reference thereto, paragraph (d) of subsection (3) of section**
902 **403.1835, Florida Statutes, is reenacted to read:**

903 403.1835 Water pollution control financial assistance.—

904 (3) The department may provide financial assistance
905 through any program authorized under 33 U.S.C. s. 1383, as
906 amended, including, but not limited to, making grants and loans,
907 providing loan guarantees, purchasing loan insurance or other
908 credit enhancements, and buying or refinancing local debt. This
909 financial assistance must be administered in accordance with
910 this section and applicable federal authorities.

911 (d) The department may make grants to financially
912 disadvantaged small communities, as defined in s. 403.1838,
913 using funds made available from grant allocations on loans
914 authorized under subsection (4). The grants must be administered

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915 in accordance with s. 403.1838.

916 **Section 25.** (1) The following rules are ratified for the
917 sole and exclusive purpose of satisfying any condition on the
918 effectiveness imposed under s. 120.541(3), Florida Statutes:
919 Rules 62-42.200 and 62-42.300, Florida Administrative Code,
920 titled "Definitions" and "The Lower Santa Fe and Ichetucknee
921 Rivers and Priority Springs," respectively, as filed for
922 adoption with the Department of State pursuant to the
923 certification package dated December 31, 2025.

924 (2) This section serves no other purpose and may not be
925 codified in the Florida Statutes. After this act becomes a law,
926 the enactment and effective dates of this section must be noted
927 in the Florida Administrative Code, the Florida Administrative
928 Register, or both, as appropriate. This section does not alter
929 rulemaking authority delegated by prior law, does not constitute
930 legislative preemption of or exception to any provision of law
931 governing adoption or enforcement of the rule cited, and is
932 intended to preserve the status of any cited rule as a rule
933 under chapter 120, Florida Statutes. This section does not cure
934 any rulemaking defect or preempt any challenge based on a lack
935 of authority or a violation of the legal requirements governing
936 the adoption of any rule cited.

937 **Section 26.** This act shall take effect July 1, 2026.

938

939

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Amendment No.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Department of Environmental Protection; amending s. 20.255, F.S.; deleting provisions creating the Environmental Regulation Commission; amending s. 163.3205, F.S.; requiring certain permit applicants to incorporate certain protections in the development and implementation of erosion and sediment control plans for the construction of solar facilities; specifying requirements for such plans; providing requirements for certain operational phase stormwater management systems; requiring solar facility operators to implement specified construction and operational permit requirements; amending s. 255.065, F.S.; revising the definition of the term "qualifying project"; amending s. 373.469, F.S.; extending the date by which certain commercial and residential properties with existing onsite sewage treatment and disposal systems must connect to central sewer or upgrade to an enhanced nutrient reducing system; requiring that residential properties of a specified size located in a certain area connect to a central sewer system or upgrade to a specified type of

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1417 (2026)

Amendment No.

965 nutrient-reducing wastewater treatment system;
966 requiring a permitting agency to notify a property
967 owner of such requirement if the agency, before a
968 certain date, receives an application to repair,
969 modify, or replace a conventional onsite sewage
970 treatment and disposal system on certain property;
971 creating s. 380.0934, F.S.; providing definitions;
972 authorizing the department to take certain actions to
973 encourage investment from the private sector in
974 coastal resiliency projects; requiring the department
975 to publish certain information on its website;
976 amending s. 403.0872, F.S.; revising the date by which
977 major permitted sources of air pollution operating in
978 this state must pay an annual operation license fee;
979 authorizing the department to impose penalties if it
980 does not receive such fee by the specified date;
981 deleting provisions relating to costs for
982 administering air pollution construction permits;
983 repealing s. 403.804, F.S., relating to the powers and
984 duties of the Environmental Regulation Commission;
985 amending ss. 120.81, 373.421, 376.302, 403.031,
986 403.061, 403.067, 403.1838, 403.704, 403.707,
987 403.7222, 403.7234, 403.803, 403.805, 403.8055, and
988 403.814, F.S.; conforming provisions to changes made
989 by the act; reenacting s. 403.1835(3)(d), F.S.,

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1417 (2026)

Amendment No.

990 relating to water pollution control financial
991 assistance, to incorporate the amendment made to s.
992 403.1838, F.S., in a reference thereto; ratifying
993 specified rules relating to the Lower Santa Fe and
994 Ichetucknee Rivers and Priority Springs minimum flows
995 and recovery strategy for the sole and exclusive
996 purpose of satisfying any condition on effectiveness
997 pursuant to s. 120.541(3), F.S., which requires
998 ratification of any rule exceeding the specified
999 thresholds for likely adverse impact or increase in
1000 regulatory costs; providing construction; providing an
1001 effective date.

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