

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1417 (2026)

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WITHDRAWN _____ (Y/N)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

Committee/Subcommittee hearing bill: Natural Resources &
Disasters Subcommittee

Representative LaMarca offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

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~~Membership shall be representative of agriculture, the 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. Paragraph (a) of subsection (1) and subsections (2), (3), and (5) of section 259.035, Florida Statutes, are amended to read:

259.035 Acquisition and Restoration Council.—

(1) There is created the Acquisition and Restoration Council.

(a) The council shall be composed of 12 ~~10~~ voting members, 6 ~~4~~ of whom shall be appointed by the Governor. Of these 6 ~~four~~

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42 appointees, 3 must ~~three shall~~ be from scientific disciplines
43 related to land, water, or environmental sciences, 1 must ~~and~~
44 ~~the fourth shall~~ have at least 5 years of experience in managing
45 lands for both active and passive types of recreation, 1 must be
46 a former elected official of a county, and 1 must be a former
47 elected official of a metropolitan municipality. As used in this
48 paragraph, the term "metropolitan" has the same meaning as in s.
49 380.503. They shall serve 4-year terms, except that, initially,
50 to provide for staggered terms, 2 ~~two~~ of the appointees shall
51 serve 2-year terms. All subsequent appointments shall be for 4-
52 year terms. An appointee may not serve more than 6 years. The
53 Governor may at any time fill a vacancy for the unexpired term
54 of a member appointed under this paragraph.

55 (2) The 6 ~~four~~ members of the council appointed pursuant
56 to paragraph (1)(a) and the 2 ~~two~~ members of the council
57 appointed pursuant to paragraph (1)(c) shall receive
58 reimbursement for expenses and per diem for travel, to attend
59 council meetings, as allowed state officers and employees while
60 in the performance of their duties, pursuant to s. 112.061.

61 (3) The council shall:

62 (a) Provide assistance to the board in reviewing the
63 recommendations and plans for state-owned conservation lands
64 required under s. 253.034 and this chapter. The council shall,
65 in reviewing such plans, consider the optimization of multiple-
66 use and conservation strategies to accomplish the provisions

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67 funded pursuant to former s. 259.101(3)(a), Florida Statutes
68 2014, and to s. 259.105(3)(b).

69 (b) Effective July 1, 2026, administer the Florida
70 Communities Trust established in ss. 380.501-380.515, including
71 reviewing, approving, and overseeing project applications and
72 disbursements, and implementation measures consistent with the
73 trust's purposes. The council shall coordinate with the
74 department for rulemaking and grant cycle administration for the
75 trust, ensuring alignment with the Florida Forever Act and the
76 state's conservation priorities.

77 (5) An affirmative vote of 6 ~~five~~ members of the council
78 is required in order to change a project boundary or to place a
79 proposed project on a list developed pursuant to subsection (4).
80 Any member of the council, who by family or a business
81 relationship has a connection with all or a portion of any
82 proposed project, shall declare the interest before voting on
83 its inclusion on a list.

84 **Section 3. Paragraph (i) of subsection (4) of section**
85 **259.105, Florida Statutes, is amended to read:**

86 259.105 The Florida Forever Act.—

87 (4) It is the intent of the Legislature that projects or
88 acquisitions funded pursuant to paragraphs (3)(a) and (b)
89 contribute to the achievement of the following goals, which
90 shall be evaluated in accordance with specific criteria and
91 numeric performance measures developed pursuant to s.

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259.035(4):

(i) Mitigate the effects of natural disasters and floods in developed areas, as measured by:

1. The number of acres acquired within a 100-year floodplain or a coastal high hazard area;

2. The number of acres acquired or developed to serve dual functions as:

a. Flow ways or temporary water storage areas during flooding or high water events, not including permanent reservoirs; and

b. Greenways or open spaces available to the public for recreation;

3. The number of acres that protect existing open spaces and natural buffer areas within a floodplain that also serve as natural flow ways or natural temporary water storage areas; and

4. The percentage of the land acquired within the project boundary that creates additional open spaces, natural buffer areas, and greenways within a floodplain, while precluding rebuilding in areas that repeatedly flood.

Florida Forever projects and acquisitions funded pursuant to paragraph (3)(c) shall be measured by goals developed by rule by the Florida Communities Trust ~~Governing Board created in s. 380.504.~~

Section 4. Paragraph (d) of subsection (3) of section

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373.469, Florida Statutes, is amended to read:

373.469 Indian River Lagoon Protection Program.—

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

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

1. Beginning on January 1, 2024, unless previously permitted, the installation of new onsite sewage treatment and disposal systems is prohibited within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas where a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). Where central sewerage is not available, only enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.

2. By July 1, 2030, any commercial property or any residential property of 10 acres or less with an existing onsite

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sewage treatment and disposal system located within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas must connect to central sewer if available or upgrade to an enhanced nutrient-reducing onsite sewage treatment and disposal system or other wastewater treatment system that achieves at least 65 percent nitrogen reduction. For all applications submitted before July 1, 2030, to a permitting agency to repair, modify, or replace a conventional onsite sewage treatment and disposal system on a commercial property or a residential property of 10 acres or less, the permitting agency shall notify the property owner of the requirement provided in this subparagraph.

Section 5. Paragraph (a) of subsection (1) of section 373.807, Florida Statutes, is amended to read:

373.807 Protection of water quality in Outstanding Florida Springs.—By July 1, 2016, the department shall initiate assessment, pursuant to s. 403.067(3), of Outstanding Florida Springs or spring systems for which an impairment determination has not been made under the numeric nutrient standards in effect for spring vents. Assessments must be completed by July 1, 2018.

(1)(a) Concurrent with the adoption of a nutrient total maximum daily load for an Outstanding Florida Spring, the department, or the department in conjunction with a water

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management district, shall initiate development of a basin management action plan, as specified in s. 403.067. For an Outstanding Florida Spring with a nutrient total maximum daily load adopted before July 1, 2016, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan by July 1, 2016. During the development of a basin management action plan, if the department identifies onsite sewage treatment and disposal systems as contributors of at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the total maximum daily load, the basin management action plan must ~~shall~~ include an onsite sewage treatment and disposal system remediation plan pursuant to subsection (3) for those systems identified as requiring remediation. For properties 10 acres or less located outside the boundary of an established priority focus area of an Outstanding Florida Spring but within the boundary of a specific springs basin management action plan, such remediation plans may require existing conventional onsite sewage treatment and disposal systems to upgrade to a nutrient-reducing onsite sewage treatment and disposal system where central sewerage is not available. Such remediation plan may also require properties of any size located within the boundary of an established priority focus area of an Outstanding Florida Spring to upgrade existing conventional onsite sewage treatment

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and disposal systems to a nutrient-reducing onsite sewage treatment and disposal system where central sewerage is not available.

Section 6. Section 373.811, Florida Statutes, is repealed.

Section 7. Subsection (3) of section 380.502, Florida Statutes, is amended to read:

380.502 Legislative findings and intent.—

(3) The Legislature further finds that the goals of land conservation and community development are best served through coordinated decisionmaking and streamlined oversight. It is therefore the intent of the Legislature to transfer the administration and oversight of the Florida Communities Trust from the Department of Environmental Protection to the Acquisition and Restoration Council to improve consistency and effectiveness in conservation land acquisition and resource stewardship ~~It is the intent of the Legislature to establish a nonregulatory agency that will assist local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of the conservation, recreation and open space, and coastal elements of local comprehensive plans, or in conserving natural resources and resolving land use conflicts by:~~

(a) Responding promptly and creatively to opportunities to correct undesirable development patterns, restore degraded natural areas, enhance resource values, restore deteriorated or

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deteriorating urban waterfronts, preserve working waterfronts, reserve lands for later purchase, participate in and promote the use of innovative land acquisition methods, and provide public access to surface waters.

(b) Providing financial and technical assistance to local governments, state agencies, and nonprofit organizations to carry out projects and activities and to develop programs authorized by this part.

~~(c) Involving local governments and private interests in voluntarily resolving land use conflicts and issues.~~

Section 8. Section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; ~~membership;~~ expenses.—

(1) There is created ~~within the Department of Environmental Protection a nonregulatory state agency and instrumentality,~~ which shall be a public body corporate and politic, known as the "Florida Communities Trust," administered by the Acquisition and Restoration Council ~~The governing body of the trust shall consist of:~~

~~(a) The Secretary of Environmental Protection; and~~

~~(b) Four public members whom the Governor shall appoint subject to Senate confirmation.~~

~~The Governor shall appoint a former elected official of a county~~

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~~government, a former elected official of a metropolitan
municipal government, a representative of a nonprofit
organization as defined in this part, and a representative of
the development industry. The Secretary of Environmental
Protection may appoint his or her deputy secretary, the director
of the Division of State Lands, or the director of the Division
of Recreation and Parks to serve in his or her absence. The
Secretary of Environmental Protection shall be the chair of the
governing body of the trust. The Governor shall make his or her
appointments upon the expiration of any current terms or within
60 days after the effective date of the resignation of any
member.~~

(2) The purpose of the trust is to assist local
governments in bringing into compliance and implementing the
conservation, recreation and open space, and coastal elements of
their comprehensive plans or in conserving natural resources and
resolving land use conflicts by providing financial assistance
to local governments and nonprofit environmental organizations
to carry out projects and activities authorized by this part ~~of
the initial governing body members, two of the Governor's
appointees shall serve for a term of 2 years and the remaining
one shall serve for a term of 4 years from the date of
appointment. Thereafter, governing body members whom the
Governor appoints shall serve for terms of 4 years. The Governor
may fill any vacancy for an unexpired term.~~

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~~(3) Governing body members shall receive no compensation for their services, but shall be entitled to the necessary expenses, including per diem and travel expenses, incurred in the discharge of their duties pursuant to this part, as provided by law.~~

Section 9. Subsections (6), (7), (9) through (12), and (14) of section 380.507, Florida Statutes, are amended to read:

380.507 Powers of the trust.—The trust shall have all the powers necessary or convenient to carry out the purposes and provisions of this part, including:

(6) To award grants ~~and make loans~~ to local governments and nonprofit organizations for the purposes listed in subsection (2) and for acquiring fee title and less than fee title, such as conservation easements or other interests in land, for the purposes of this part.

(7) To provide by grant ~~or loan~~ up to the total cost of any project approved according to this part, including the local share of federally supported projects. The trust may require local funding participation in projects. The trust shall determine the funding it will provide by considering the total amount of funding available for the project, the fiscal resources of other project participants, the urgency of the project relative to other eligible projects, and other factors which the trust shall have prescribed by rule. The trust may fund up to 100 percent of any local government land acquisition

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costs, if part of an approved project.

(9) To review project recommendations and funding priorities and provide acquisition decisions ~~To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under s. 215.47, and in any other authorized investments, if such investments are made on behalf of the trust by the State Board of Administration.~~

(10) To contract for and to accept donations ~~gifts~~, grants, loans, or other aid from the United States Government or any person or corporation, including donations ~~gifts~~ of real property or any interest in real property.

(11) To submit project recommendations, funding priorities, and acquisition decisions to the Acquisition and Restoration Council, which shall have final approval authority over trust expenditures and acquisitions ~~to make rules necessary to carry out the purposes of this part and to exercise any power granted in this part, pursuant to chapter 120. The trust shall adopt rules governing the acquisition of lands with proceeds from the Florida Forever Trust Fund, consistent with the intent expressed in the Florida Forever Act. Such rules for land acquisition must include, but are not limited to, procedures for appraisals and confidentiality consistent with ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of determining a maximum purchase price, and procedures to assure that the land~~

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~~is acquired in a voluntarily negotiated transaction, surveyed, conveyed with marketable title, and examined for hazardous materials contamination. Land acquisition procedures of a local land authority created pursuant to s. 380.0663 may be used for the land acquisition programs described in former s. 259.101(3)(c), Florida Statutes 2014, and in s. 259.105 if within areas of critical state concern designated pursuant to s. 380.05, subject to approval of the trust.~~

(12) To develop, in conjunction with the council, rules, policies, and guidelines for the administration of the trust consistent with this part and ss. 259.035 and 259.105 to
~~contract with private consultants and nonprofit organizations for professional and technical assistance and advice.~~

~~(14) To conduct promotional campaigns, including advertising, for the sale of communities trust license plates authorized in s. 320.08058.~~

Section 10. Section 380.512, Florida Statutes, is repealed.

Section 11. Section 380.513, Florida Statutes, is repealed.

Section 12. Section 380.514, Florida Statutes, is repealed.

Section 13. Paragraph (n) of subsection (3), and subsections (4) and (9) of section 381.0065, Florida Statutes, are amended, and subsection (7) of that section is reenacted, to

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342 **read:**

343 381.0065 Onsite sewage treatment and disposal systems;
344 regulation.—

345 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL
346 PROTECTION.—The department shall:

347 (n) Regulate and permit maintenance entities for
348 performance-based treatment systems and aerobic treatment unit
349 systems. To ensure systems are maintained and operated according
350 to manufacturer's specifications and designs, the department
351 shall establish by rule minimum qualifying criteria for
352 maintenance entities. The criteria shall include training,
353 access to approved spare parts and components, access to
354 manufacturer's maintenance and operation manuals, and service
355 response time. The maintenance entity shall employ a contractor
356 licensed under s. 489.105(3)(m), or part III of chapter 489, or
357 a state-licensed wastewater plant operator, who is responsible
358 for maintenance and repair of all systems under contract. The
359 department may annually review and audit up to 25 percent of all
360 inspection and maintenance reports submitted by such maintenance
361 entities for performance-based treatment systems and aerobic
362 treatment unit systems. The department may adopt rules to
363 establish procedures for such audits.

364 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
365 construct, repair, modify, abandon, or operate an onsite sewage
366 treatment and disposal system without first obtaining a permit

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approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. When a person jointly applies for a construction permit and an operating permit for the same onsite sewage treatment and disposal system, the department shall concurrently process the operating permit with the construction permit. An operating permit must be obtained before the use of any aerobic treatment unit or engineer-designed performance-based system, or if the establishment generates commercial waste. Buildings or establishments that ~~use an aerobic treatment unit or~~ generate commercial waste shall be inspected by the department at least annually to ensure ~~assure~~ compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit, where required for a residential onsite sewage treatment and disposal system, is valid for the lifetime of the installation; however, any subsequent change in ownership of the property or any

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392 modification of the wastewater system requires an operating
393 permit modification upon such change. When an onsite sewage
394 treatment and disposal system that requires an operating permit
395 is sold or transferred, the subsequent owner with a controlling
396 interest shall provide written notice and proof of ownership to
397 the department to amend the operating permit information within
398 60 days of such property sale or transfer ~~commercial wastewater~~
399 ~~system is valid for 1 year after the date of issuance and must~~
400 ~~be renewed annually. The operating permit for an aerobic~~
401 ~~treatment unit is valid for 2 years after the date of issuance~~
402 ~~and must be renewed every 2 years.~~ If all information pertaining
403 to the siting, location, and installation conditions or repair
404 of an onsite sewage treatment and disposal system remains the
405 same, a construction or repair permit for the onsite sewage
406 treatment and disposal system may be transferred to another
407 person, if the transferee files, within 60 days after the
408 transfer of ownership, an amended application providing all
409 corrected information and proof of ownership of the property. A
410 fee is not associated with the processing of this supplemental
411 information if only ownership information is updated to reflect
412 a permit transfer for a construction, repair, or an operating
413 permit. A person may not contract to construct, modify, alter,
414 repair, service, abandon, or maintain any portion of an onsite
415 sewage treatment and disposal system without being registered
416 under part III of chapter 489. A property owner who personally

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performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water

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442 system regulated under s. 381.0062 and onsite sewage treatment
443 and disposal systems, provided the projected daily sewage flow
444 does not exceed an average of 1,500 gallons per acre per day,
445 and provided satisfactory drinking water can be obtained and all
446 distance and setback, soil condition, water table elevation, and
447 other related requirements of this section and rules adopted
448 under this section can be met.

449 (b) Subdivisions and lots using a public water system as
450 defined in s. 403.852 may use onsite sewage treatment and
451 disposal systems, provided there are no more than four lots per
452 acre, provided the projected daily sewage flow does not exceed
453 an average of 2,500 gallons per acre per day, and provided that
454 all distance and setback, soil condition, water table elevation,
455 and other related requirements that are generally applicable to
456 the use of onsite sewage treatment and disposal systems are met.

457 (c) Notwithstanding paragraphs (a) and (b), for
458 subdivisions platted of record on or before October 1, 1991,
459 when a developer or other appropriate entity has previously made
460 or makes provisions, including financial assurances or other
461 commitments, acceptable to the department, that a central water
462 system will be installed by a regulated public utility based on
463 a density formula, private potable wells may be used with onsite
464 sewage treatment and disposal systems until the agreed-upon
465 densities are reached. In a subdivision regulated by this
466 paragraph, the average daily sewage flow may not exceed 2,500

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gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment system is available. This paragraph does not allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) The department shall adopt rules relating to the location of onsite sewage treatment and disposal systems, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rules must consider conventional and enhanced nutrient-reducing onsite sewage treatment and disposal system designs, impaired or degraded water bodies, domestic wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the onsite sewage treatment and disposal system remediation plans developed pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the recommendations of the onsite sewage treatment and disposal systems technical advisory committee established pursuant to former s. 381.00652. The rules must also allow a person to apply

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492 for and receive a variance from a rule requirement upon
493 demonstration that the requirement would cause an undue hardship
494 and granting the variance would not cause or contribute to the
495 exceedance of a total maximum daily load.

496 (f) Onsite sewage treatment and disposal systems that are
497 permitted before June 21, 2022, may not be placed closer than:

498 1. Seventy-five feet from a private potable well.

499 2. Two hundred feet from a public potable well serving a
500 residential or nonresidential establishment having a total
501 sewage flow of greater than 2,000 gallons per day.

502 3. One hundred feet from a public potable well serving a
503 residential or nonresidential establishment having a total
504 sewage flow of less than or equal to 2,000 gallons per day.

505 4. Fifty feet from any nonpotable well.

506 5. Ten feet from any storm sewer pipe, to the maximum
507 extent possible, but in no instance shall the setback be less
508 than 5 feet.

509 6. Seventy-five feet from the mean high-water line of a
510 tidally influenced surface water body.

511 7. Seventy-five feet from the mean annual flood line of a
512 permanent nontidal surface water body.

513 8. Fifteen feet from the design high-water line of
514 retention areas, detention areas, or swales designed to contain
515 standing or flowing water for less than 72 hours after a
516 rainfall or the design high-water level of normally dry drainage

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ditches or normally dry individual lot stormwater retention areas.

(g) This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining

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the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A fee is not associated with the processing of this supplemental

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information. A variance may not be granted under this section until the department is satisfied that:

a. The hardship was not caused intentionally by the action of the applicant;

b. A reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and

c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance

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requests and shall also strive to allow property owners the full use of their land where possible.

a. The committee is composed of the following:

(I) The Secretary of Environmental Protection or his or her designee.

(II) A representative from the county health departments.

(III) A representative from the home building industry recommended by the Florida Home Builders Association.

(IV) A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.

(V) A representative from the Department of Health.

(VI) A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

(VII) A representative from the engineering profession recommended by the Florida Engineering Society.

b. Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

3. The variance review and advisory committee is not responsible for reviewing water well permitting. However, the committee shall consider all requirements of law related to

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onsite sewage treatment and disposal systems when making recommendations on variance requests for onsite sewage treatment and disposal system permits.

(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewage treatment system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility

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in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup,

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667 treatment, and disposal.

668 (j) An onsite sewage treatment and disposal system
669 designed by a professional engineer registered in the state and
670 certified by such engineer as complying with performance
671 criteria adopted by the department must be approved by the
672 department subject to the following:

673 1. The performance criteria applicable to engineer-
674 designed systems must be limited to those necessary to ensure
675 that such systems do not adversely affect the public health or
676 significantly degrade the groundwater or surface water. Such
677 performance criteria shall include consideration of the quality
678 of system effluent, the proposed total sewage flow per acre,
679 wastewater treatment capabilities of the natural or replaced
680 soil, water quality classification of the potential surface-
681 water-receiving body, and the structural and maintenance
682 viability of the system for the treatment of domestic
683 wastewater. However, performance criteria shall address only the
684 performance of a system and not a system's design.

685 2. A person electing to use an engineer-designed system
686 shall, upon completion of the system design, submit such design,
687 certified by a registered professional engineer, to the county
688 health department. The county health department may use an
689 outside consultant to review the engineer-designed system, with
690 the actual cost of such review to be borne by the applicant.
691 Within 5 working days after receiving an engineer-designed

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692 system permit application, the county health department shall
693 request additional information if the application is not
694 complete. Within 15 working days after receiving a complete
695 application for an engineer-designed system, the county health
696 department shall issue the permit or, if it determines that the
697 system does not comply with the performance criteria, shall
698 notify the applicant of that determination and refer the
699 application to the department for a determination as to whether
700 the system should be approved, disapproved, or approved with
701 modification. The department engineer's determination shall
702 prevail over the action of the county health department. The
703 applicant shall be notified in writing of the department's
704 determination and of the applicant's rights to pursue a variance
705 or seek review under the provisions of chapter 120.

706 3. The owner of an engineer-designed performance-based
707 system must maintain a current maintenance service agreement
708 with a maintenance entity permitted by the department. The
709 maintenance entity shall inspect each system at least twice each
710 year and shall submit an inspection report to the department
711 each time the system is inspected which states ~~report quarterly~~
712 ~~to the department on~~ the number of systems inspected and
713 serviced. The reports may be submitted electronically.

714 4. The property owner of an owner-occupied, single-family
715 residence may be approved and permitted by the department as a
716 maintenance entity for his or her own performance-based

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717 treatment system upon written certification from the system
718 manufacturer's approved representative that the property owner
719 has received training on the proper installation and service of
720 the system. The maintenance service agreement must conspicuously
721 disclose that the property owner has the right to maintain his
722 or her own system and is exempt from contractor registration
723 requirements for performing construction, maintenance, or
724 repairs on the system but is subject to all permitting
725 requirements.

726 5. ~~The property owner shall obtain a biennial system~~
727 ~~operating permit from the department for each system.~~ The
728 department may ~~shall~~ inspect the system at least annually, or on
729 such periodic basis as the fee collected permits, and may
730 collect system-effluent samples if appropriate to determine
731 compliance with the performance criteria. The fee for the
732 biennial operating permit must ~~shall~~ be collected beginning with
733 the second year of system operation.

734 6. If an engineer-designed system fails to properly
735 function or fails to meet performance standards, the system must
736 ~~shall~~ be re-engineered, if necessary, to bring the system into
737 compliance with the provisions of this section.

738 (k) An innovative system may be approved in conjunction
739 with an engineer-designed site-specific system that is certified
740 by the engineer to meet the performance-based criteria adopted
741 by the department.

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(1) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

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b. Suspended Solids of 10 mg/l.

c. Total Nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.

d. Total Phosphorus, expressed as P, of 1 mg/l.

In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.

3. In areas not scheduled to be served by a central sewerage system, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.

4. In areas scheduled to be served by a central sewerage system by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewerage system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and

b. A sand-lined drainfield or injection well in accordance

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792 with department rule must be installed.

793 5. Onsite sewage treatment and disposal systems must be
794 monitored for total nitrogen and total phosphorus concentrations
795 as required by department rule.

796 6. The department shall enforce proper installation,
797 operation, and maintenance of onsite sewage treatment and
798 disposal systems pursuant to this chapter, including ensuring
799 that the appropriate level of treatment described in
800 subparagraph 2. is met.

801 7. The authority of a local government, including a
802 special district, to mandate connection of an onsite sewage
803 treatment and disposal system is governed by s. 4, chapter 99-
804 395, Laws of Florida.

805 8. Notwithstanding any other law, an onsite sewage
806 treatment and disposal system installed after July 1, 2010, in
807 unincorporated Monroe County, excluding special wastewater
808 districts, that complies with the standards in subparagraph 2.
809 is not required to connect to a central sewerage system until
810 December 31, 2020.

811 (m) A product sold in the state for use in onsite sewage
812 treatment and disposal systems may not contain any substance in
813 concentrations or amounts that would interfere with or prevent
814 the successful operation of such system, or that would cause
815 discharges from such systems to violate applicable water quality
816 standards. The department shall publish criteria for products

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known or expected to meet the conditions of this paragraph. If a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(1). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(o) An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. Specific documentation of property ownership is not required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the

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department of property ownership.

(p) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before submission of an application for an onsite sewage treatment and disposal system.

(q) This section does not limit the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(r) In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering may not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(s) Notwithstanding subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield may not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations before January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield

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at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

a. The lot is at least one-half acre in size;

b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and

c. The applicant installs a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system that is capable of reducing effluent nitrate by at least 50 percent in accordance with department rules; or a system other than a system using alternative drainfield materials in accordance with department rules. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water may not be permitted if such a system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does

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not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(t)1. The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall submit an inspection report to the department each time the system is inspected ~~stating report quarterly to the department on~~ the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance entity service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

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917 3. A septic tank contractor licensed under part III of
918 chapter 489, if approved by the manufacturer, may not be denied
919 access by the manufacturer to aerobic treatment unit system
920 training or spare parts for maintenance entities. After the
921 original warranty period, component parts for an aerobic
922 treatment unit system may be replaced with parts that meet
923 manufacturer's specifications but are manufactured by others.
924 The maintenance entity shall maintain documentation of the
925 substitute part's equivalency for 2 years and shall provide such
926 documentation to the department upon request.

927 4. The owner of an aerobic treatment unit system shall
928 obtain a system operating permit from the department and allow
929 the department to inspect during reasonable hours each aerobic
930 treatment unit system at least annually, and such inspection may
931 include collection and analysis of system-effluent samples for
932 performance criteria established by rule of the department.

933 (u) The department may require the submission of detailed
934 system construction plans that are prepared by a professional
935 engineer registered in this state. The department shall
936 establish by rule criteria for determining when such a
937 submission is required.

938 (v) Any permit issued and approved by the department for
939 the installation, modification, or repair of an onsite sewage
940 treatment and disposal system transfers ~~shall transfer~~ with the
941 title to the property in a real estate transaction. For any such

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transfer of title to a property that has an onsite sewage treatment and disposal system that has not been abandoned in accordance with this section, or which is subject to a permit for the installation, modification, repair, or operation of such a system, the real estate transaction is subject to the following requirements:

1. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired.

2. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction.

3. At or before the time of such real estate transaction, the following notifications must be provided to the persons receiving ownership of the property:

a. A disclosure statement clearly identifying that the property is subject to regulations for an onsite sewage treatment and disposal system;

b. Information indicating the nature and location of any existing onsite sewage treatment and disposal system components;

c. If applicable, a statement that the property is subject to an onsite sewage treatment and disposal system operating permit and that one or more of the persons receiving a

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controlling interest in the property are required pursuant to this subsection to provide written notice and proof of ownership to update the operating permit information within 60 days of such real estate transaction; and

d. A copy of any valid permit for the installation, modification, repair, or operation of an onsite sewage treatment and disposal system which will transfer pursuant to this paragraph.

This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution of 1885.

(w) A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012.

Notwithstanding this paragraph, an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.

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992 (x)1. An onsite sewage treatment and disposal system is
993 not considered abandoned if the system is disconnected from a
994 structure that was made unusable or destroyed following a
995 disaster and if the system was properly functioning at the time
996 of disconnection and was not adversely affected by the disaster.
997 The onsite sewage treatment and disposal system may be
998 reconnected to a rebuilt structure if:

999 a. The reconnection of the system is to the same type of
1000 structure which contains the same number of bedrooms or fewer,
1001 if the square footage of the structure is less than or equal to
1002 110 percent of the original square footage of the structure that
1003 existed before the disaster;

1004 b. The system is not a sanitary nuisance; and

1005 c. The system has not been altered without prior
1006 authorization.

1007 2. An onsite sewage treatment and disposal system that
1008 serves a property that is foreclosed upon is not considered
1009 abandoned.

1010 (y) If an onsite sewage treatment and disposal system
1011 permittee receives, relies upon, and undertakes construction of
1012 a system based upon a validly issued construction permit under
1013 rules applicable at the time of construction but a change to a
1014 rule occurs within 5 years after the approval of the system for
1015 construction but before the final approval of the system, the
1016 rules applicable and in effect at the time of construction

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approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.

(z) An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home,

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for the purposes of this paragraph, is approved.

(7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a total maximum daily load, the department shall implement a fast-track approval process of no longer than 6 months for the determination of the use of American National Standards Institute 245 systems approved by NSF International before July 1, 2020. The department shall also establish an enhanced nutrient-reducing onsite sewage treatment and disposal system approval program that will expeditiously evaluate and approve such systems for use in this state to comply with ss. 403.067(7)(a)10. and 373.469(3)(d).

(9) CONTRACT OR DELEGATION AUTHORITY.—The department may contract with or delegate its powers and duties under this section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

Section 14. Paragraph (c) of subsection (6) and paragraph (a) of subsection (7) of section 403.067, Florida Statutes, are amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(6) CALCULATION AND ALLOCATION.—

(c) Adoption of rules. The total maximum daily load calculations and allocations established under this subsection for each water body or water body segment shall be adopted by rule by the secretary pursuant to ss. 120.536(1), 120.54, and

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403.805. Where additional data collection and analysis are needed to increase the scientific precision and accuracy of the total maximum daily load, the department is authorized to adopt phased total maximum daily loads that are subject to change as additional data becomes available. Where phased total maximum daily loads are proposed, the department shall, in the detailed statement of facts and circumstances justifying the rule, explain why the data are inadequate so as to justify a phased total maximum daily load. The rules adopted pursuant to this paragraph are not ~~subject to approval by the Environmental Regulation Commission and are not subject to the provisions of~~ s. 120.541(3). As part of the rule development process, the department shall hold at least one public workshop in the vicinity of the water body or water body segment for which the total maximum daily load is being developed. Notice of the public workshop shall be published not less than 5 days nor more than 15 days before the public workshop in a newspaper of general circulation in the county or counties containing the water bodies or water body segments for which the total maximum daily load calculation and allocation are being developed.

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(a) *Basin management action plans.*—

1. In developing and implementing the total maximum daily load for a waterbody, the department, or the department in

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1092 conjunction with a water management district, may develop a
1093 basin management action plan that addresses some or all of the
1094 watersheds and basins tributary to the waterbody. Such plan must
1095 integrate the appropriate management strategies available to the
1096 state through existing water quality protection programs to
1097 achieve the total maximum daily loads and may provide for phased
1098 implementation of these management strategies to promote timely,
1099 cost-effective actions as provided for in s. 403.151. The plan
1100 must establish a schedule implementing the management
1101 strategies, establish a basis for evaluating the plan's
1102 effectiveness, and identify feasible funding strategies for
1103 implementing the plan's management strategies. The management
1104 strategies may include regional treatment systems or other
1105 public works, when appropriate, and voluntary trading of water
1106 quality credits to achieve the needed pollutant load reductions.

1107 2. A basin management action plan must equitably allocate,
1108 pursuant to paragraph (6) (b), pollutant reductions to individual
1109 basins, as a whole to all basins, or to each identified point
1110 source or category of nonpoint sources, as appropriate. For
1111 nonpoint sources for which best management practices have been
1112 adopted, the initial requirement specified by the plan must be
1113 those practices developed pursuant to paragraph (c). When
1114 appropriate, the plan may take into account the benefits of
1115 pollutant load reduction achieved by point or nonpoint sources
1116 that have implemented management strategies to reduce pollutant

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loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will address potential future increases in pollutant loading.

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources, are invited to participate in the process. The department shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practicable extent. Notice of the public meeting must be published in a newspaper of general circulation in each county in which the watershed or basin lies at least 5 days, but not more than 15 days, before the public meeting. A basin management action plan does not supplant or otherwise alter any assessment made under subsection (3) or subsection (4) or any calculation or initial

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1142 allocation.

1143 4. Each new or revised basin management action plan must
1144 include all of the following:

1145 a. The appropriate management strategies available through
1146 existing water quality protection programs to achieve total
1147 maximum daily loads, which may provide for phased implementation
1148 to promote timely, cost-effective actions as provided for in s.
1149 403.151.

1150 b. A description of best management practices adopted by
1151 rule.

1152 c. For the applicable 5-year implementation milestone, a
1153 list of projects that will achieve the pollutant load reductions
1154 needed to meet the total maximum daily load or the load
1155 allocations established pursuant to subsection (6). Each project
1156 must include a planning-level cost estimate and an estimated
1157 date of completion.

1158 d. A list of projects developed pursuant to paragraph (e),
1159 if applicable.

1160 e. The source and amount of financial assistance to be
1161 made available by the department, a water management district,
1162 or other entity for each listed project, if applicable.

1163 f. A planning-level estimate of each listed project's
1164 expected load reduction, if applicable.

1165 5. The department shall adopt all or any part of a basin
1166 management action plan and any amendment to such plan by

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1167 secretarial order pursuant to chapter 120 to implement this
1168 section. A basin management action plan and any amendment to
1169 such plan become effective 60 days after the date the
1170 secretarial order is filed.

1171 6. The basin management action plan must include 5-year
1172 milestones for implementation and water quality improvement, and
1173 an associated water quality monitoring component sufficient to
1174 evaluate whether reasonable progress in pollutant load
1175 reductions is being achieved over time. An assessment of
1176 progress toward these milestones shall be conducted every 5
1177 years, and revisions to the plan shall be made as appropriate.
1178 Any entity with a specific pollutant load reduction requirement
1179 established in a basin management action plan shall identify the
1180 projects or strategies that such entity will undertake to meet
1181 current 5-year pollution reduction milestones, beginning with
1182 the first 5-year milestone for new basin management action
1183 plans, and submit such projects to the department for inclusion
1184 in the appropriate basin management action plan. Each project
1185 identified must include an estimated amount of nutrient
1186 reduction that is reasonably expected to be achieved based on
1187 the best scientific information available. Revisions to the
1188 basin management action plan shall be made by the department in
1189 cooperation with basin stakeholders. Revisions to the management
1190 strategies required for nonpoint sources must follow the
1191 procedures in subparagraph (c)4. Revised basin management action

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1192 plans must be adopted pursuant to subparagraph 5.

1193 7. In accordance with procedures adopted by rule under
1194 paragraph (9)(c), basin management action plans, and other
1195 pollution control programs under local, state, or federal
1196 authority as provided in subsection (4), may allow point or
1197 nonpoint sources that will achieve greater pollutant reductions
1198 than required by an adopted total maximum daily load or
1199 wasteload allocation to generate, register, and trade water
1200 quality credits for the excess reductions to enable other
1201 sources to achieve their allocation; however, the generation of
1202 water quality credits does not remove the obligation of a source
1203 or activity to meet applicable technology requirements or
1204 adopted best management practices. Such plans must allow trading
1205 between NPDES permittees, and trading that may or may not
1206 involve NPDES permittees, where the generation or use of the
1207 credits involve an entity or activity not subject to department
1208 water discharge permits whose owner voluntarily elects to obtain
1209 department authorization for the generation and sale of credits.

1210 8. The department's rule relating to the equitable
1211 abatement of pollutants into surface waters do not apply to
1212 water bodies or waterbody segments for which a basin management
1213 plan that takes into account future new or expanded activities
1214 or discharges has been adopted under this section.

1215 9. In order to promote resilient wastewater utilities, if
1216 the department identifies domestic wastewater treatment

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1217 facilities or onsite sewage treatment and disposal systems as
1218 contributors of at least 20 percent of point source or nonpoint
1219 source nutrient pollution or if the department determines
1220 remediation is necessary to achieve the total maximum daily
1221 load, a basin management action plan for a nutrient total
1222 maximum daily load must include the following:

1223 a. A domestic wastewater treatment plan developed by each
1224 local government, in cooperation with the department, the water
1225 management district, and the public and private domestic
1226 wastewater treatment facilities providing services or located
1227 within the jurisdiction of the local government, which addresses
1228 domestic wastewater. Private domestic wastewater facilities and
1229 special districts providing domestic wastewater services must
1230 provide the required wastewater facility information to the
1231 applicable local governments. The domestic wastewater treatment
1232 plan must:

1233 (I) Provide for construction, expansion, or upgrades
1234 necessary to achieve the total maximum daily load requirements
1235 applicable to the domestic wastewater treatment facility.

1236 (II) Include the permitted capacity in average annual
1237 gallons per day for the domestic wastewater treatment facility;
1238 the average nutrient concentration and the estimated average
1239 nutrient load of the domestic wastewater; a projected timeline
1240 of the dates by which the construction of any facility
1241 improvements will begin and be completed and the date by which

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1242 operations of the improved facility will begin; the estimated
1243 cost of the improvements; and the identity of responsible
1244 parties.

1245
1246 The domestic wastewater treatment plan must be adopted as part
1247 of the basin management action plan no later than July 1, 2025.
1248 A local government that does not have a domestic wastewater
1249 treatment facility in its jurisdiction is not required to
1250 develop a domestic wastewater treatment plan unless there is a
1251 demonstrated need to establish a domestic wastewater treatment
1252 facility within its jurisdiction to improve water quality
1253 necessary to achieve a total maximum daily load. A local
1254 government is not responsible for a private domestic wastewater
1255 facility's compliance with a basin management action plan unless
1256 such facility is operated through a public-private partnership
1257 to which the local government is a party.

1258 b. An onsite sewage treatment and disposal system
1259 remediation plan developed by each local government in
1260 cooperation with the department, the Department of Health, water
1261 management districts, and public and private domestic wastewater
1262 treatment facilities.

1263 (I) The onsite sewage treatment and disposal system
1264 remediation plan must identify cost-effective and financially
1265 feasible projects necessary to achieve the nutrient load
1266 reductions required for onsite sewage treatment and disposal

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1267 systems. To identify cost-effective and financially feasible
1268 projects for remediation of onsite sewage treatment and disposal
1269 systems, the local government shall:

1270 (A) Include an inventory of onsite sewage treatment and
1271 disposal systems based on the best information available;

1272 (B) Identify onsite sewage treatment and disposal systems
1273 that would be eliminated through connection to existing or
1274 future central domestic wastewater infrastructure in the
1275 jurisdiction or domestic wastewater service area of the local
1276 government, that would be replaced with or upgraded to enhanced
1277 nutrient-reducing onsite sewage treatment and disposal systems,
1278 or that would remain on conventional onsite sewage treatment and
1279 disposal systems;

1280 (C) Estimate the costs of potential onsite sewage
1281 treatment and disposal system connections, upgrades, or
1282 replacements; and

1283 (D) Identify deadlines and interim milestones for the
1284 planning, design, and construction of projects.

1285 (II) The department shall adopt the onsite sewage
1286 treatment and disposal system remediation plan as part of the
1287 basin management action plan no later than July 1, 2025, or as
1288 required for Outstanding Florida Springs under s. 373.807.

1289 10. The following activities are prohibited within a basin
1290 management action plan adopted under this section, a reasonable
1291 assurance plan, or a pollution reduction plan:

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1292 a. The installation of new onsite sewage treatment and
1293 disposal systems ~~constructed within a basin management action~~
1294 ~~plan area adopted under this section, a reasonable assurance~~
1295 ~~plan, or a pollution reduction plan is prohibited~~ where
1296 connection to a publicly owned or investor-owned sewerage system
1297 is available as defined in s. 381.0065(2)(a). On lots of 1 acre
1298 or less ~~within a basin management action plan adopted under this~~
1299 ~~section, a reasonable assurance plan, or a pollution reduction~~
1300 ~~plan~~ where a publicly owned or investor-owned sewerage system is
1301 not available, the installation of enhanced nutrient-reducing
1302 onsite sewage treatment and disposal systems, distributed
1303 wastewater treatment systems as defined in s. 403.814(13), or
1304 other wastewater treatment systems that achieve at least 65
1305 percent nitrogen reduction is required.

1306 b. The construction or installation of new domestic
1307 wastewater disposal facilities, including rapid infiltration
1308 basins, with permitted capacities of 100,000 or more gallons per
1309 day, except for those facilities that meet an advanced
1310 wastewater treatment standard of no more than 3 mg/l total
1311 nitrogen and 1 mg/l total phosphorus on an annual permitted
1312 basis, or a more stringent treatment standard if the department
1313 determines the more stringent standard is necessary to attain a
1314 total maximum daily load.

1315 c. The construction or installation of new facilities for
1316 the disposal of hazardous waste.

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11. When identifying wastewater projects in a basin management action plan, the department may not require the higher cost option if it achieves the same nutrient load reduction as a lower cost option. A regulated entity may choose a different cost option if it complies with the pollutant reduction requirements of an adopted total maximum daily load and meets or exceeds the pollution reduction requirement of the original project.

12. Annually, local governments subject to a basin management action plan or located within the basin of a waterbody not attaining nutrient or nutrient-related standards must provide to the department an update on the status of construction of sanitary sewers to serve such areas, in a manner prescribed by the department.

Section 15. Paragraph (e) of subsection (1) of section 403.0671, Florida Statutes, is amended to read:

403.0671 Basin management action plan wastewater reports.—

(1) By July 1, 2021, the department, in coordination with the county health departments, wastewater treatment facilities, and other governmental entities, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the costs of wastewater projects identified in the basin management action plans developed pursuant to ss. 373.807 and 403.067(7) and the onsite sewage treatment and disposal system remediation plans and other

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restoration plans developed to meet the total maximum daily loads required under s. 403.067. The report must include all of the following:

(e) The projected costs of installing enhanced nutrient-reducing onsite sewage treatment and disposal systems on buildable lots in priority focus areas ~~to comply with s. 373.811.~~

Section 16. Subsection (11) of section 403.0872, Florida Statutes, is amended to read:

403.0872 Operation permits for major sources of air pollution; annual operation license fee.—Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. 403.511, must obtain from the department an operation permit for a major source of air pollution under this section. This operation permit is the only department operation permit for a major source of air pollution required for such source; provided, at the applicant's request, the department shall issue a separate acid rain permit for a major source of air pollution that is an affected source within the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major sources of air pollution, except general permits issued pursuant to s. 403.814, must be issued in accordance with the procedures contained in this section and in accordance with

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chapter 120; however, to the extent that chapter 120 is inconsistent with this section, the procedures contained in this section prevail.

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

(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant actually emitted, as calculated in accordance with the department's emissions computation and reporting rules. The annual fee shall only apply to those regulated pollutants, except carbon monoxide and greenhouse gases, for which an allowable numeric emission limiting standard is specified in the source's most recent construction or operation permit; provided, however, that:

1. The license fee factor is \$25 or another amount determined by department rule which ensures that the revenue provided by each year's operation license fees is sufficient to

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cover all reasonable direct and indirect costs of the major stationary source air-operation permit program established by this section. The license fee factor may be increased beyond \$25 only if the secretary of the department affirmatively finds that a shortage of revenue for support of the major stationary source air-operation permit program will occur in the absence of a fee factor adjustment. The annual license fee factor may never exceed \$35.

2. The amount of each regulated air pollutant in excess of 4,000 tons per year emitted by any source, or group of sources belonging to the same Major Group as described in the Standard Industrial Classification Manual, 1987, may not be included in the calculation of the fee. Any source, or group of sources, which does not emit any regulated air pollutant in excess of 4,000 tons per year, is allowed a one-time credit not to exceed 25 percent of the first annual licensing fee for the prorated portion of existing air-operation permit application fees remaining upon commencement of the annual licensing fees.

3. If the department has not received the fee ~~by March 1 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by April 1. If the fee is not postmarked by June 30 April 1~~ of the calendar year, the department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807.

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The department may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The department may waive the collection of underpayment and may not be required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to \$50. The department may revoke any major air pollution source operation permit if it finds that the permitholder has failed to timely pay any required annual operation license fee, penalty, or interest.

4. Notwithstanding the computational provisions of this subsection, the annual operation license fee for any source subject to this section may not be less than \$250, except that the annual operation license fee for sources permitted solely through general permits issued under s. 403.814 may not exceed \$50 per year.

5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes air pollution construction permit fees, the department may not require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a. ~~Costs to issue and administer such permits shall be considered direct and indirect costs of the major stationary~~

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~~source air operation permit program under s. 403.0873.~~ The department shall, however, require fees pursuant to s. 403.087(7)(a)5.a. for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

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

1. Reviewing and acting upon any application for such a permit.
2. Implementing and enforcing the terms and conditions of any such permit, excluding court costs or other costs associated with any enforcement action.
3. Emissions and ambient monitoring.
4. Preparing generally applicable regulations or guidance.
5. Modeling, analyses, and demonstrations.
6. Preparing inventories and tracking emissions.
7. Implementing the Small Business Stationary Source

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Technical and Environmental Compliance Assistance Program.

8. Any audits conducted under paragraph (c).

(c) An audit of the major stationary source air-operation permit program must be conducted 2 years after the United States Environmental Protection Agency has given full approval of the program to ascertain whether the annual operation license fees collected by the department are used solely to support any reasonable direct and indirect costs as listed in paragraph (b). A program audit must be performed biennially after the first audit.

Section 17. Paragraphs (a) and (b) of subsection (3) of section 403.1838, Florida Statutes, are amended to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(3)(a) In accordance with rules adopted by the department ~~Environmental Regulation Commission~~ under this section, the department may provide grants, from funds specifically appropriated for this purpose, to financially disadvantaged small communities for up to 100 percent of the costs of planning, designing, constructing, upgrading, or replacing wastewater collection, transmission, treatment, disposal, and reuse facilities, including necessary legal and administrative expenses.

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

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

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

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

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

5. Establish a system to determine the relative priority of grant applications. The system must consider public health protection and water pollution prevention or abatement and must prioritize projects that plan for the installation of wastewater transmission facilities to be constructed concurrently with other construction projects occurring within or along a transportation facility right-of-way.

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

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

Section 18. Section 403.804, Florida Statutes, is

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1517 repealed.

1518 **Section 19. Paragraph (i) of subsection (1) of section**
1519 **255.065, Florida Statutes, is amended to read:**

1520 255.065 Public-private partnerships.—

1521 (1) DEFINITIONS.—As used in this section, the term:

1522 (i) "Qualifying project" means:

1523 1. A facility or project that serves a public purpose,
1524 including, but not limited to, any ferry or mass transit
1525 facility, vehicle parking facility, airport or seaport facility,
1526 rail facility or project, fuel supply facility, oil or gas
1527 pipeline, medical or nursing care facility, recreational
1528 facility, sporting or cultural facility, or educational facility
1529 or other building or facility that is used or will be used by a
1530 public educational institution, or any other public facility or
1531 infrastructure that is used or will be used by the public at
1532 large or in support of an accepted public purpose or activity;

1533 2. An improvement, including equipment, of a building that
1534 will be principally used by a public entity or the public at
1535 large or that supports a service delivery system in the public
1536 sector;

1537 3. A water, wastewater, or surface water management
1538 facility or other related infrastructure;

1539 4. A coastal resiliency project as defined in s.

1540 380.0934(1); or

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1541 5.4. Notwithstanding any provision of this section, for
1542 projects that involve a facility owned or operated by the
1543 governing board of a county, district, or municipal hospital or
1544 health care system, or projects that involve a facility owned or
1545 operated by a municipal electric utility, only those projects
1546 that the governing board designates as qualifying projects
1547 pursuant to this section.

1548 **Section 20. Section 380.0934, Florida Statutes, is created**
1549 **to read:**

1550 380.0934 Public-private partnerships for coastal
1551 resiliency projects.—

1552 (1) As used in this section, the term:

1553 (a) "Coastal resiliency project" means:

1554 1. Planning, contracting, and executing a project to
1555 address flooding and sea level rise in a coastal or inland
1556 community in this state under s. 380.093(5);

1557 2. Public infrastructure repair and upgrades to seawalls
1558 and stormwater drainage; and

1559 3. Resiliency measures designed to withstand extreme
1560 weather, mitigate flooding, and prevent coastal erosion,
1561 including:

1562 a. Acquisition of at-risk coastal and flood-prone
1563 properties;

1564 b. Acquisition of properties in areas at high risk of
1565 flooding;

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1566 c. Infrastructure hardening and development of natural
1567 barriers;

1568 d. Construction of large-scale seawalls, levees, and
1569 elevated flood barriers; or

1570 e. Expansion and restoration of natural protective
1571 systems.

1572 (b) "Department" means the Department of Environmental
1573 Protection.

1574 (c) "Public-private partnership" means a coastal
1575 resiliency project entered into by the department under s.
1576 255.065.

1577 (2) The department has the exclusive authority to execute
1578 coastal resiliency projects through public-private partnerships
1579 under s. 255.065.

1580 (3) To encourage investment from the private sector in
1581 coastal resiliency projects, the department may:

1582 (a) Enter into long-term revenue-sharing agreements.

1583 (b) Provide expedited permitting for construction.

1584 (c) Seek comments from local governments and the public
1585 during project planning and execution and incorporate actions
1586 responsive to such comments into the project.

1587 (d) Engage in-state vocational schools and apprenticeship
1588 programs to train workers in specialized resiliency
1589 construction.

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

Section 21. Subsection (6) of section 120.81, Florida Statutes, is amended to read:

120.81 Exceptions and special requirements; general areas.—

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

(a) This subsection does not apply to rules adopted pursuant to federally delegated or mandated programs where such rules are identical or substantially identical to the federal regulations or laws being adopted or implemented by the Department of Environmental Protection or Department of Agriculture and Consumer Services, as applicable. However, the

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Department of Environmental Protection and the Department of Agriculture and Consumer Services shall identify any risk analysis information available to them from the Federal Government that has formed the basis of such a rule.

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

(c) The Department of Environmental Protection and the Department of Agriculture and Consumer Services shall prepare and publish notice of the availability of a clear and concise risk impact statement for all applicable rules. The risk impact statement must explain the risk to the public health addressed by the rule and shall identify and summarize the source of the scientific information used in evaluating that risk.

(d) Nothing in this subsection shall be construed to create a new cause of action or basis for challenging a rule nor diminish any existing cause of action or basis for challenging a rule.

Section 22. Subsection (1) of section 373.421, Florida Statutes, is amended, and paragraph (b) of subsection (7) of that section is reenacted, to read:

373.421 Delineation methods; formal determinations.—

(1) The department's ~~Environmental Regulation Commission~~ shall ~~adopt~~ a unified statewide methodology for the delineation of the extent of wetlands as defined in s. 373.019(27). ~~This methodology~~ shall consider regional differences in the types of

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1640 soils and vegetation that may serve as indicators of the extent
1641 of wetlands. This methodology shall also include provisions for
1642 determining the extent of surface waters other than wetlands for
1643 the purposes of regulation under s. 373.414. This methodology
1644 shall not become effective until ratified by the Legislature.
1645 Subsequent to legislative ratification, the wetland definition
1646 in s. 373.019(27) and the adopted wetland methodology shall be
1647 binding on the department, the water management districts, local
1648 governments, and any other governmental entities. Upon
1649 ratification of such wetland methodology, the Legislature
1650 preempts the authority of any water management district, state
1651 or regional agency, or local government to define wetlands or
1652 develop a delineation methodology to implement the definition
1653 and determines that the exclusive definition and delineation
1654 methodology for wetlands shall be that established pursuant to
1655 s. 373.019(27) and this section. Upon such legislative
1656 ratification, any existing wetlands definition or wetland
1657 delineation methodology shall be superseded by the wetland
1658 definition and delineation methodology established pursuant to
1659 this chapter. Subsequent to legislative ratification, a
1660 delineation of the extent of a surface water or wetland by the
1661 department or a water management district, pursuant to a formal
1662 determination under subsection (2), or pursuant to a permit
1663 issued under this part in which the delineation was field-
1664 verified by the permitting agency and specifically approved in

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the permit, shall be binding on all other governmental entities for the duration of the formal determination or permit. All existing rules and methodologies of the department, the water management districts, and local governments, regarding surface water or wetland definition and delineation shall remain in full force and effect until the common methodology rule becomes effective. However, this shall not be construed to limit any power of the department, the water management districts, and local governments to amend or adopt a surface water or wetland definition or delineation methodology until the common methodology rule becomes effective.

(7)

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

1. Where a jurisdictional determination validated by the department pursuant to rule 17-301.400(8), Florida Administrative Code, as it existed in rule 17-4.022, Florida Administrative Code, on April 1, 1985, is revalidated pursuant

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to s. 373.414(13) and the affected lands are part of a project for which a vested rights determination has been issued pursuant to s. 380.06, or

2. Where the lands affected were grandfathered pursuant to s. 403.913(6), Florida Statutes (1991), and proof of prior notification pursuant to s. 403.913(6), Florida Statutes (1991), is submitted to the department within 180 days of the publication of a notice by the department of the existence of this provision. Failure to timely submit the proof of prior notification to the department serves as a waiver of the benefits conferred by this subsection.

3. This subsection shall not be applicable to lands:

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

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

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

d. Of a project which is not in compliance with this part or the rules adopted pursuant to ss. 403.91-403.929, 1984

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Supplement to the Florida Statutes 1983, as amended.

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

5. Notwithstanding subsection (1), the wetland delineation methodology required in this subsection and any wetland delineation pursuant thereto, shall only apply to agency action under this part and shall not be binding on local governments except in their implementation of this part.

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

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

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

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

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

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

**Section 24. Subsections (7) and (32) of section 403.061,
Florida Statutes, are amended to read:**

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

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

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

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

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

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

Section 25. Subsection (9) of section 403.704, Florida Statutes, is amended to read:

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

(9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce this act, including requirements for the classification, construction, operation, maintenance, and closure of solid waste management facilities and requirements for, and conditions on, solid waste disposal in this state, whether such solid waste is generated within this state or outside this state as long as such requirements and conditions are not based on the out-of-state origin of the waste and are

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consistent with applicable law. When classifying solid waste management facilities, the department shall consider the hydrogeology of the site for the facility, the types of wastes to be handled by the facility, and methods used to control the types of waste to be handled by the facility and shall seek to minimize the adverse effects of solid waste management on the environment. ~~Whenever the department adopts any rule stricter or more stringent than one that has been set by the United States Environmental Protection Agency, the procedures set forth in s. 403.804(2) shall be followed.~~ The department may ~~shall~~ not, ~~however,~~ adopt hazardous waste rules for solid waste for which special studies were required before ~~prior to~~ October 1, 1988, under s. 8002 of the Resource Conservation and Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies are completed by the United States Environmental Protection Agency and the information is available to the department for consideration in adopting its own rule.

Section 26. Paragraph (d) of subsection (3) and paragraph (h) of subsection (9) of section 403.707, Florida Statutes, are amended to read:

403.707 Permits.—

(3)

(d) The department may adopt rules to administer this subsection. ~~However, the department is not required to submit such rules to the Environmental Regulation Commission for~~

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1865 ~~approval.~~ Notwithstanding the limitations of s. 403.087(7)(a),
1866 permit fee caps for solid waste management facilities must ~~shall~~
1867 be prorated to reflect the extended permit term authorized by
1868 this subsection.

1869 (9) The department shall establish a separate category for
1870 solid waste management facilities that accept only construction
1871 and demolition debris for disposal or recycling. The department
1872 shall establish a reasonable schedule for existing facilities to
1873 comply with this section to avoid undue hardship to such
1874 facilities. However, a permitted solid waste disposal unit that
1875 receives a significant amount of waste prior to the compliance
1876 deadline established in this schedule shall not be required to
1877 be retrofitted with liners or leachate control systems.

1878 (h) The department shall ensure that the requirements of
1879 this section are applied and interpreted consistently throughout
1880 this ~~the~~ state. ~~In accordance with s. 20.255,~~ The Division of
1881 Waste Management shall direct the district offices and bureaus
1882 on matters relating to the interpretation and applicability of
1883 this section.

1884 **Section 27. Subsection (3) of section 403.7222, Florida**
1885 **Statutes, is amended to read:**

1886 403.7222 Prohibition of hazardous waste landfills.—

1887 (3) This section does not prohibit the department from
1888 banning the disposal of hazardous waste in other types of waste
1889 management units in a manner consistent with federal

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requirements, ~~except as provided under s. 403.804(2).~~

Section 28. Subsection (4) of section 403.7234, Florida Statutes, is amended to read:

403.7234 Small quantity generator notification and verification program.—

(4) Within 30 days of receipt of a notification, which includes a survey form, a small quantity generator shall disclose its management practices and the types and quantities of waste to the county government. Annually, each county shall verify the management practices of at least 20 percent of its small quantity generators. The procedure for verification used by the county must ~~shall~~ be developed as part of the guidance established by the department under s. 403.7226. The department may also regulate the waste management practices of small quantity generators in order to ensure proper management of hazardous waste in a manner consistent with federal requirements, ~~except as provided under s. 403.804(2).~~

Section 29. Section 403.803, Florida Statutes, is amended to read:

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

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

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

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normally above water.

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

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

~~(5)~~ "Department" means the Department of Environmental Protection.

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

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

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

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

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

~~(10)(11)~~ "Manager" means the head of an environmental

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district or branch office who shall supervise all environmental functions of the department within such environmental district or branch office.

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

(12)~~(13)~~ "Standard" means any rule of the Department of Environmental Protection relating to air and water quality, noise, solid-waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities. The term "standard" does not include rules of the department which relate exclusively to the internal management of the department, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.

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

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

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

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

(d) Is designed to take into account the soil erodibility,

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soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Section 30. Subsections (1) and (3) of section 403.805, Florida Statutes, are amended to read:

403.805 Secretary; powers and duties; review of specified rules.—

(1) The secretary shall have the powers and duties of heads of departments set forth in chapter 20, including the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter and the provisions of chapters 161, 253, 258, 260, 369, 373, 376, 377, 378, and 380 ~~253, 373, and 376 and this chapter. The secretary shall have rulemaking responsibility under chapter 120, but shall submit any proposed rule containing standards to the Environmental Regulation Commission for approval, modification, or disapproval pursuant to s. 403.804, except for total maximum daily load calculations and allocations developed pursuant to s. 403.067(6).~~ The secretary shall have responsibility for final agency action regarding total maximum daily load calculations and allocations developed pursuant to s. 403.067(6). The secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the

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authority assigned to the department by this act to the assistant secretary, division directors, and district and branch office managers and to the water management districts.

(3) After adoption of proposed rule 62-302.531(9), Florida Administrative Code, a nonseverability and effective date provision approved by the commission on December 8, 2011, ~~in accordance with the commission's legislative authority under s. 403.804,~~ notice of which was published by the department on December 22, 2011, in the Florida Administrative Register, Vol. 37, No. 51, page 4446, any subsequent rule or amendment altering the effect of such rule must ~~shall~~ be submitted to the President of the Senate and the Speaker of the House of Representatives no later than 30 days before the next regular legislative session, and such amendment may not take effect until it is ratified by the Legislature.

Section 31. Section 403.8055, Florida Statutes, is amended to read:

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

(1) The secretary shall publish notice of intent to adopt a rule pursuant to this section in the Florida Administrative

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Register at least 21 days before ~~prior to~~ filing the rule with the Department of State. The secretary shall mail a copy of the notice of intent to adopt a rule to the Administrative Procedures Committee at least 21 days before ~~prior to~~ the date of filing with the Department of State. Before ~~Prior to~~ filing the rule with the Department of State, the secretary shall consider any written comments received within 21 days after the date of publication of the notice of intent to adopt a rule. The rule must ~~shall~~ be adopted upon filing with the Department of State. Substantive changes from the rules as noticed ~~shall~~ require republishing of notice as required in this section.

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

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

(4) Any domestic for-profit or nonprofit corporation or

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association formed, in whole or in part:

(a) To promote conservation or natural beauty;

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

(c) To preserve historical sites;

(d) To promote consumer interests;

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

or

(f) To promote orderly development;

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

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

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references such regulation whenever possible.

Section 32. Subsection (1) of section 403.814, Florida Statutes, is amended to read:

403.814 General permits; delegation.—

(1) The secretary is authorized to adopt rules establishing and providing for a program of general permits under this chapter and chapter 253 ~~and this chapter~~ for projects, or categories of projects, which have, either singly or cumulatively, a minimal adverse environmental effect. Such rules must ~~shall~~ specify design or performance criteria that ~~which~~, if applied, would result in compliance with appropriate standards ~~adopted by the commission~~. Except as provided for in subsection (3), any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the department without any agency action by the department.

Section 33. Paragraph (a) of subsection (1) of section 376.302, Florida Statutes, is amended to read:

376.302 Prohibited acts; penalties.—

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

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

Section 34. Paragraph (b) of subsection (1) of section

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380.5105, Florida Statutes, is amended to read:

380.5105 The Stan Mayfield Working Waterfronts; Florida Forever program.—

(1) Notwithstanding any other provision of this chapter, it is the intent of the Legislature that the trust shall administer the working waterfronts land acquisition program as set forth in this section.

(b) For projects that will require more than the grant amount awarded for completion, the applicant must identify in their project application funding sources that will provide the difference between the grant award and the estimated project completion cost. Such rules may be incorporated into those developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

Section 35. For the purpose of incorporating the amendment made by this act to section 381.0065, Florida Statutes, in a reference thereto, paragraph (k) of subsection (2) of section 381.0066, Florida Statutes, is reenacted to read:

381.0066 Onsite sewage treatment and disposal systems; fees.—

(2) The minimum fees in the following fee schedule apply until changed by rule by the department within the following limits:

(k) Research: An additional \$5 fee shall be added to each new system construction permit issued to be used to fund onsite sewage treatment and disposal system research, demonstration,

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and training projects. Five dollars from any repair permit fee collected under this section shall be used for funding the hands-on training centers described in s. 381.0065(3)(j).

The funds collected pursuant to this subsection for the implementation of onsite sewage treatment and disposal system regulation and for the purposes of ss. 381.00655 and 381.0067, subsequent to any phased transfer of implementation from the Department of Health to the department within any county pursuant to s. 381.0065, must be deposited in the Florida Permit Fee Trust Fund under s. 403.0871, to be administered by the department.

Section 36. For the purpose of incorporating the amendment made by this act to section 403.067, Florida Statutes, in a reference thereto, section 373.4595, Florida Statutes, is reenacted to read:

373.4595 Northern Everglades and Estuaries Protection Program.—

(1) FINDINGS AND INTENT.—

(a) The Legislature finds that the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed are critical water resources of the state, providing many economic, natural habitat, and biodiversity functions benefiting the public interest, including agricultural, public, and environmental water supply; flood

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control; fishing; navigation and recreation; and habitat to endangered and threatened species and other flora and fauna.

(b) The Legislature finds that changes in land uses, the construction of the Central and Southern Florida Project, and the loss of surface water storage have resulted in adverse changes to the hydrology and water quality of Lake Okeechobee and the Caloosahatchee and St. Lucie Rivers and their estuaries.

(c) The Legislature finds that improvement to the hydrology, water quality, and associated aquatic habitats within the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, is essential to the protection of the greater Everglades ecosystem.

(d) The Legislature also finds that it is imperative for the state, local governments, and agricultural and environmental communities to commit to restoring and protecting the surface water resources of the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, and that a watershed-based approach to address these issues must be developed and implemented immediately.

(e) The Legislature finds that phosphorus loads from the Lake Okeechobee watershed have contributed to excessive phosphorus levels throughout the Lake Okeechobee watershed and downstream receiving waters and that a reduction in levels of phosphorus will benefit the ecology of these systems. The excessive levels of phosphorus have also resulted in an

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2165 accumulation of phosphorus in the sediments of Lake Okeechobee.
2166 If not removed, internal phosphorus loads from the sediments are
2167 expected to delay responses of the lake to external phosphorus
2168 reductions.

2169 (f) The Legislature finds that the Lake Okeechobee
2170 phosphorus loads set forth in the total maximum daily loads
2171 established in accordance with s. 403.067 represent an
2172 appropriate basis for restoration of the Lake Okeechobee
2173 watershed.

2174 (g) The Legislature finds that, in addition to phosphorus,
2175 other pollutants are contributing to water quality problems in
2176 the Lake Okeechobee watershed, the Caloosahatchee River
2177 watershed, and the St. Lucie River watershed, and that the total
2178 maximum daily load requirements of s. 403.067 provide a means of
2179 identifying and addressing these problems.

2180 (h) The Legislature finds that the expeditious
2181 implementation of the Lake Okeechobee Watershed Protection
2182 Program, the Caloosahatchee River Watershed Protection Program,
2183 and the St. Lucie River Watershed Protection Program is needed
2184 to improve the quality, quantity, timing, and distribution of
2185 water in the northern Everglades ecosystem and that this
2186 section, in conjunction with s. 403.067, including the
2187 implementation of the plans developed and approved pursuant to
2188 subsections (3) and (4), and any related basin management action
2189 plan developed and implemented pursuant to s. 403.067(7)(a),

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2190 provide a reasonable means of achieving the total maximum daily
2191 load requirements and achieving and maintaining compliance with
2192 state water quality standards.

2193 (i) The Legislature finds that the implementation of the
2194 programs contained in this section is for the benefit of the
2195 public health, safety, and welfare and is in the public
2196 interest.

2197 (j) The Legislature finds that sufficient research has
2198 been conducted and sufficient plans developed to immediately
2199 expand and accelerate programs to address the hydrology and
2200 water quality in the Lake Okeechobee watershed, the
2201 Caloosahatchee River watershed, and the St. Lucie River
2202 watershed.

2203 (k) The Legislature finds that a continuing source of
2204 funding is needed to effectively implement the programs
2205 developed and approved under this section which are needed to
2206 address the hydrology and water quality problems within the Lake
2207 Okeechobee watershed, the Caloosahatchee River watershed, and
2208 the St. Lucie River watershed.

2209 (l) It is the intent of the Legislature to protect and
2210 restore surface water resources and achieve and maintain
2211 compliance with water quality standards in the Lake Okeechobee
2212 watershed, the Caloosahatchee River watershed, and the St. Lucie
2213 River watershed, and downstream receiving waters, through the
2214 phased, comprehensive, and innovative protection program set

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2215 forth in this section which includes long-term solutions based
2216 upon the total maximum daily loads established in accordance
2217 with s. 403.067. This program shall be watershed-based, shall
2218 provide for consideration of all water quality issues needed to
2219 meet the total maximum daily load, and shall include research
2220 and monitoring, development and implementation of best
2221 management practices, refinement of existing regulations, and
2222 structural and nonstructural projects, including public works.

2223 (m) It is the intent of the Legislature that this section
2224 be implemented in coordination with the Comprehensive Everglades
2225 Restoration Plan project components and other federal programs
2226 in order to maximize opportunities for the most efficient and
2227 timely expenditures of public funds.

2228 (n) It is the intent of the Legislature that the
2229 coordinating agencies encourage and support the development of
2230 creative public-private partnerships and programs, including
2231 opportunities for water storage and quality improvement on
2232 private lands and water quality credit trading, to facilitate or
2233 further the restoration of the surface water resources of the
2234 Lake Okeechobee watershed, the Caloosahatchee River watershed,
2235 and the St. Lucie River watershed, consistent with s. 403.067.

2236 (2) DEFINITIONS.—As used in this section, the term:

2237 (a) "Best management practice" means a practice or
2238 combination of practices determined by the coordinating
2239 agencies, based on research, field-testing, and expert review,

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2240 to be the most effective and practicable on-location means,
2241 including economic and technological considerations, for
2242 improving water quality in agricultural and urban discharges.
2243 Best management practices for agricultural discharges shall
2244 reflect a balance between water quality improvements and
2245 agricultural productivity.

2246 (b) "Biosolids" means the solid, semisolid, or liquid
2247 residue generated during the treatment of domestic wastewater in
2248 a domestic wastewater treatment facility, formerly known as
2249 "domestic wastewater residuals" or "residuals," and includes
2250 products and treated material from biosolids treatment
2251 facilities and septage management facilities regulated by the
2252 department. The term does not include the treated effluent or
2253 reclaimed water from a domestic wastewater treatment facility,
2254 solids removed from pump stations and lift stations, screenings
2255 and grit removed from the preliminary treatment components of
2256 domestic wastewater treatment facilities, or ash generated
2257 during the incineration of biosolids.

2258 (c) "Caloosahatchee River watershed" means the
2259 Caloosahatchee River, its tributaries, its estuary, and the area
2260 within Charlotte, Glades, Hendry, and Lee Counties from which
2261 surface water flow is directed or drains, naturally or by
2262 constructed works, to the river, its tributaries, or its
2263 estuary.

2264 (d) "Coordinating agencies" means the Department of

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Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District.

(e) "Corps of Engineers" means the United States Army Corps of Engineers.

(f) "Department" means the Department of Environmental Protection.

(g) "District" means the South Florida Water Management District.

(h) "Lake Okeechobee Watershed Construction Project" means the construction project developed pursuant to this section.

(i) "Lake Okeechobee Watershed Protection Plan" means the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program.

(j) "Lake Okeechobee watershed" means Lake Okeechobee, its tributaries, and the area within which surface water flow is directed or drains, naturally or by constructed works, to the lake or its tributaries.

(k) "Northern Everglades" means the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed.

(l) "Project component" means any structural or operational change, resulting from the Restudy, to the Central and Southern Florida Project as it existed and was operated as

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of January 1, 1999.

(m) "Restudy" means the Comprehensive Review Study of the Central and Southern Florida Project, for which federal participation was authorized by the Federal Water Resources Development Acts of 1992 and 1996 together with related congressional resolutions and for which participation by the South Florida Water Management District is authorized by s. 373.1501. The term includes all actions undertaken pursuant to the aforementioned authorizations which will result in recommendations for modifications or additions to the Central and Southern Florida Project.

(n) "River Watershed Protection Plans" means the Caloosahatchee River Watershed Protection Plan and the St. Lucie River Watershed Protection Plan developed pursuant to this section.

(o) "Soil amendment" means any substance or mixture of substances sold or offered for sale for soil enriching or corrective purposes, intended or claimed to be effective in promoting or stimulating plant growth, increasing soil or plant productivity, improving the quality of crops, or producing any chemical or physical change in the soil, except amendments, conditioners, additives, and related products that are derived solely from inorganic sources and that contain no recognized plant nutrients.

(p) "St. Lucie River watershed" means the St. Lucie River,

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its tributaries, its estuary, and the area within Martin, Okeechobee, and St. Lucie Counties from which surface water flow is directed or drains, naturally or by constructed works, to the river, its tributaries, or its estuary.

(q) "Total maximum daily load" means the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background adopted pursuant to s. 403.067. Before determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a water body or water segment can assimilate from all sources without exceeding water quality standards must first be calculated.

(3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake Okeechobee Watershed Protection Program shall consist of the Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067, the Lake Okeechobee Exotic Species Control Program, and the Lake Okeechobee Internal Phosphorus Management Program. The Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 shall be the component of the Lake Okeechobee Watershed Protection Program that achieves phosphorus load reductions for Lake Okeechobee. The Lake Okeechobee Watershed Protection Program shall address the reduction of phosphorus loading to the lake from both internal and external sources. Phosphorus load reductions shall be achieved through a phased program of

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implementation. In the development and administration of the Lake Okeechobee Watershed Protection Program, the coordinating agencies shall maximize opportunities provided by federal cost-sharing programs and opportunities for partnerships with the private sector.

(a) *Lake Okeechobee Watershed Protection Plan.*—To protect and restore surface water resources, the district, in cooperation with the other coordinating agencies, shall complete a Lake Okeechobee Watershed Protection Plan in accordance with this section and ss. 373.451–373.459. Beginning March 1, 2020, and every 5 years thereafter, the district shall update the Lake Okeechobee Watershed Protection Plan to ensure that it is consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067. The Lake Okeechobee Watershed Protection Plan shall identify the geographic extent of the watershed, be coordinated with the plans developed pursuant to paragraphs (4) (a) and (c), and include the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program. The plan shall consider and build upon a review and analysis of the performance of projects constructed during Phase I and Phase II of the Lake Okeechobee Watershed Construction Project, pursuant to subparagraph 1.; relevant information resulting from the Lake Okeechobee Basin Management Action Plan, pursuant to paragraph (b); relevant information resulting from the Lake Okeechobee

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Watershed Research and Water Quality Monitoring Program,
pursuant to subparagraph 2.; relevant information resulting from
the Lake Okeechobee Exotic Species Control Program, pursuant to
paragraph (c); and relevant information resulting from the Lake
Okeechobee Internal Phosphorus Management Program, pursuant to
paragraph (d).

1. Lake Okeechobee Watershed Construction Project.—To
improve the hydrology and water quality of Lake Okeechobee and
downstream receiving waters, including the Caloosahatchee and
St. Lucie Rivers and their estuaries, the district, in
cooperation with the other coordinating agencies, shall design
and construct the Lake Okeechobee Watershed Construction
Project. The project shall include:

a. Phase I.—Phase I of the Lake Okeechobee Watershed
Construction Project shall consist of a series of project
features consistent with the recommendations of the South
Florida Ecosystem Restoration Working Group's Lake Okeechobee
Action Plan. Priority basins for such projects include S-191, S-
154, and Pools D and E in the Lower Kissimmee River. To obtain
phosphorus load reductions to Lake Okeechobee as soon as
possible, the following actions shall be implemented:

(I) The district shall serve as a full partner with the
Corps of Engineers in the design and construction of the Grassy
Island Ranch and New Palm Dairy stormwater treatment facilities
as components of the Lake Okeechobee Water Retention/Phosphorus

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Removal Critical Project. The Corps of Engineers shall have the lead in design and construction of these facilities. Should delays be encountered in the implementation of either of these facilities, the district shall notify the department and recommend corrective actions.

(II) The district shall obtain permits and complete construction of two of the isolated wetland restoration projects that are part of the Lake Okeechobee Water Retention/Phosphorus Removal Critical Project. The additional isolated wetland projects included in this critical project shall further reduce phosphorus loading to Lake Okeechobee.

(III) The district shall work with the Corps of Engineers to expedite initiation of the design process for the Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment Area, a project component of the Comprehensive Everglades Restoration Plan. The district shall propose to the Corps of Engineers that the district take the lead in the design and construction of the Reservoir Assisted Stormwater Treatment Area and receive credit towards the local share of the total cost of the Comprehensive Everglades Restoration Plan.

b. Phase II technical plan and construction.—The district, in cooperation with the other coordinating agencies, shall develop a detailed technical plan for Phase II of the Lake Okeechobee Watershed Construction Project which provides the basis for the Lake Okeechobee Basin Management Action Plan

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adopted by the department pursuant to s. 403.067. The detailed technical plan shall include measures for the improvement of the quality, quantity, timing, and distribution of water in the northern Everglades ecosystem, including the Lake Okeechobee watershed and the estuaries, and for facilitating the achievement of water quality standards. Use of cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies shall be incorporated in the plan where appropriate. The detailed technical plan shall also include a Process Development and Engineering component to finalize the detail and design of Phase II projects and identify additional measures needed to increase the certainty that the overall objectives for improving water quality and quantity can be met. Based on information and recommendations from the Process Development and Engineering component, the Phase II detailed technical plan shall be periodically updated. Phase II shall include construction of additional facilities in the priority basins identified in sub-subparagraph a., as well as facilities for other basins in the Lake Okeechobee watershed. The technical plan shall:

(I) Identify Lake Okeechobee Watershed Construction Project facilities designed to contribute to achieving all applicable total maximum daily loads established pursuant to s. 403.067 within the Lake Okeechobee watershed.

(II) Identify the size and location of all such Lake

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Okeechobee Watershed Construction Project facilities.

(III) Provide a construction schedule for all such Lake Okeechobee Watershed Construction Project facilities, including the sequencing and specific timeframe for construction of each Lake Okeechobee Watershed Construction Project facility.

(IV) Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

(V) Provide a detailed schedule of costs associated with the construction schedule.

(VI) Identify, to the maximum extent practicable, impacts on wetlands and state-listed species expected to be associated with construction of such facilities, including potential alternatives to minimize and mitigate such impacts, as appropriate.

(VII) Provide for additional measures, including voluntary water storage and quality improvements on private land, to increase water storage and reduce excess water levels in Lake Okeechobee and to reduce excess discharges to the estuaries.

(VIII) Develop the appropriate water quantity storage goal to achieve the desired Lake Okeechobee range of lake levels and inflow volumes to the Caloosahatchee and St. Lucie estuaries while meeting the other water-related needs of the region, including water supply and flood protection.

(IX) Provide for additional source controls needed to

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enhance performance of the Lake Okeechobee Watershed Construction Project facilities. Such additional source controls shall be incorporated into the Lake Okeechobee Basin Management Action Plan pursuant to paragraph (b).

c. Evaluation.—Within 5 years after the adoption of the Lake Okeechobee Basin Management Action Plan pursuant to s. 403.067 and every 5 years thereafter, the department, in cooperation with the other coordinating agencies, shall conduct an evaluation of the Lake Okeechobee Watershed Construction Project and identify any further load reductions necessary to achieve compliance with the Lake Okeechobee total maximum daily loads established pursuant to s. 403.067. The district shall identify modifications to facilities of the Lake Okeechobee Watershed Construction Project as appropriate to meet the total maximum daily loads. Modifications to the Lake Okeechobee Watershed Construction Project resulting from this evaluation shall be incorporated into the Lake Okeechobee Basin Management Action Plan and included in the applicable annual progress report submitted pursuant to subsection (6).

d. Coordination and review.—To ensure the timely implementation of the Lake Okeechobee Watershed Construction Project, the design of project facilities shall be coordinated with the department and other interested parties, including affected local governments, to the maximum extent practicable. Lake Okeechobee Watershed Construction Project facilities shall

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2490 be reviewed and commented upon by the department before the
2491 execution of a construction contract by the district for that
2492 facility.

2493 2. Lake Okeechobee Watershed Research and Water Quality
2494 Monitoring Program.—The coordinating agencies shall implement a
2495 Lake Okeechobee Watershed Research and Water Quality Monitoring
2496 Program. Results from the program shall be used by the
2497 department, in cooperation with the other coordinating agencies,
2498 to make modifications to the Lake Okeechobee Basin Management
2499 Action Plan adopted pursuant to s. 403.067, as appropriate. The
2500 program shall:

2501 a. Evaluate all available existing water quality data
2502 concerning total phosphorus in the Lake Okeechobee watershed,
2503 develop a water quality baseline to represent existing
2504 conditions for total phosphorus, monitor long-term ecological
2505 changes, including water quality for total phosphorus, and
2506 measure compliance with water quality standards for total
2507 phosphorus, including any applicable total maximum daily load
2508 for the Lake Okeechobee watershed as established pursuant to s.
2509 403.067. Beginning March 1, 2020, and every 5 years thereafter,
2510 the department shall reevaluate water quality and quantity data
2511 to ensure that the appropriate projects are being designated and
2512 incorporated into the Lake Okeechobee Basin Management Action
2513 Plan adopted pursuant to s. 403.067. The district shall
2514 implement a total phosphorus monitoring program at appropriate

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2515 structures owned or operated by the district and within the Lake
2516 Okeechobee watershed.

2517 b. Develop a Lake Okeechobee water quality model that
2518 reasonably represents the phosphorus dynamics of Lake Okeechobee
2519 and incorporates an uncertainty analysis associated with model
2520 predictions.

2521 c. Determine the relative contribution of phosphorus from
2522 all identifiable sources and all primary and secondary land
2523 uses.

2524 d. Conduct an assessment of the sources of phosphorus from
2525 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
2526 relative contribution to the water quality of Lake Okeechobee.
2527 The results of this assessment shall be used by the coordinating
2528 agencies as part of the Lake Okeechobee Basin Management Action
2529 Plan adopted pursuant to s. 403.067 to develop interim measures,
2530 best management practices, or regulations, as applicable.

2531 e. Assess current water management practices within the
2532 Lake Okeechobee watershed and develop recommendations for
2533 structural and operational improvements. Such recommendations
2534 shall balance water supply, flood control, estuarine salinity,
2535 maintenance of a healthy lake littoral zone, and water quality
2536 considerations.

2537 f. Evaluate the feasibility of alternative nutrient
2538 reduction technologies, including sediment traps, canal and
2539 ditch maintenance, fish production or other aquaculture,

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2540 bioenergy conversion processes, and algal or other biological
2541 treatment technologies and include any alternative nutrient
2542 reduction technologies determined to be feasible in the Lake
2543 Okeechobee Basin Management Action Plan adopted pursuant to s.
2544 403.067.

2545 g. Conduct an assessment of the water volumes and timing
2546 from the Lake Okeechobee watershed and their relative
2547 contribution to the water level changes in Lake Okeechobee and
2548 to the timing and volume of water delivered to the estuaries.

2549 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake
2550 Okeechobee Basin Management Action Plan adopted pursuant to s.
2551 403.067 shall be the watershed phosphorus control component for
2552 Lake Okeechobee. The Lake Okeechobee Basin Management Action
2553 Plan shall be a multifaceted approach designed to achieve the
2554 total maximum daily load by improving the management of
2555 phosphorus sources within the Lake Okeechobee watershed through
2556 implementation of regulations and best management practices,
2557 continued development and continued implementation of improved
2558 best management practices, improvement and restoration of the
2559 hydrologic function of natural and managed systems, and use of
2560 alternative technologies for nutrient reduction. As provided in
2561 s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action
2562 Plan must include milestones for implementation and water
2563 quality improvement, and an associated water quality monitoring
2564 component sufficient to evaluate whether reasonable progress in

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pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years and shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Revisions to the plan shall be made, as appropriate, as a result of each 5-year review. Revisions to the basin management action plan shall be made by the department in cooperation with the basin stakeholders. Revisions to best management practices or other measures must follow the procedures set forth in s. 403.067(7)(c)4. Revised basin management action plans must be adopted pursuant to s. 403.067(7)(a)5. The department shall develop an implementation schedule establishing 5-year, 10-year, and 15-year measurable milestones and targets to achieve the total maximum daily load no more than 20 years after adoption of the plan. The initial implementation schedule shall be used to provide guidance for planning and funding purposes and is exempt from chapter 120. Upon the first 5-year review, the implementation schedule shall be adopted as part of the plan. If achieving the total maximum daily load within 20 years is not practicable, the implementation schedule must contain an explanation of the constraints that prevent achievement of the total maximum daily load within 20 years, an estimate of the time needed to achieve the total maximum daily load, and additional 5-year measurable milestones, as necessary. The coordinating agencies shall

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2590 develop an interagency agreement pursuant to ss. 373.046 and
2591 373.406(5) which is consistent with the department taking the
2592 lead on water quality protection measures through the Lake
2593 Okeechobee Basin Management Action Plan adopted pursuant to s.
2594 403.067; the district taking the lead on hydrologic improvements
2595 pursuant to paragraph (a); and the Department of Agriculture and
2596 Consumer Services taking the lead on agricultural interim
2597 measures, best management practices, and other measures adopted
2598 pursuant to s. 403.067. The interagency agreement must specify
2599 how best management practices for nonagricultural nonpoint
2600 sources are developed and how all best management practices are
2601 implemented and verified consistent with s. 403.067 and this
2602 section and must address measures to be taken by the
2603 coordinating agencies during any best management practice
2604 reevaluation performed pursuant to subparagraphs 5. and 10. The
2605 department shall use best professional judgment in making the
2606 initial determination of best management practice effectiveness.
2607 The coordinating agencies may develop an intergovernmental
2608 agreement with local governments to implement nonagricultural
2609 nonpoint source best management practices within their
2610 respective geographic boundaries. The coordinating agencies
2611 shall facilitate the application of federal programs that offer
2612 opportunities for water quality treatment, including
2613 preservation, restoration, or creation of wetlands on
2614 agricultural lands.

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2615 1. Agricultural nonpoint source best management practices,
2616 developed in accordance with s. 403.067 and designed to achieve
2617 the objectives of the Lake Okeechobee Watershed Protection
2618 Program as part of a phased approach of management strategies
2619 within the Lake Okeechobee Basin Management Action Plan, shall
2620 be implemented on an expedited basis.

2621 2. As provided in s. 403.067, the Department of
2622 Agriculture and Consumer Services, in consultation with the
2623 department, the district, and affected parties, shall initiate
2624 rule development for interim measures, best management
2625 practices, conservation plans, nutrient management plans, or
2626 other measures necessary for Lake Okeechobee watershed total
2627 maximum daily load reduction. The rule shall include thresholds
2628 for requiring conservation and nutrient management plans and
2629 criteria for the contents of such plans. Development of
2630 agricultural nonpoint source best management practices shall
2631 initially focus on those priority basins listed in sub-
2632 subparagraph (a)1.a. The Department of Agriculture and Consumer
2633 Services, in consultation with the department, the district, and
2634 affected parties, shall conduct an ongoing program for
2635 improvement of existing and development of new agricultural
2636 nonpoint source interim measures and best management practices.
2637 The Department of Agriculture and Consumer Services shall adopt
2638 such practices by rule. The Department of Agriculture and
2639 Consumer Services shall work with the University of Florida

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Institute of Food and Agriculture Sciences to review and, where appropriate, develop revised nutrient application rates for all agricultural soil amendments in the watershed.

3. As provided in s. 403.067, where agricultural nonpoint source best management practices or interim measures have been adopted by rule of the Department of Agriculture and Consumer Services, the owner or operator of an agricultural nonpoint source addressed by such rule shall either implement interim measures or best management practices or demonstrate compliance with state water quality standards addressed by the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 by conducting monitoring prescribed by the department or the district. Owners or operators of agricultural nonpoint sources who implement interim measures or best management practices adopted by rule of the Department of Agriculture and Consumer Services shall be subject to s. 403.067.

4. The district or department shall conduct monitoring at representative sites to verify the effectiveness of agricultural nonpoint source best management practices.

5. Where water quality problems are detected for agricultural nonpoint sources despite the appropriate implementation of adopted best management practices, a reevaluation of the best management practices shall be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation determines that the best management practices or other measures require

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modification, the rule shall be revised to require implementation of the modified practice within a reasonable period as specified in the rule.

6. As provided in s. 403.067, nonagricultural nonpoint source best management practices, developed in accordance with s. 403.067 and designed to achieve the objectives of the Lake Okeechobee Watershed Protection Program as part of a phased approach of management strategies within the Lake Okeechobee Basin Management Action Plan, shall be implemented on an expedited basis.

7. The department and the district are directed to work with the University of Florida Institute of Food and Agricultural Sciences to develop appropriate nutrient application rates for all nonagricultural soil amendments in the watershed. As provided in s. 403.067, the department, in consultation with the district and affected parties, shall develop nonagricultural nonpoint source interim measures, best management practices, or other measures necessary for Lake Okeechobee watershed total maximum daily load reduction. Development of nonagricultural nonpoint source best management practices shall initially focus on those priority basins listed in sub-subparagraph (a)1.a. The department, the district, and affected parties shall conduct an ongoing program for improvement of existing and development of new interim measures and best management practices. The department or the district

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shall adopt such practices by rule.

8. Where nonagricultural nonpoint source best management practices or interim measures have been developed by the department and adopted by the district, the owner or operator of a nonagricultural nonpoint source shall implement interim measures or best management practices and be subject to s. 403.067.

9. As provided in s. 403.067, the district or the department shall conduct monitoring at representative sites to verify the effectiveness of nonagricultural nonpoint source best management practices.

10. Where water quality problems are detected for nonagricultural nonpoint sources despite the appropriate implementation of adopted best management practices, a reevaluation of the best management practices shall be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation determines that the best management practices or other measures require modification, the rule shall be revised to require implementation of the modified practice within a reasonable time period as specified in the rule.

11. Subparagraphs 2. and 7. do not preclude the department or the district from requiring compliance with water quality standards or with current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Subparagraphs 2.

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and 7. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

12. The program of agricultural best management practices set forth in the Everglades Program of the district meets the requirements of this paragraph and s. 403.067(7) for the Lake Okeechobee watershed. An entity in compliance with the best management practices set forth in the Everglades Program of the district may elect to use that permit in lieu of the requirements of this paragraph. The provisions of subparagraph 5. apply to this subparagraph. This subparagraph does not alter any requirement of s. 373.4592.

13. The Department of Agriculture and Consumer Services, in cooperation with the department and the district, shall provide technical and financial assistance for implementation of agricultural best management practices, subject to the availability of funds. The department and district shall provide technical and financial assistance for implementation of nonagricultural nonpoint source best management practices, subject to the availability of funds.

14. Projects that reduce the phosphorus load originating from domestic wastewater systems within the Lake Okeechobee watershed shall be given funding priority in the department's revolving loan program under s. 403.1835. The department shall coordinate and provide assistance to those local governments

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2740 seeking financial assistance for such priority projects.

2741 15. Projects that make use of private lands, or lands held
2742 in trust for Indian tribes, to reduce nutrient loadings or
2743 concentrations within a basin by one or more of the following
2744 methods: restoring the natural hydrology of the basin, restoring
2745 wildlife habitat or impacted wetlands, reducing peak flows after
2746 storm events, increasing aquifer recharge, or protecting range
2747 and timberland from conversion to development, are eligible for
2748 grants available under this section from the coordinating
2749 agencies. For projects of otherwise equal priority, special
2750 funding priority will be given to those projects that make best
2751 use of the methods outlined above that involve public-private
2752 partnerships or that obtain federal match money. Preference
2753 ranking above the special funding priority will be given to
2754 projects located in a rural area of opportunity designated by
2755 the Governor. Grant applications may be submitted by any person
2756 or tribal entity, and eligible projects may include, but are not
2757 limited to, the purchase of conservation and flowage easements,
2758 hydrologic restoration of wetlands, creating treatment wetlands,
2759 development of a management plan for natural resources, and
2760 financial support to implement a management plan.

2761 16. The department shall require all entities disposing of
2762 domestic wastewater biosolids within the Lake Okeechobee
2763 watershed and the remaining areas of Okeechobee, Glades, and
2764 Hendry Counties to develop and submit to the department an

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agricultural use plan that limits applications based upon phosphorus loading consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067. The department may not authorize the disposal of domestic wastewater biosolids within the Lake Okeechobee watershed unless the applicant can affirmatively demonstrate that the phosphorus in the biosolids will not add to phosphorus loadings in Lake Okeechobee or its tributaries. This demonstration shall be based on achieving a net balance between phosphorus imports relative to exports on the permitted application site. Exports shall include only phosphorus removed from the Lake Okeechobee watershed through products generated on the permitted application site. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with department rule.

17. Private and government-owned utilities within Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, Highlands, Hendry, and Glades Counties that dispose of wastewater biosolids sludge from utility operations and septic removal by land spreading in the Lake Okeechobee watershed may use a line item on local sewer rates to cover wastewater biosolids treatment and disposal if such disposal and treatment is done by approved alternative treatment methodology at a facility located within the areas designated by the Governor as rural areas of opportunity pursuant to s. 288.0656.

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2790 This additional line item is an environmental protection
2791 disposal fee above the present sewer rate and may not be
2792 considered a part of the present sewer rate to customers,
2793 notwithstanding provisions to the contrary in chapter 367. The
2794 fee shall be established by the county commission or its
2795 designated assignee in the county in which the alternative
2796 method treatment facility is located. The fee shall be
2797 calculated to be no higher than that necessary to recover the
2798 facility's prudent cost of providing the service. Upon request
2799 by an affected county commission, the Florida Public Service
2800 Commission will provide assistance in establishing the fee.
2801 Further, for utilities and utility authorities that use the
2802 additional line item environmental protection disposal fee, such
2803 fee may not be considered a rate increase under the rules of the
2804 Public Service Commission and shall be exempt from such rules.
2805 Utilities using this section may immediately include in their
2806 sewer invoicing the new environmental protection disposal fee.
2807 Proceeds from this environmental protection disposal fee shall
2808 be used for treatment and disposal of wastewater biosolids,
2809 including any treatment technology that helps reduce the volume
2810 of biosolids that require final disposal, but such proceeds may
2811 not be used for transportation or shipment costs for disposal or
2812 any costs relating to the land application of biosolids in the
2813 Lake Okeechobee watershed.
2814 18. No less frequently than once every 3 years, the

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Florida Public Service Commission or the county commission through the services of an independent auditor shall perform a financial audit of all facilities receiving compensation from an environmental protection disposal fee. The Florida Public Service Commission or the county commission through the services of an independent auditor shall also perform an audit of the methodology used in establishing the environmental protection disposal fee. The Florida Public Service Commission or the county commission shall, within 120 days after completion of an audit, file the audit report with the President of the Senate and the Speaker of the House of Representatives and shall provide copies to the county commissions of the counties set forth in subparagraph 17. The books and records of any facilities receiving compensation from an environmental protection disposal fee shall be open to the Florida Public Service Commission and the Auditor General for review upon request.

19. The Department of Health shall require all entities disposing of septage within the Lake Okeechobee watershed to develop and submit to that agency an agricultural use plan that limits applications based upon phosphorus loading consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067.

20. The Department of Agriculture and Consumer Services shall initiate rulemaking requiring entities within the Lake

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Okeechobee watershed which land-apply animal manure to develop resource management system level conservation plans, according to United States Department of Agriculture criteria, which limit such application. Such rules must include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, site inspection requirements, and recordkeeping requirements.

21. The district shall revise chapter 40E-61, Florida Administrative Code, to be consistent with this section and s. 403.067; provide for a monitoring program for nonpoint source dischargers required to monitor water quality by s. 403.067; and provide for the results of such monitoring to be reported to the coordinating agencies.

(c) *Lake Okeechobee Exotic Species Control Program.*—The coordinating agencies shall identify the exotic species that threaten the native flora and fauna within the Lake Okeechobee watershed and develop and implement measures to protect the native flora and fauna.

(d) *Lake Okeechobee Internal Phosphorus Management Program.*—The district, in cooperation with the other coordinating agencies and interested parties, shall evaluate the feasibility of Lake Okeechobee internal phosphorus load removal projects. The evaluation shall be based on technical feasibility, as well as economic considerations, and shall consider all reasonable methods of phosphorus removal. If

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projects are found to be feasible, the district shall immediately pursue the design, funding, and permitting for implementing such projects.

(e) *Lake Okeechobee Watershed Protection Program implementation.*—The coordinating agencies shall be jointly responsible for implementing the Lake Okeechobee Watershed Protection Program, consistent with the statutory authority and responsibility of each agency. Annual funding priorities shall be jointly established, and the highest priority shall be assigned to programs and projects that address sources that have the highest relative contribution to loading and the greatest potential for reductions needed to meet the total maximum daily loads. In determining funding priorities, the coordinating agencies shall also consider the need for regulatory compliance, the extent to which the program or project is ready to proceed, and the availability of federal matching funds or other nonstate funding, including public-private partnerships. Federal and other nonstate funding shall be maximized to the greatest extent practicable.

(f) *Priorities and implementation schedules.*—The coordinating agencies are authorized and directed to establish priorities and implementation schedules for the achievement of total maximum daily loads, compliance with the requirements of s. 403.067, and compliance with applicable water quality standards within the waters and watersheds subject to this

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2890 section.

2891 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
2892 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
2893 program shall be developed and implemented as specified in this
2894 subsection. To protect and restore surface water resources, the
2895 program shall address the reduction of pollutant loadings,
2896 restoration of natural hydrology, and compliance with applicable
2897 state water quality standards. The program shall be achieved
2898 through a phased program of implementation. In addition,
2899 pollutant load reductions based upon adopted total maximum daily
2900 loads established in accordance with s. 403.067 shall serve as a
2901 program objective. In the development and administration of the
2902 program, the coordinating agencies shall maximize opportunities
2903 provided by federal and local government cost-sharing programs
2904 and opportunities for partnerships with the private sector and
2905 local government. The program shall include a goal for salinity
2906 envelopes and freshwater inflow targets for the estuaries based
2907 upon existing research and documentation. The goal may be
2908 revised as new information is available. This goal shall seek to
2909 reduce the frequency and duration of undesirable salinity ranges
2910 while meeting the other water-related needs of the region,
2911 including water supply and flood protection, while recognizing
2912 the extent to which water inflows are within the control and
2913 jurisdiction of the district.

2914 (a) *Caloosahatchee River Watershed Protection Plan.*—The

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district, in cooperation with the other coordinating agencies, Lee County, and affected counties and municipalities, shall complete a River Watershed Protection Plan in accordance with this subsection. The Caloosahatchee River Watershed Protection Plan shall identify the geographic extent of the watershed, be coordinated as needed with the plans developed pursuant to paragraph (3)(a) and paragraph (c) of this subsection, and include the Caloosahatchee River Watershed Construction Project and the Caloosahatchee River Watershed Research and Water Quality Monitoring Program.

1. Caloosahatchee River Watershed Construction Project.—To improve the hydrology, water quality, and aquatic habitats within the watershed, the district shall, no later than January 1, 2012, plan, design, and construct the initial phase of the Watershed Construction Project. In doing so, the district shall:

a. Develop and designate the facilities to be constructed to achieve stated goals and objectives of the Caloosahatchee River Watershed Protection Plan.

b. Conduct scientific studies that are necessary to support the design of the Caloosahatchee River Watershed Construction Project facilities.

c. Identify the size and location of all such facilities.

d. Provide a construction schedule for all such facilities, including the sequencing and specific timeframe for construction of each facility.

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e. Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

f. Provide a schedule of costs and benefits associated with each construction project and identify funding sources.

g. To ensure timely implementation, coordinate the design, scheduling, and sequencing of project facilities with the coordinating agencies, Lee County, other affected counties and municipalities, and other affected parties.

2. Caloosahatchee River Watershed Research and Water Quality Monitoring Program.—The district, in cooperation with the other coordinating agencies and local governments, shall implement a Caloosahatchee River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The program shall also conduct an assessment of the water volumes and timing from Lake Okeechobee and the Caloosahatchee River watershed and their relative contributions to the timing and volume of water delivered to the estuary.

(b) *Caloosahatchee River Watershed Basin Management Action Plans*.—The basin management action plans adopted pursuant to s. 403.067 for the Caloosahatchee River watershed shall be the Caloosahatchee River Watershed Pollutant Control Program. The

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plans shall be designed to be a multifaceted approach to reducing pollutant loads by improving the management of pollutant sources within the Caloosahatchee River watershed through implementation of regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and utilization of alternative technologies for pollutant reduction, such as cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies. As provided in s. 403.067(7)(a)6., the Caloosahatchee River Watershed Basin Management Action Plans must include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years and shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Revisions to the plans shall be made, as appropriate, as a result of each 5-year review. Revisions to the basin management action plans shall be made by the department in cooperation with the basin stakeholders. Revisions to best management practices or other measures must follow the procedures set forth in s. 403.067(7)(c)4. Revised basin

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management action plans must be adopted pursuant to s.
403.067(7)(a)5. The department shall develop an implementation
schedule establishing 5-year, 10-year, and 15-year measurable
milestones and targets to achieve the total maximum daily load
no more than 20 years after adoption of the plan. The initial
implementation schedule shall be used to provide guidance for
planning and funding purposes and is exempt from chapter 120.
Upon the first 5-year review, the implementation schedule shall
be adopted as part of the plans. If achieving the total maximum
daily load within 20 years is not practicable, the
implementation schedule must contain an explanation of the
constraints that prevent achievement of the total maximum daily
load within 20 years, an estimate of the time needed to achieve
the total maximum daily load, and additional 5-year measurable
milestones, as necessary. The coordinating agencies shall
facilitate the use of federal programs that offer opportunities
for water quality treatment, including preservation,
restoration, or creation of wetlands on agricultural lands.

1. Nonpoint source best management practices consistent
with s. 403.067, designed to achieve the objectives of the
Caloosahatchee River Watershed Protection Program, shall be
implemented on an expedited basis. The coordinating agencies may
develop an intergovernmental agreement with local governments to
implement the nonagricultural, nonpoint source best management
practices within their respective geographic boundaries.

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2. This subsection does not preclude the department or the district from requiring compliance with water quality standards, adopted total maximum daily loads, or current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the department or district which are necessary to maintain a federally delegated or approved program.

3. Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce pollutant loadings or concentrations within a basin, or that reduce the volume of harmful discharges by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, or increasing aquifer recharge, are eligible for grants available under this section from the coordinating agencies.

4. The Caloosahatchee River Watershed Basin Management Action Plans shall require assessment of current water management practices within the watershed and shall require development of recommendations for structural, nonstructural, and operational improvements. Such recommendations shall consider and balance water supply, flood control, estuarine salinity, aquatic habitat, and water quality considerations.

5. The department may not authorize the disposal of

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domestic wastewater biosolids within the Caloosahatchee River watershed unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the watershed through products generated on the permitted application site. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with department rule.

6. The Department of Health shall require all entities disposing of septage within the Caloosahatchee River watershed to develop and submit to that agency an agricultural use plan that limits applications based upon nutrient loading consistent with any basin management action plan adopted pursuant to s. 403.067.

7. The Department of Agriculture and Consumer Services shall require entities within the Caloosahatchee River watershed which land-apply animal manure to develop a resource management system level conservation plan, according to United States Department of Agriculture criteria, which limit such application. Such rules shall include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, site inspection

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requirements, and recordkeeping requirements.

8. The district shall initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3. The results of such monitoring must be reported to the coordinating agencies.

(c) *St. Lucie River Watershed Protection Plan.*—The district, in cooperation with the other coordinating agencies, Martin County, and affected counties and municipalities shall complete a plan in accordance with this subsection. The St. Lucie River Watershed Protection Plan shall identify the geographic extent of the watershed, be coordinated as needed with the plans developed pursuant to paragraph (3)(a) and paragraph (a) of this subsection, and include the St. Lucie River Watershed Construction Project and St. Lucie River Watershed Research and Water Quality Monitoring Program.

1. *St. Lucie River Watershed Construction Project.*—To improve the hydrology, water quality, and aquatic habitats within the watershed, the district shall, no later than January 1, 2012, plan, design, and construct the initial phase of the Watershed Construction Project. In doing so, the district shall:

a. Develop and designate the facilities to be constructed to achieve stated goals and objectives of the St. Lucie River Watershed Protection Plan.

b. Identify the size and location of all such facilities.

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3090 c. Provide a construction schedule for all such
3091 facilities, including the sequencing and specific timeframe for
3092 construction of each facility.

3093 d. Provide a schedule for the acquisition of lands or
3094 sufficient interests necessary to achieve the construction
3095 schedule.

3096 e. Provide a schedule of costs and benefits associated
3097 with each construction project and identify funding sources.

3098 f. To ensure timely implementation, coordinate the design,
3099 scheduling, and sequencing of project facilities with the
3100 coordinating agencies, Martin County, St. Lucie County, other
3101 interested parties, and other affected local governments.

3102 2. St. Lucie River Watershed Research and Water Quality
3103 Monitoring Program.—The district, in cooperation with the other
3104 coordinating agencies and local governments, shall establish a
3105 St. Lucie River Watershed Research and Water Quality Monitoring
3106 Program that builds upon the district's existing research
3107 program and that is sufficient to carry out, comply with, or
3108 assess the plans, programs, and other responsibilities created
3109 by this subsection. The district shall also conduct an
3110 assessment of the water volumes and timing from Lake Okeechobee
3111 and the St. Lucie River watershed and their relative
3112 contributions to the timing and volume of water delivered to the
3113 estuary.

3114 (d) *St. Lucie River Watershed Basin Management Action*

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3115 *Plan.*—The basin management action plan for the St. Lucie River
3116 watershed adopted pursuant to s. 403.067 shall be the St. Lucie
3117 River Watershed Pollutant Control Program and shall be designed
3118 to be a multifaceted approach to reducing pollutant loads by
3119 improving the management of pollutant sources within the St.
3120 Lucie River watershed through implementation of regulations and
3121 best management practices, development and implementation of
3122 improved best management practices, improvement and restoration
3123 of the hydrologic function of natural and managed systems, and
3124 use of alternative technologies for pollutant reduction, such as
3125 cost-effective biologically based, hybrid wetland/chemical and
3126 other innovative nutrient control technologies. As provided in
3127 s. 403.067(7)(a)6., the St. Lucie River Watershed Basin
3128 Management Action Plan must include milestones for
3129 implementation and water quality improvement, and an associated
3130 water quality monitoring component sufficient to evaluate
3131 whether reasonable progress in pollutant load reductions is
3132 being achieved over time. An assessment of progress toward these
3133 milestones shall be conducted every 5 years and shall be
3134 provided to the Governor, the President of the Senate, and the
3135 Speaker of the House of Representatives. Revisions to the plan
3136 shall be made, as appropriate, as a result of each 5-year
3137 review. Revisions to the basin management action plan shall be
3138 made by the department in cooperation with the basin
3139 stakeholders. Revisions to best management practices or other

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measures must follow the procedures set forth in s. 403.067(7)(c)4. Revised basin management action plans must be adopted pursuant to s. 403.067(7)(a)5. The department shall develop an implementation schedule establishing 5-year, 10-year, and 15-year measurable milestones and targets to achieve the total maximum daily load no more than 20 years after adoption of the plan. The initial implementation schedule shall be used to provide guidance for planning and funding purposes and is exempt from chapter 120. Upon the first 5-year review, the implementation schedule shall be adopted as part of the plan. If achieving the total maximum daily load within 20 years is not practicable, the implementation schedule must contain an explanation of the constraints that prevent achievement of the total maximum daily load within 20 years, an estimate of the time needed to achieve the total maximum daily load, and additional 5-year measurable milestones, as necessary. The coordinating agencies shall facilitate the use of federal programs that offer opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

1. Nonpoint source best management practices consistent with s. 403.067, designed to achieve the objectives of the St. Lucie River Watershed Protection Program, shall be implemented on an expedited basis. The coordinating agencies may develop an intergovernmental agreement with local governments to implement

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the nonagricultural nonpoint source best management practices within their respective geographic boundaries.

2. This subsection does not preclude the department or the district from requiring compliance with water quality standards, adopted total maximum daily loads, or current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the department or district which are necessary to maintain a federally delegated or approved program.

3. Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce pollutant loadings or concentrations within a basin, or that reduce the volume of harmful discharges by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, or increasing aquifer recharge, are eligible for grants available under this section from the coordinating agencies.

4. The St. Lucie River Watershed Basin Management Action Plan shall require assessment of current water management practices within the watershed and shall require development of recommendations for structural, nonstructural, and operational improvements. Such recommendations shall consider and balance water supply, flood control, estuarine salinity, aquatic

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3190 habitat, and water quality considerations.

3191 5. The department may not authorize the disposal of
3192 domestic wastewater biosolids within the St. Lucie River
3193 watershed unless the applicant can affirmatively demonstrate
3194 that the nutrients in the biosolids will not add to nutrient
3195 loadings in the watershed. This demonstration shall be based on
3196 achieving a net balance between nutrient imports relative to
3197 exports on the permitted application site. Exports shall include
3198 only nutrients removed from the St. Lucie River watershed
3199 through products generated on the permitted application site.
3200 This prohibition does not apply to Class AA biosolids that are
3201 marketed and distributed as fertilizer products in accordance
3202 with department rule.

3203 6. The Department of Health shall require all entities
3204 disposing of septage within the St. Lucie River watershed to
3205 develop and submit to that agency an agricultural use plan that
3206 limits applications based upon nutrient loading consistent with
3207 any basin management action plan adopted pursuant to s. 403.067.

3208 7. The Department of Agriculture and Consumer Services
3209 shall initiate rulemaking requiring entities within the St.
3210 Lucie River watershed which land-apply animal manure to develop
3211 a resource management system level conservation plan, according
3212 to United States Department of Agriculture criteria, which limit
3213 such application. Such rules shall include criteria and
3214 thresholds for the requirement to develop a conservation or

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3215 nutrient management plan, requirements for plan approval, site
3216 inspection requirements, and recordkeeping requirements.

3217 8. The district shall initiate rulemaking to provide for a
3218 monitoring program for nonpoint source dischargers required to
3219 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
3220 The results of such monitoring must be reported to the
3221 coordinating agencies.

3222 (e) *River Watershed Protection Plan implementation.*—The
3223 coordinating agencies shall be jointly responsible for
3224 implementing the River Watershed Protection Plans, consistent
3225 with the statutory authority and responsibility of each agency.
3226 Annual funding priorities shall be jointly established, and the
3227 highest priority shall be assigned to programs and projects that
3228 have the greatest potential for achieving the goals and
3229 objectives of the plans. In determining funding priorities, the
3230 coordinating agencies shall also consider the need for
3231 regulatory compliance, the extent to which the program or
3232 project is ready to proceed, and the availability of federal or
3233 local government matching funds. Federal and other nonstate
3234 funding shall be maximized to the greatest extent practicable.

3235 (f) *Evaluation.*—Beginning March 1, 2020, and every 5 years
3236 thereafter, concurrent with the updates of the basin management
3237 action plans adopted pursuant to s. 403.067, the department, in
3238 cooperation with the other coordinating agencies, shall conduct
3239 an evaluation of any pollutant load reduction goals, as well as

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any other specific objectives and goals, as stated in the River Watershed Protection Programs. The district shall identify modifications to facilities of the River Watershed Construction Projects, as appropriate, or any other elements of the River Watershed Protection Programs. The evaluation shall be included in the annual progress report submitted pursuant to this section.

(g) *Priorities and implementation schedules.*—The coordinating agencies are authorized and directed to establish priorities and implementation schedules for the achievement of total maximum daily loads, the requirements of s. 403.067, and compliance with applicable water quality standards within the waters and watersheds subject to this section.

(5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The department is directed to expedite development and adoption of total maximum daily loads for the Caloosahatchee River and estuary. The department is further directed to propose for final agency action total maximum daily loads for nutrients in the tidal portions of the Caloosahatchee River and estuary. The department shall initiate development of basin management action plans for Lake Okeechobee, the Caloosahatchee River watershed and estuary, and the St. Lucie River watershed and estuary as provided in s. 403.067 as follows:

(a) Basin management action plans shall be developed as

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3265 soon as practicable as determined necessary by the department to
3266 achieve the total maximum daily loads established for the Lake
3267 Okeechobee watershed and the estuaries.

3268 (b) The Phase II technical plan development pursuant to
3269 paragraph (3)(a), and the River Watershed Protection Plans
3270 developed pursuant to paragraphs (4)(a) and (c), shall provide
3271 the basis for basin management action plans developed by the
3272 department.

3273 (c) As determined necessary by the department to achieve
3274 the total maximum daily loads, additional or modified projects
3275 or programs that complement those in the legislatively ratified
3276 plans may be included during the development of the basin
3277 management action plan.

3278 (d) As provided in s. 403.067, management strategies and
3279 pollution reduction requirements set forth in a basin management
3280 action plan subject to permitting by the department under
3281 subsection (7) must be completed pursuant to the schedule set
3282 forth in the basin management action plan, as amended. The
3283 implementation schedule may extend beyond the 5-year permit
3284 term.

3285 (e) As provided in s. 403.067, management strategies and
3286 pollution reduction requirements set forth in a basin management
3287 action plan for a specific pollutant of concern are not subject
3288 to challenge under chapter 120 at the time they are
3289 incorporated, in an identical form, into a department or

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district issued permit or a permit modification issued in
accordance with subsection (7).

(6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in
cooperation with the other coordinating agencies, shall report
on implementation of this section as part of the consolidated
annual report required in s. 373.036(7). The annual report shall
include a summary of the conditions of the hydrology, water
quality, and aquatic habitat in the northern Everglades based on
the results of the Research and Water Quality Monitoring
Programs, the status of the Lake Okeechobee Watershed
Construction Project, the status of the Caloosahatchee River
Watershed Construction Project, and the status of the St. Lucie
River Watershed Construction Project. In addition, the report
shall contain an annual accounting of the expenditure of funds
from the Save Our Everglades Trust Fund. At a minimum, the
annual report shall provide detail by program and plan,
including specific information concerning the amount and use of
funds from federal, state, or local government sources. In
detailing the use of these funds, the district shall indicate
those designated to meet requirements for matching funds. The
district shall prepare the report in cooperation with the other
coordinating agencies and affected local governments. The
department shall report on the status of the Lake Okeechobee
Basin Management Action Plan, the Caloosahatchee River Watershed
Basin Management Action Plan, and the St. Lucie River Watershed

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3315 Basin Management Action Plan. The Department of Agriculture and
3316 Consumer Services shall report on the status of the
3317 implementation of the agricultural nonpoint source best
3318 management practices, including an implementation assurance
3319 report summarizing survey responses and response rates, site
3320 inspections, and other methods used to verify implementation of
3321 and compliance with best management practices in the Lake
3322 Okeechobee, Caloosahatchee River, and St. Lucie River
3323 watersheds.

3324 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

3325 (a) The Legislature finds that the Lake Okeechobee
3326 Watershed Protection Program will benefit Lake Okeechobee and
3327 downstream receiving waters and is in the public interest. The
3328 Lake Okeechobee Watershed Construction Project and structures
3329 discharging into or from Lake Okeechobee shall be constructed,
3330 operated, and maintained in accordance with this section.

3331 (b) Permits obtained pursuant to this section are in lieu
3332 of all other permits under this chapter or chapter 403, except
3333 those issued under s. 403.0885, if applicable. Additional
3334 permits are not required for the Lake Okeechobee Watershed
3335 Construction Project, or structures discharging into or from
3336 Lake Okeechobee, if such project or structures are permitted
3337 under this section. Construction activities related to
3338 implementation of the Lake Okeechobee Watershed Construction
3339 Project may be initiated before final agency action, or notice

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of intended agency action, on any permit from the department under this section.

(c)1. Owners or operators of existing structures which discharge into or from Lake Okeechobee that were subject to Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707, and RT50-205564 and that are subject to s. 373.4592(4)(a) do not require a permit under this section and shall be governed by permits issued under ss. 373.413 and 373.416 and the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067.

2. For the purposes of this paragraph, owners and operators of existing structures which are subject to s. 373.4592(4)(a) and which discharge into or from Lake Okeechobee shall be deemed in compliance with this paragraph if they are in full compliance with the conditions of permits under chapter 40E-63, Florida Administrative Code.

3. By January 1, 2017, the district shall submit to the department a complete application for a permit modification to the Lake Okeechobee structure permits to incorporate proposed changes necessary to ensure that discharges through the structures covered by this permit are consistent with the basin management action plan adopted pursuant to s. 403.067.

(d) The department shall require permits for district regional projects that are part of the Lake Okeechobee Watershed Construction Project. However, projects that qualify as exempt

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pursuant to s. 373.406 do not require permits under this section. Such permits shall be issued for a term of 5 years upon the demonstration of reasonable assurances that:

1. District regional projects that are part of the Lake Okeechobee Watershed Construction Project shall achieve the design objectives for phosphorus required in subparagraph (3) (a)1.;

2. For water quality standards other than phosphorus, the quality of water discharged from the facility is of equal or better quality than the inflows;

3. Discharges from the facility do not pose a serious danger to public health, safety, or welfare; and

4. Any impacts on wetlands or state-listed species resulting from implementation of that facility of the Lake Okeechobee Construction Project are minimized and mitigated, as appropriate.

(e) At least 60 days before the expiration of any permit issued under this section, the permittee may apply for a renewal thereof for a period of 5 years.

(f) Permits issued under this section may include any standard conditions provided by department rule which are appropriate and consistent with this section.

(g) Permits issued under this section may be modified, as appropriate, upon review and approval by the department.

(8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida

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Water Management District shall not divert waters to the St. Lucie River, the Indian River estuary, the Caloosahatchee River or its estuary, or the Everglades National Park, in such a way that the state water quality standards are violated, that the nutrients in such diverted waters adversely affect indigenous vegetation communities or wildlife, or that fresh waters diverted to the St. Lucie River or the Caloosahatchee or Indian River estuaries adversely affect the estuarine vegetation or wildlife, unless the receiving waters will biologically benefit by the diversion. However, diversion is permitted when an emergency is declared by the water management district, if the Secretary of Environmental Protection concurs.

(9) PRESERVATION OF PROVISIONS RELATING TO THE EVERGLADES.—Nothing in this section shall be construed to modify any provision of s. 373.4592.

(10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this section is intended to diminish or alter the governmental authority and powers of the Seminole Tribe of Florida, or diminish or alter the rights of that tribe, including, but not limited to, rights under the water rights compact among the Seminole Tribe of Florida, the state, and the South Florida Water Management District as enacted by Pub. L. No. 100-228, 101 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in s. 285.165, and rights under any other agreement between the Seminole Tribe of Florida and the state or its agencies. No land

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of the Seminole Tribe of Florida shall be used for water storage or stormwater treatment without the consent of the tribe.

(11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—Nothing in this section shall be construed to modify any existing state water quality standard or to modify the provisions of s. 403.067(6) and (7)(a).

(12) RULES.—The governing board of the district is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(13) PRESERVATION OF AUTHORITY.—Nothing in this section shall be construed to restrict the authority otherwise granted to agencies pursuant to this chapter and chapter 403, and provisions of this section shall be deemed supplemental to the authority granted to agencies pursuant to this chapter and chapter 403.

Section 37. For the purpose of incorporating the amendment made by this act to section 403.0872, Florida Statutes, in a reference thereto, section 403.0873, Florida Statutes, is reenacted to read:

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

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3440 local programs under the advice and consent of the Legislature
3441 to pay the direct and indirect costs required to develop and
3442 administer the major stationary source air-operation permit
3443 program. Any approved local pollution control program that
3444 accepts funds from the department as reimbursement for services
3445 it performs in the implementation of the major source air-
3446 operation permit program, receives delegation from the
3447 department or the United States Environmental Protection Agency
3448 for implementation of the major source air-operation permit
3449 program, or performs functions, duties, or activities
3450 substantially similar to or duplicative of the services
3451 performed by the department or the United States Environmental
3452 Protection Agency in the implementation of the major source air-
3453 operation permit program is prohibited from collecting
3454 additional fees attributable to such services from any source
3455 permitted under s. 403.0872.

3456 **Section 38.** For the purpose of incorporating the amendment
3457 made by this act to section 403.1838, Florida Statutes, in a
3458 reference thereto, paragraph (d) of subsection (3) of section
3459 403.1835, Florida Statutes, is reenacted to read:

3460 403.1835 Water pollution control financial assistance.—

3461 (3) The department may provide financial assistance
3462 through any program authorized under 33 U.S.C. s. 1383, as
3463 amended, including, but not limited to, making grants and loans,
3464 providing loan guarantees, purchasing loan insurance or other

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credit enhancements, and buying or refinancing local debt. This financial assistance must be administered in accordance with this section and applicable federal authorities.

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

Section 39. (1) The following rules are ratified for the sole and exclusive purpose of satisfying any condition on the effectiveness imposed under s. 120.541(3), Florida Statutes: Rules 62-42.200 and 62-42.300, Florida Administrative Code, titled "Definitions" and "The Lower Santa Fe and Ichetucknee Rivers and Priority Springs," respectively, as filed for adoption with the Department of State pursuant to the certification package dated December 31, 2025.

(2) This section serves no other purpose and may not be codified in the Florida Statutes. After this act becomes a law, the enactment and effective dates of this section must be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This section does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule

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under chapter 120, Florida Statutes. This section does not cure
any rulemaking defect or preempt any challenge based on a lack
of authority or a violation of the legal requirements governing
the adoption of any rule cited.

Section 40. This act shall take effect July 1, 2026.

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. 259.035, F.S.; expanding the
membership of the Acquisition and Restoration Council;
providing requirements for membership; defining the
term "metropolitan"; requiring the council to
administer the Florida Communities Trust; requiring
the council to coordinate with the department for
rulemaking and grant cycle administration of the
trust; conforming provisions to changes made by the
act; amending s. 259.105, F.S.; conforming a provision
to changes made by the act; amending s. 373.469, F.S.;
requiring that residential properties of a specified
size located in a certain area connect to a central

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3515 sewer system or upgrade to a specified type of
3516 nutrient-reducing wastewater treatment system;
3517 requiring a permitting agency to notify a property
3518 owner of such requirement if the agency, before a
3519 certain date, receives an application to repair,
3520 modify, or replace a conventional onsite sewage
3521 treatment and disposal system on certain property;
3522 amending s. 373.807, F.S.; authorizing remediation
3523 plans for certain properties to have certain
3524 requirements related to existing conventional onsite
3525 sewage treatment and disposal systems; repealing s.
3526 373.811, F.S., relating to prohibited activities
3527 within a basin management action plan; amending s.
3528 380.502, F.S.; revising legislative findings and
3529 intent for the Florida Communities Trust; providing
3530 for the transfer of the administration and oversight
3531 of the trust from the department to the Acquisition
3532 and Restoration Council for a specified purpose;
3533 amending s. 380.504, F.S.; deleting provisions
3534 relating to the membership, appointments, and
3535 organizational structure of the governing board of the
3536 trust; providing the purpose of the trust; amending s.
3537 380.507, F.S.; deleting provisions authorizing the
3538 trust to make certain loans; revising the powers of
3539 the trust; repealing ss. 380.512, 380.513, and

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3540 380.514, F.S., relating to an annual report, corporate
3541 existence, and inconsistent provisions of other laws
3542 superseded, respectively; reenacting and amending s.
3543 381.0065, F.S.; authorizing the department to annually
3544 review and audit certain inspection and maintenance
3545 reports for certain systems; authorizing the
3546 department to adopt rules that establish certain
3547 procedures; requiring the department to concurrently
3548 process operating permits and construction permits
3549 under certain circumstances; requiring that an
3550 operating permit be obtained before the use of an
3551 engineer-designed performance-based system; providing
3552 a timeframe for the validity of certain operating
3553 permits; requiring an operating permit modification
3554 upon certain changes or modifications; providing
3555 requirements for subsequent property owners when a
3556 property with an onsite sewage treatment and disposal
3557 system that requires an operating permit is sold or
3558 transferred; requiring certain subsequent property
3559 owners to provide notice and proof of ownership to the
3560 department within a certain timeframe; providing an
3561 exception to certain fees under certain circumstances;
3562 requiring a maintenance entity permitted by the
3563 department to submit a report to the department on a
3564 specified basis; providing requirements for fees

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submitted with an engineer-designed performance-based system inspection report; deleting a requirement for a property owner to obtain a certain permit from the department for certain onsite sewage treatment and disposal systems; revising the approval criteria for certain onsite sewage treatment and disposal systems; requiring an aerobic treatment unit maintenance entity to submit an inspection report to the department under certain circumstances; subjecting real estate transactions for the transfer of title to properties with a certain onsite sewage treatment and disposal system to certain requirements; deleting a requirement that the department contract with or delegate its powers and duties to a county only; amending s. 403.067, F.S.; conforming a provision to changes made by the act; providing a timeframe within which a basin management action plan or plan amendment becomes effective; prohibiting certain activities within a basin management action plan, a reasonable assurance plan, or a pollution reduction plan; making a technical change; amending s. 403.0671, F.S.; conforming a provision to changes made by the act; amending s. 403.0872, F.S.; revising the date by which major permitted sources of air pollution operating in this state must pay an annual operation license fee;

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3590 authorizing the department to impose penalties if it
3591 does not receive such fee by the specified date;
3592 deleting provisions relating to costs for
3593 administering air pollution construction permits;
3594 amending s. 403.1838, F.S.; conforming provisions to
3595 changes made by the act; repealing s. 403.804, F.S.,
3596 relating to the powers and duties of the Environmental
3597 Regulation Commission; amending s. 255.065, F.S.;
3598 revising the definition of the term "qualifying
3599 project"; creating s. 380.0934, F.S.; providing
3600 definitions; providing that the department has the
3601 exclusive authority to execute coastal resiliency
3602 projects through public-private partnerships;
3603 authorizing the department to take certain actions to
3604 encourage investment from the private sector in
3605 coastal resiliency projects; requiring the department
3606 to publish certain information on its website;
3607 amending ss. 120.81, 373.421, 403.031, 403.061,
3608 403.704, 403.707, 403.7222, 403.7234, 403.803,
3609 403.805, 403.8055, and 403.814, F.S.; conforming
3610 provisions to changes made by the act; amending ss.
3611 376.302 and 380.5105, F.S.; conforming cross-
3612 references; reenacting s. 381.0066(2)(k), F.S.,
3613 relating to onsite sewage treatment and disposal
3614 system fees, to incorporate the amendment made to s.

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381.0065, F.S., in a reference thereto; reenacting s.
373.4595, F.S., relating to the Northern Everglades
and Estuaries Protection Program, to incorporate the
amendment made to s. 403.067, F.S., in a reference
thereto; reenacting s. 403.0873, F.S., relating to the
Florida Air-Operation License Fee Account, to
incorporate the amendment made to s. 403.0872, F.S.,
in a reference thereto; reenacting s. 403.1835(3)(d),
F.S., relating to water pollution control financial
assistance, to incorporate the amendment made to s.
403.1838, F.S., in a reference thereto; ratifying
specified rules relating to the Lower Santa Fe and
Ichetucknee Rivers and Priority Springs minimum flows
and recovery strategy for the sole and exclusive
purpose of satisfying any condition on effectiveness
pursuant to s. 120.541(3), F.S., which requires
ratification of any rule exceeding the specified
thresholds for likely adverse impact or increase in
regulatory costs; providing construction; providing an
effective date.