

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WITHDRAWN (Y/N)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

1 Committee/Subcommittee hearing bill: Natural Resources &
2 Disasters Subcommittee

3 Representative LaMarca offered the following:

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Subsection (6) of section 20.255, Florida**

8 **Statutes, is amended to read:**

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

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

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

34 **Section 2. Paragraph (a) of subsection (1) and subsections
35 (2), (3), and (5) of section 259.035, Florida Statutes, are
36 amended to read:**

37 259.035 Acquisition and Restoration Council.—

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

40 (a) The council shall be composed of 12 ~~10~~ voting members,
41 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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92 259.035(4):

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

95 1. The number of acres acquired within a 100-year
96 floodplain or a coastal high hazard area;
97 2. The number of acres acquired or developed to serve dual
98 functions as:

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

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

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

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

111
112 Florida Forever projects and acquisitions funded pursuant to
113 paragraph (3)(c) shall be measured by goals developed by rule by
114 the Florida Communities Trust ~~Governing Board created in s.~~

115 ~~380.504.~~

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

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117 **373.469, Florida Statutes, is amended to read:**

118 373.469 Indian River Lagoon Protection Program.—

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

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

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

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

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142 sewage treatment and disposal system located within the Banana
143 River Lagoon Basin Management Action Plan, Central Indian River
144 Lagoon Basin Management Action Plan, North Indian River Lagoon
145 Basin Management Action Plan, and Mosquito Lagoon Reasonable
146 Assurance Plan areas must connect to central sewer if available
147 or upgrade to an enhanced nutrient-reducing onsite sewage
148 treatment and disposal system or other wastewater treatment
149 system that achieves at least 65 percent nitrogen reduction. For
150 all applications submitted before July 1, 2030, to a permitting
151 agency to repair, modify, or replace a conventional onsite
152 sewage treatment and disposal system on a commercial property or
153 a residential property of 10 acres or less, the permitting
154 agency shall notify the property owner of the requirement
155 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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167 management district, shall initiate development of a basin
168 management action plan, as specified in s. 403.067. For an
169 Outstanding Florida Spring with a nutrient total maximum daily
170 load adopted before July 1, 2016, the department, or the
171 department in conjunction with a water management district,
172 shall initiate development of a basin management action plan by
173 July 1, 2016. During the development of a basin management
174 action plan, if the department identifies onsite sewage
175 treatment and disposal systems as contributors of at least 20
176 percent of nonpoint source nitrogen pollution or if the
177 department determines remediation is necessary to achieve the
178 total maximum daily load, the basin management action plan must
179 shall include an onsite sewage treatment and disposal system
180 remediation plan pursuant to subsection (3) for those systems
181 identified as requiring remediation. For properties 10 acres or
182 less located outside the boundary of an established priority
183 focus area of an Outstanding Florida Spring but within the
184 boundary of a specific springs basin management action plan,
185 such remediation plans may require existing conventional onsite
186 sewage treatment and disposal systems to upgrade to a nutrient-
187 reducing onsite sewage treatment and disposal system where
188 central sewerage is not available. Such remediation plan may
189 also require properties of any size located within the boundary
190 of an established priority focus area of an Outstanding Florida
191 Spring to upgrade existing conventional onsite sewage treatment

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

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

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

198 380.502 Legislative findings and intent.—

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

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

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

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

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

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

229 380.504 Florida Communities Trust; creation; membership;
230 expenses.—

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

237 (a) The Secretary of Environmental Protection; and

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

240
241 ~~The Governor shall appoint a former elected official of a county~~

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242 government, a former elected official of a metropolitan
243 municipal government, a representative of a nonprofit
244 organization as defined in this part, and a representative of
245 the development industry. The Secretary of Environmental
246 Protection may appoint his or her deputy secretary, the director
247 of the Division of State Lands, or the director of the Division
248 of Recreation and Parks to serve in his or her absence. The
249 Secretary of Environmental Protection shall be the chair of the
250 governing body of the trust. The Governor shall make his or her
251 appointments upon the expiration of any current terms or within
252 60 days after the effective date of the resignation of any
253 member.

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

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

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

274 380.507 Powers of the trust.—The trust shall have all the
275 powers necessary or convenient to carry out the purposes and
276 provisions of this part, including:

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

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

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292 costs, if part of an approved project.

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

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

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

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317 is acquired in a voluntarily negotiated transaction, surveyed,
318 conveyed with marketable title, and examined for hazardous
319 materials contamination. Land acquisition procedures of a local
320 land authority created pursuant to s. 380.0663 may be used for
321 the land acquisition programs described in former s.
322 259.101(3)(e), Florida Statutes 2014, and in s. 259.105 if
323 within areas of critical state concern designated pursuant to s.
324 380.05, subject to approval of the trust.

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

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

333 **Section 10.** Section 380.512, Florida Statutes, is
334 repealed.

335 **Section 11.** Section 380.513, Florida Statutes, is
336 repealed.

337 **Section 12.** Section 380.514, Florida Statutes, is
338 repealed.

339 **Section 13.** Paragraph (n) of subsection (3), and
340 subsections (4) and (9) of section 381.0065, Florida Statutes,
341 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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367 approved by the department. The department may issue permits to
368 carry out this section, except that the issuance of a permit for
369 work seaward of the coastal construction control line
370 established under s. 161.053 shall be contingent upon receipt of
371 any required coastal construction control line permit from the
372 department. A construction permit is valid for 18 months after
373 the date of issuance and may be extended by the department for
374 one 90-day period under rules adopted by the department. A
375 repair permit is valid for 90 days after the date of issuance.
376 When a person jointly applies for a construction permit and an
377 operating permit for the same onsite sewage treatment and
378 disposal system, the department shall concurrently process the
379 operating permit with the construction permit. An operating
380 permit must be obtained before the use of any aerobic treatment
381 unit or engineer-designed performance-based system, or if the
382 establishment generates commercial waste. Buildings or
383 establishments that ~~use an aerobic treatment unit or~~ generate
384 commercial waste shall be inspected by the department at least
385 annually to ensure assure compliance with the terms of the
386 operating permit. The operating permit for a commercial
387 wastewater system is valid for 1 year after the date of issuance
388 and must be renewed annually. The operating permit, where
389 required for a residential onsite sewage treatment and disposal
390 system, is valid for the lifetime of the installation; however,
391 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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417 performs construction, maintenance, or repairs to a system
418 serving his or her own owner-occupied single-family residence is
419 exempt from registration requirements for performing such
420 construction, maintenance, or repairs on that residence, but is
421 subject to all permitting requirements. A municipality or
422 political subdivision of the state may not issue a building or
423 plumbing permit for any building that requires the use of an
424 onsite sewage treatment and disposal system unless the owner or
425 builder has received a construction permit for such system from
426 the department. A building or structure may not be occupied and
427 a municipality, political subdivision, or any state or federal
428 agency may not authorize occupancy until the department approves
429 the final installation of the onsite sewage treatment and
430 disposal system. A municipality or political subdivision of the
431 state may not approve any change in occupancy or tenancy of a
432 building that uses an onsite sewage treatment and disposal
433 system until the department has reviewed the use of the system
434 with the proposed change, approved the change, and amended the
435 operating permit.

436 (a) Subdivisions and lots in which each lot has a minimum
437 area of at least one-half acre and either a minimum dimension of
438 100 feet or a mean of at least 100 feet of the side bordering
439 the street and the distance formed by a line parallel to the
440 side bordering the street drawn between the two most distant
441 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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467 gallons per acre per day. This section does not affect the
468 validity of existing prior agreements. After October 1, 1991,
469 the exception provided under this paragraph is not available to
470 a developer or other appropriate entity.

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

478 (e) The department shall adopt rules relating to the
479 location of onsite sewage treatment and disposal systems,
480 including establishing setback distances, to prevent groundwater
481 contamination and surface water contamination and to preserve
482 the public health. The rules must consider conventional and
483 enhanced nutrient-reducing onsite sewage treatment and disposal
484 system designs, impaired or degraded water bodies, domestic
485 wastewater and drinking water infrastructure, potable water
486 sources, nonpotable wells, stormwater infrastructure, the onsite
487 sewage treatment and disposal system remediation plans developed
488 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the
489 recommendations of the onsite sewage treatment and disposal
490 systems technical advisory committee established pursuant to
491 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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517 ditches or normally dry individual lot stormwater retention
518 areas.

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

523 1. Any residential lot that was platted and recorded on or
524 after January 1, 1972, or that is part of a residential
525 subdivision that was approved by the appropriate permitting
526 agency on or after January 1, 1972, and that was eligible for an
527 onsite sewage treatment and disposal system construction permit
528 on the date of such platting and recording or approval shall be
529 eligible for an onsite sewage treatment and disposal system
530 construction permit, regardless of when the application for a
531 permit is made. If rules in effect at the time the permit
532 application is filed cannot be met, residential lots platted and
533 recorded or approved on or after January 1, 1972, shall, to the
534 maximum extent possible, comply with the rules in effect at the
535 time the permit application is filed. At a minimum, however,
536 those residential lots platted and recorded or approved on or
537 after January 1, 1972, but before January 1, 1983, shall comply
538 with those rules in effect on January 1, 1983, and those
539 residential lots platted and recorded or approved on or after
540 January 1, 1983, shall comply with those rules in effect at the
541 time of such platting and recording or approval. In determining

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

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

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

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

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

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

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

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

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

578
579 Where soil conditions, water table elevation, and setback
580 provisions are determined by the department to be satisfactory,
581 special consideration must be given to those lots platted before
582 1972.

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

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

594 a. The committee is composed of the following:

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

597 (II) A representative from the county health departments.

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

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

602 (V) A representative from the Department of Health.

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

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

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

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

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

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

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

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

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

657 3. The department shall periodically review and evaluate
658 the continued use of onsite sewage treatment and disposal
659 systems in areas zoned or used for industrial or manufacturing
660 purposes, or its equivalent, and may require the collection and
661 analyses of samples from within and around such systems. If the
662 department finds that toxic or hazardous chemicals or toxic,
663 hazardous, or industrial wastewater have been or are being
664 disposed of through an onsite sewage treatment and disposal
665 system, the department shall initiate enforcement actions
666 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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767 b. Suspended Solids of 10 mg/l.

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

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

774

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

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

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

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

791 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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817 known or expected to meet the conditions of this paragraph. If a
818 product does not meet such criteria, such product may be sold if
819 the manufacturer satisfactorily demonstrates to the department
820 that the conditions of this paragraph are met.

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

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

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842 department of property ownership.

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

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

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

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

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

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

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

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

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

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

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

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

905 2. The property owner of an owner-occupied, single-family
906 residence may be approved and permitted by the department as a
907 maintenance entity for his or her own aerobic treatment unit
908 system upon written certification from the system manufacturer's
909 approved representative that the property owner has received
910 training on the proper installation and service of the system.
911 The maintenance entity service agreement must conspicuously
912 disclose that the property owner has the right to maintain his
913 or her own system and is exempt from contractor registration
914 requirements for performing construction, maintenance, or
915 repairs on the system but is subject to all permitting
916 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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942 transfer of title to a property that has an onsite sewage
943 treatment and disposal system that has not been abandoned in
944 accordance with this section, or which is subject to a permit
945 for the installation, modification, repair, or operation of such
946 a system, the real estate transaction is subject to the
947 following requirements:

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

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

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

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

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

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

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

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

975

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

979 (w) A governmental entity, including a municipality,
980 county, or statutorily created commission, may not require an
981 engineer-designed performance-based treatment system, excluding
982 a passive engineer-designed performance-based treatment system,
983 before the completion of the Florida Onsite Sewage Nitrogen
984 Reduction Strategies Project. This paragraph does not apply to a
985 governmental entity, including a municipality, county, or
986 statutorily created commission, which adopted a local law,
987 ordinance, or regulation on or before January 31, 2012.
988 Notwithstanding this paragraph, an engineer-designed
989 performance-based treatment system may be used to meet the
990 requirements of the variance review and advisory committee
991 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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1017 approval apply at the time of final approval if fundamental site
1018 conditions have not changed between the time of construction
1019 approval and final approval.

1020 (z) An existing-system inspection or evaluation and
1021 assessment, or a modification, replacement, or upgrade of an
1022 onsite sewage treatment and disposal system is not required for
1023 a remodeling addition or modification to a single-family home if
1024 a bedroom is not added. However, a remodeling addition or
1025 modification to a single-family home may not cover any part of
1026 the existing system or encroach upon a required setback or the
1027 unobstructed area. To determine if a setback or the unobstructed
1028 area is impacted, the local health department shall review and
1029 verify a floor plan and site plan of the proposed remodeling
1030 addition or modification to the home submitted by a remodeler
1031 which shows the location of the system, including the distance
1032 of the remodeling addition or modification to the home from the
1033 onsite sewage treatment and disposal system. The local health
1034 department may visit the site or otherwise determine the best
1035 means of verifying the information submitted. A verification of
1036 the location of a system is not an inspection or evaluation and
1037 assessment of the system. The review and verification must be
1038 completed within 7 business days after receipt by the local
1039 health department of a floor plan and site plan. If the review
1040 and verification is not completed within such time, the
1041 remodeling addition or modification to the single-family home,

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1042 for the purposes of this paragraph, is approved.

1043 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
1044 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a
1045 total maximum daily load, the department shall implement a fast-
1046 track approval process of no longer than 6 months for the
1047 determination of the use of American National Standards
1048 Institute 245 systems approved by NSF International before July
1049 1, 2020. The department shall also establish an enhanced
1050 nutrient-reducing onsite sewage treatment and disposal system
1051 approval program that will expeditiously evaluate and approve
1052 such systems for use in this state to comply with ss.

1053 403.067(7)(a)10. and 373.469(3)(d).

1054 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may
1055 contract with or delegate its powers and duties under this
1056 section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

1057 **Section 14. Paragraph (c) of subsection (6) and paragraph**
1058 **(a) of subsection (7) of section 403.067, Florida Statutes, are**
1059 **amended to read:**

1060 403.067 Establishment and implementation of total maximum
1061 daily loads.—

1062 (6) CALCULATION AND ALLOCATION.—

1063 (c) Adoption of rules. The total maximum daily load
1064 calculations and allocations established under this subsection
1065 for each water body or water body segment shall be adopted by
1066 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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conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the waterbody. Such plan must integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151. The plan must establish a schedule implementing the management strategies, establish a basis for evaluating the plan's effectiveness, and identify feasible funding strategies for implementing the plan's management strategies. The management strategies may include regional treatment systems or other public works, when appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions.

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

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1117 loads, including best management practices, before the
1118 development of the basin management action plan. The plan must
1119 also identify the mechanisms that will address potential future
1120 increases in pollutant loading.

1121 3. The basin management action planning process is
1122 intended to involve the broadest possible range of interested
1123 parties, with the objective of encouraging the greatest amount
1124 of cooperation and consensus possible. In developing a basin
1125 management action plan, the department shall assure that key
1126 stakeholders, including, but not limited to, applicable local
1127 governments, water management districts, the Department of
1128 Agriculture and Consumer Services, other appropriate state
1129 agencies, local soil and water conservation districts,
1130 environmental groups, regulated interests, and affected
1131 pollution sources, are invited to participate in the process.
1132 The department shall hold at least one public meeting in the
1133 vicinity of the watershed or basin to discuss and receive
1134 comments during the planning process and shall otherwise
1135 encourage public participation to the greatest practicable
1136 extent. Notice of the public meeting must be published in a
1137 newspaper of general circulation in each county in which the
1138 watershed or basin lies at least 5 days, but not more than 15
1139 days, before the public meeting. A basin management action plan
1140 does not supplant or otherwise alter any assessment made under
1141 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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facilities or onsite sewage treatment and disposal systems as contributors of at least 20 percent of point source or nonpoint source nutrient pollution or if the department determines remediation is necessary to achieve the total maximum daily load, a basin management action plan for a nutrient total maximum daily load must include the following:

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

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

(II) Include the permitted capacity in average annual gallons per day for the domestic wastewater treatment facility; the average nutrient concentration and the estimated average nutrient load of the domestic wastewater; a projected timeline of the dates by which the construction of any facility 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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systems. To identify cost-effective and financially feasible projects for remediation of onsite sewage treatment and disposal systems, the local government shall:

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

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

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

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

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

10. The following activities are prohibited within a basin management action plan adopted under this section, a reasonable 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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1317 11. When identifying wastewater projects in a basin
1318 management action plan, the department may not require the
1319 higher cost option if it achieves the same nutrient load
1320 reduction as a lower cost option. A regulated entity may choose
1321 a different cost option if it complies with the pollutant
1322 reduction requirements of an adopted total maximum daily load
1323 and meets or exceeds the pollution reduction requirement of the
1324 original project.

1325 12. Annually, local governments subject to a basin
1326 management action plan or located within the basin of a
1327 waterbody not attaining nutrient or nutrient-related standards
1328 must provide to the department an update on the status of
1329 construction of sanitary sewers to serve such areas, in a manner
1330 prescribed by the department.

1331 **Section 15. Paragraph (e) of subsection (1) of section
1332 403.0671, Florida Statutes, is amended to read:**

1333 403.0671 Basin management action plan wastewater reports.—
1334 (1) By July 1, 2021, the department, in coordination with
1335 the county health departments, wastewater treatment facilities,
1336 and other governmental entities, shall submit a report to the
1337 Governor, the President of the Senate, and the Speaker of the
1338 House of Representatives evaluating the costs of wastewater
1339 projects identified in the basin management action plans
1340 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1341 sewage treatment and disposal system remediation plans and other

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1342 restoration plans developed to meet the total maximum daily
1343 loads required under s. 403.067. The report must include all of
1344 the following:

1345 (e) The projected costs of installing enhanced nutrient-
1346 reducing onsite sewage treatment and disposal systems on
1347 buildable lots in priority focus areas ~~to comply with s.~~
1348 ~~373.811.~~

1349 **Section 16. Subsection (11) of section 403.0872, Florida
1350 Statutes, is amended to read:**

1351 403.0872 Operation permits for major sources of air
1352 pollution; annual operation license fee.—Provided that program
1353 approval pursuant to 42 U.S.C. s. 7661a has been received from
1354 the United States Environmental Protection Agency, beginning
1355 January 2, 1995, each major source of air pollution, including
1356 electrical power plants certified under s. 403.511, must obtain
1357 from the department an operation permit for a major source of
1358 air pollution under this section. This operation permit is the
1359 only department operation permit for a major source of air
1360 pollution required for such source; provided, at the applicant's
1361 request, the department shall issue a separate acid rain permit
1362 for a major source of air pollution that is an affected source
1363 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
1364 for major sources of air pollution, except general permits
1365 issued pursuant to s. 403.814, must be issued in accordance with
1366 the procedures contained in this section and in accordance with

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1367 chapter 120; however, to the extent that chapter 120 is
1368 inconsistent with this section, the procedures contained in this
1369 section prevail.

1370 (11) Each major source of air pollution permitted to
1371 operate in this state must pay by June 30 ~~between January 15 and~~
1372 ~~April 1~~ of each year, upon written notice from the department,
1373 an annual operation license fee in an amount determined by
1374 department rule. The annual operation license fee shall be
1375 terminated immediately in the event the United States
1376 Environmental Protection Agency imposes annual fees solely to
1377 implement and administer the major source air-operation permit
1378 program in Florida under 40 C.F.R. s. 70.10(d).

1379 (a) The annual fee must be assessed based upon the
1380 source's previous year's emissions and must be calculated by
1381 multiplying the applicable annual operation license fee factor
1382 times the tons of each regulated air pollutant actually emitted,
1383 as calculated in accordance with the department's emissions
1384 computation and reporting rules. The annual fee shall only apply
1385 to those regulated pollutants, except carbon monoxide and
1386 greenhouse gases, for which an allowable numeric emission
1387 limiting standard is specified in the source's most recent
1388 construction or operation permit; provided, however, that:

1389 1. The license fee factor is \$25 or another amount
1390 determined by department rule which ensures that the revenue
1391 provided by each year's operation license fees is sufficient to

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1392 cover all reasonable direct and indirect costs of the major
1393 stationary source air-operation permit program established by
1394 this section. The license fee factor may be increased beyond \$25
1395 only if the secretary of the department affirmatively finds that
1396 a shortage of revenue for support of the major stationary source
1397 air-operation permit program will occur in the absence of a fee
1398 factor adjustment. The annual license fee factor may never
1399 exceed \$35.

1400 2. The amount of each regulated air pollutant in excess of
1401 4,000 tons per year emitted by any source, or group of sources
1402 belonging to the same Major Group as described in the Standard
1403 Industrial Classification Manual, 1987, may not be included in
1404 the calculation of the fee. Any source, or group of sources,
1405 which does not emit any regulated air pollutant in excess of
1406 4,000 tons per year, is allowed a one-time credit not to exceed
1407 25 percent of the first annual licensing fee for the prorated
1408 portion of existing air-operation permit application fees
1409 remaining upon commencement of the annual licensing fees.

1410 3. If the department has not received the fee ~~by March 1~~
1411 ~~of the calendar year, the permittee must be sent a written~~
1412 ~~warning of the consequences for failing to pay the fee by April~~
1413 ~~1. If the fee is not postmarked by June 30 April 1 of the~~
1414 calendar year, the department shall impose, in addition to the
1415 fee, a penalty of 50 percent of the amount of the fee, plus
1416 interest on such amount computed in accordance with s. 220.807.

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1417 The department may not impose such penalty or interest on any
1418 amount underpaid, provided that the permittee has timely
1419 remitted payment of at least 90 percent of the amount determined
1420 to be due and remits full payment within 60 days after receipt
1421 of notice of the amount underpaid. The department may waive the
1422 collection of underpayment and may not be required to refund
1423 overpayment of the fee, if the amount due is less than 1 percent
1424 of the fee, up to \$50. The department may revoke any major air
1425 pollution source operation permit if it finds that the
1426 permitholder has failed to timely pay any required annual
1427 operation license fee, penalty, or interest.

1428 4. Notwithstanding the computational provisions of this
1429 subsection, the annual operation license fee for any source
1430 subject to this section may not be less than \$250, except that
1431 the annual operation license fee for sources permitted solely
1432 through general permits issued under s. 403.814 may not exceed
1433 \$50 per year.

1434 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
1435 air pollution construction permit fees, the department may not
1436 require such fees for changes or additions to a major source of
1437 air pollution permitted pursuant to this section, unless the
1438 activity triggers permitting requirements under Title I, Part C
1439 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
1440 7514a. ~~Costs to issue and administer such permits shall be~~
1441 ~~considered direct and indirect costs of the major stationary~~

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1442 ~~source air operation permit program under s. 403.0873.~~ The
1443 department shall, however, require fees pursuant to s.
1444 403.087(7)(a)5.a. for the construction of a new major source of
1445 air pollution that will be subject to the permitting
1446 requirements of this section once constructed and for activities
1447 triggering permitting requirements under Title I, Part C or Part
1448 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

1449 (b) Annual operation license fees collected by the
1450 department must be sufficient to cover all reasonable direct and
1451 indirect costs required to develop and administer the major
1452 stationary source air-operation permit program, which shall
1453 consist of the following elements to the extent that they are
1454 reasonably related to the regulation of major stationary air
1455 pollution sources, in accordance with United States
1456 Environmental Protection Agency regulations and guidelines:

1457 1. Reviewing and acting upon any application for such a
1458 permit.

1459 2. Implementing and enforcing the terms and conditions of
1460 any such permit, excluding court costs or other costs associated
1461 with any enforcement action.

1462 3. Emissions and ambient monitoring.

1463 4. Preparing generally applicable regulations or guidance.

1464 5. Modeling, analyses, and demonstrations.

1465 6. Preparing inventories and tracking emissions.

1466 7. Implementing the Small Business Stationary Source

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1467 Technical and Environmental Compliance Assistance Program.

1468 8. Any audits conducted under paragraph (c).

1469 (c) An audit of the major stationary source air-operation
1470 permit program must be conducted 2 years after the United States
1471 Environmental Protection Agency has given full approval of the
1472 program to ascertain whether the annual operation license fees
1473 collected by the department are used solely to support any
1474 reasonable direct and indirect costs as listed in paragraph (b).
1475 A program audit must be performed biennially after the first
1476 audit.

1477 **Section 17. Paragraphs (a) and (b) of subsection (3) of**
1478 **section 403.1838, Florida Statutes, are amended to read:**

1479 403.1838 Small Community Sewer Construction Assistance

1480 Act.—

1481 (3) (a) In accordance with rules adopted by the department
1482 ~~Environmental Regulation Commission under this section~~, the
1483 department may provide grants, from funds specifically
1484 appropriated for this purpose, to financially disadvantaged
1485 small communities for up to 100 percent of the costs of
1486 planning, designing, constructing, upgrading, or replacing
1487 wastewater collection, transmission, treatment, disposal, and
1488 reuse facilities, including necessary legal and administrative
1489 expenses.

1490 (b) The rules of the department Environmental Regulation
1491 ~~Commission~~ must:

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1492 1. Require that projects to plan, design, construct,
1493 upgrade, or replace wastewater collection, transmission,
1494 treatment, disposal, and reuse facilities be cost-effective,
1495 environmentally sound, permittable, and implementable.

1496 2. Require appropriate user charges, connection fees, and
1497 other charges sufficient to ensure the long-term operation,
1498 maintenance, and replacement of the facilities constructed under
1499 each grant.

1500 3. Require grant applications to be submitted on
1501 appropriate forms with appropriate supporting documentation, and
1502 require records to be maintained.

1503 4. Establish a system to determine eligibility of grant
1504 applications.

1505 5. Establish a system to determine the relative priority
1506 of grant applications. The system must consider public health
1507 protection and water pollution prevention or abatement and must
1508 prioritize projects that plan for the installation of wastewater
1509 transmission facilities to be constructed concurrently with
1510 other construction projects occurring within or along a
1511 transportation facility right-of-way.

1512 6. Establish requirements for competitive procurement of
1513 engineering and construction services, materials, and equipment.

1514 7. Provide for termination of grants when program
1515 requirements are not met.

1516 **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, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;

1528 2. An improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;

1537 3. A water, wastewater, or surface water management 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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1590 (4) The department shall publish on its website biennial
1591 progress reports for each coastal resiliency project funded
1592 through a public-private partnership, including project
1593 milestones, expenditures, and public benefits. The department
1594 shall also create and maintain on its website an online
1595 dashboard for real-time updates on project execution.

1596 **Section 21. Subsection (6) of section 120.81, Florida**
1597 **Statutes, is amended to read:**

1598 120.81 Exceptions and special requirements; general
1599 areas.—

1600 (6) RISK IMPACT STATEMENT.—The Department of Environmental
1601 Protection shall prepare a risk impact statement for any rule
1602 that is proposed for adoption which approval by the
1603 ~~Environmental Regulation Commission and that establishes or~~
1604 changes standards or criteria based on impacts to or effects
1605 upon human health. The Department of Agriculture and Consumer
1606 Services shall prepare a risk impact statement for any rule that
1607 is proposed for adoption that establishes standards or criteria
1608 based on impacts to or effects upon human health.

1609 (a) This subsection does not apply to rules adopted
1610 pursuant to federally delegated or mandated programs where such
1611 rules are identical or substantially identical to the federal
1612 regulations or laws being adopted or implemented by the
1613 Department of Environmental Protection or Department of
1614 Agriculture and Consumer Services, as applicable. However, the

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1615 Department of Environmental Protection and the Department of
1616 Agriculture and Consumer Services shall identify any risk
1617 analysis information available to them from the Federal
1618 Government that has formed the basis of such a rule.

1619 (b) This subsection does not apply to emergency rules
1620 adopted pursuant to this chapter.

1621 (c) The Department of Environmental Protection and the
1622 Department of Agriculture and Consumer Services shall prepare
1623 and publish notice of the availability of a clear and concise
1624 risk impact statement for all applicable rules. The risk impact
1625 statement must explain the risk to the public health addressed
1626 by the rule and shall identify and summarize the source of the
1627 scientific information used in evaluating that risk.

1628 (d) Nothing in this subsection shall be construed to
1629 create a new cause of action or basis for challenging a rule nor
1630 diminish any existing cause of action or basis for challenging a
1631 rule.

1632 **Section 22. Subsection (1) of section 373.421, Florida
1633 Statutes, is amended, and paragraph (b) of subsection (7) of
1634 that section is reenacted, to read:**

1635 373.421 Delineation methods; formal determinations.—

1636 (1) The department's Environmental Regulation Commission
1637 ~~shall adopt~~ a unified statewide methodology for the delineation
1638 of the extent of wetlands as defined in s. 373.019(27). This
1639 ~~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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1665 the permit, shall be binding on all other governmental entities
1666 for the duration of the formal determination or permit. All
1667 existing rules and methodologies of the department, the water
1668 management districts, and local governments, regarding surface
1669 water or wetland definition and delineation shall remain in full
1670 force and effect until the common methodology rule becomes
1671 effective. However, this shall not be construed to limit any
1672 power of the department, the water management districts, and
1673 local governments to amend or adopt a surface water or wetland
1674 definition or delineation methodology until the common
1675 methodology rule becomes effective.

1676 (7)

1677 (b) Wetlands contiguous to surface waters of the state as
1678 defined in s. 403.031(13), Florida Statutes (1991), shall be
1679 delineated pursuant to the department's rules as such rules
1680 existed prior to January 24, 1984, while wetlands not contiguous
1681 to surface waters of the state as defined in s. 403.031(13),
1682 Florida Statutes (1991), shall be delineated pursuant to the
1683 applicable methodology ratified by s. 373.4211 for any
1684 development which obtains an individual permit from the United
1685 States Army Corps of Engineers under 33 U.S.C. s. 1344:

1686 1. Where a jurisdictional determination validated by the
1687 department pursuant to rule 17-301.400(8), Florida
1688 Administrative Code, as it existed in rule 17-4.022, Florida
1689 Administrative Code, on April 1, 1985, is revalidated pursuant

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1690 to s. 373.414(13) and the affected lands are part of a project
1691 for which a vested rights determination has been issued pursuant
1692 to s. 380.06, or

1693 2. Where the lands affected were grandfathered pursuant to
1694 s. 403.913(6), Florida Statutes (1991), and proof of prior
1695 notification pursuant to s. 403.913(6), Florida Statutes (1991),
1696 is submitted to the department within 180 days of the
1697 publication of a notice by the department of the existence of
1698 this provision. Failure to timely submit the proof of prior
1699 notification to the department serves as a waiver of the
1700 benefits conferred by this subsection.

1701 3. This subsection shall not be applicable to lands:

1702 a. Within the geographical area to which an individual or
1703 general permit issued prior to June 1, 1994, under rules adopted
1704 pursuant to this part applies; or

1705 b. Within the geographical area to which a conceptual
1706 permit issued prior to June 1, 1994, under rules adopted
1707 pursuant to this part applies if wetland delineations were
1708 identified and approved by the conceptual permit as set forth in
1709 s. 373.414(12)(b)1. or 2.; or

1710 c. Where no development activity as defined in s.
1711 380.01(1) or (2)(a)-(d) and (f) has occurred within the project
1712 boundaries since October 1, 1986; or

1713 d. Of a project which is not in compliance with this part
1714 or the rules adopted pursuant to ss. 403.91-403.929, 1984

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1715 Supplement to the Florida Statutes 1983, as amended.

1716 4. The wetland delineation methodology required in this
1717 subsection shall only apply within the geographical area of an
1718 individual permit issued by the United States Army Corps of
1719 Engineers under 33 U.S.C. s. 1344. The requirement to obtain
1720 such individual permit to secure the benefit of this subsection
1721 shall not apply to any activities exempt or not subject to
1722 regulation under 33 U.S.C. s. 1344.

1723 5. Notwithstanding subsection (1), the wetland delineation
1724 methodology required in this subsection and any wetland
1725 delineation pursuant thereto, shall only apply to agency action
1726 under this part and shall not be binding on local governments
1727 except in their implementation of this part.

1728 **Section 23. Paragraph (b) of subsection (23) of section
1729 403.031, Florida Statutes, is amended to read:**

1730 403.031 Definitions.—In construing this chapter, or rules
1731 and regulations adopted pursuant hereto, the following words,
1732 phrases, or terms, unless the context otherwise indicates, have
1733 the following meanings:

1734 (23) "Waters" include, but are not limited to, rivers,
1735 lakes, streams, springs, impoundments, wetlands, and all other
1736 waters or bodies of water, including fresh, brackish, saline,
1737 tidal, surface, or underground waters. Waters owned entirely by
1738 one person other than the state are included only in regard to
1739 possible discharge on other property or water. Underground

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1740 waters include, but are not limited to, all underground waters
1741 passing through pores of rock or soils or flowing through in
1742 channels, whether manmade or natural. Solely for purposes of s.
1743 403.0885, waters of the state also include navigable waters or
1744 waters of the contiguous zone as used in s. 502 of the Clean
1745 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in
1746 existence on January 1, 1993, except for those navigable waters
1747 seaward of the boundaries of the state set forth in s. 1, Art.
1748 II of the State Constitution. Solely for purposes of this
1749 chapter, waters of the state also include the area bounded by
1750 the following:

1751 (b) The area bounded by the line described in paragraph
1752 (a) generally includes those waters to be known as waters of the
1753 state. The landward extent of these waters shall be determined
1754 by the delineation methodology ratified in s. 373.4211. Any
1755 waters which are outside the general boundary line described in
1756 paragraph (a) but which are contiguous thereto by virtue of the
1757 presence of a wetland, watercourse, or other surface water, as
1758 determined by the delineation methodology ratified in s.
1759 373.4211, shall be a part of this waterbody. Any areas within
1760 the line described in paragraph (a) which are neither a wetland
1761 nor surface water, as determined by the delineation methodology
1762 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~
1763 ~~Florida Environmental Regulation Commission designates the~~
1764 ~~waters within the boundaries an Outstanding Florida Water,~~

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1765 ~~waters outside the boundaries may not be included as part of~~
1766 ~~such designation unless a hearing is held pursuant to notice in~~
1767 ~~each appropriate county and the boundaries of such lands are~~
1768 ~~specifically considered and described for such designation.~~

1769 **Section 24. Subsections (7) and (32) of section 403.061,**
1770 **Florida Statutes, are amended to read:**

1771 403.061 Department; powers and duties.—The department
1772 shall have the power and the duty to control and prohibit
1773 pollution of air and water in accordance with the law and rules
1774 adopted and promulgated by it and, for this purpose, to:

1775 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1776 implement this act. Any rule adopted pursuant to this act must
1777 be consistent with the provisions of federal law, if any,
1778 relating to control of emissions from motor vehicles, effluent
1779 limitations, pretreatment requirements, or standards of
1780 performance. A county, municipality, or political subdivision
1781 may not adopt or enforce any local ordinance, special law, or
1782 local regulation requiring the installation of Stage II vapor
1783 recovery systems, as currently defined by department rule,
1784 unless such county, municipality, or political subdivision is or
1785 has been in the past designated by federal regulation as a
1786 moderate, serious, or severe ozone nonattainment area. Rules
1787 adopted pursuant to this act may not require dischargers of
1788 waste into waters of the state to improve natural background
1789 conditions. The department shall adopt rules to reasonably

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1790 limit, reduce, and eliminate domestic wastewater collection and
1791 transmission system pipe leakages and inflow and infiltration.
1792 Discharges from steam electric generating plants existing or
1793 licensed under this chapter on July 1, 1984, may not be required
1794 to be treated to a greater extent than may be necessary to
1795 assure that the quality of nonthermal components of discharges
1796 from nonrecirculated cooling water systems is as high as the
1797 quality of the makeup waters; that the quality of nonthermal
1798 components of discharges from recirculated cooling water systems
1799 is no lower than is allowed for blowdown from such systems; or
1800 that the quality of noncooling system discharges which receive
1801 makeup water from a receiving body of water which does not meet
1802 applicable department water quality standards is as high as the
1803 quality of the receiving body of water. ~~The department may not~~
1804 ~~adopt standards more stringent than federal regulations, except~~
1805 ~~as provided in s. 403.804.~~

1806 (32) Adopt rules necessary to obtain approval from the
1807 United States Environmental Protection Agency to administer the
1808 Federal National Pollution Discharge Elimination System (NPDES)
1809 permitting program in Florida under ss. 318, 402, and 405 of the
1810 federal Clean Water Act, Pub. L. No. 92-500, as amended. This
1811 authority shall be implemented consistent with the provisions of
1812 part II, which shall be applicable to facilities certified
1813 thereunder. The department shall establish all rules, standards,
1814 and requirements that regulate the discharge of pollutants into

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1815 waters of the United States as defined by and in a manner
1816 consistent with federal regulations; provided, however, that the
1817 department may adopt a standard that is stricter or more
1818 stringent than one set by the United States Environmental
1819 Protection Agency ~~if approved by the Governor and Cabinet in~~
1820 ~~accordance with the procedures of s. 403.804(2).~~

1821
1822 The department shall implement such programs in conjunction with
1823 its other powers and duties and shall place special emphasis on
1824 reducing and eliminating contamination that presents a threat to
1825 humans, animals or plants, or to the environment.

1826 **Section 25. Subsection (9) of section 403.704, Florida
1827 Statutes, is amended to read:**

1828 403.704 Powers and duties of the department.—The
1829 department shall have responsibility for the implementation and
1830 enforcement of this act. In addition to other powers and duties,
1831 the department shall:

1832 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1833 implement and enforce this act, including requirements for the
1834 classification, construction, operation, maintenance, and
1835 closure of solid waste management facilities and requirements
1836 for, and conditions on, solid waste disposal in this state,
1837 whether such solid waste is generated within this state or
1838 outside this state as long as such requirements and conditions
1839 are not based on the out-of-state origin of the waste and are

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1840 consistent with applicable law. When classifying solid waste
1841 management facilities, the department shall consider the
1842 hydrogeology of the site for the facility, the types of wastes
1843 to be handled by the facility, and methods used to control the
1844 types of waste to be handled by the facility and shall seek to
1845 minimize the adverse effects of solid waste management on the
1846 environment. ~~Whenever the department adopts any rule stricter or~~
1847 ~~more stringent than one that has been set by the United States~~
1848 ~~Environmental Protection Agency, the procedures set forth in s.~~
1849 ~~403.804(2) shall be followed. The department may shall not,~~
1850 ~~however,~~ adopt hazardous waste rules for solid waste for which
1851 special studies were required before ~~prior to~~ October 1, 1988,
1852 under s. 8002 of the Resource Conservation and Recovery Act, 42
1853 U.S.C. s. 6982, as amended, until the studies are completed by
1854 the United States Environmental Protection Agency and the
1855 information is available to the department for consideration in
1856 adopting its own rule.

1857 **Section 26. Paragraph (d) of subsection (3) and paragraph**
1858 **(h) of subsection (9) of section 403.707, Florida Statutes, are**
1859 **amended to read:**

1860 403.707 Permits.—

1861 (3)

1862 (d) The department may adopt rules to administer this
1863 subsection. ~~However, the department is not required to submit~~
1864 ~~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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1890 requirements, ~~except as provided under s. 403.804(2)~~.

1891 **Section 28. Subsection (4) of section 403.7234, Florida**
1892 **Statutes, is amended to read:**

1893 403.7234 Small quantity generator notification and
1894 verification program.—

1895 (4) Within 30 days of receipt of a notification, which
1896 includes a survey form, a small quantity generator shall
1897 disclose its management practices and the types and quantities
1898 of waste to the county government. Annually, each county shall
1899 verify the management practices of at least 20 percent of its
1900 small quantity generators. The procedure for verification used
1901 by the county must ~~shall~~ be developed as part of the guidance
1902 established by the department under s. 403.7226. The department
1903 may also regulate the waste management practices of small
1904 quantity generators in order to ensure proper management of
1905 hazardous waste in a manner consistent with federal
1906 requirements, ~~except as provided under s. 403.804(2)~~.

1907 **Section 29. Section 403.803, Florida Statutes, is amended**
1908 **to read:**

1909 403.803 Definitions.—When used in this part ~~act~~, the term,
1910 phrase, or word:

1911 (1) "Branch office" means a geographical area, the
1912 boundaries of which may be established as a part of a district.

1913 (2) "Canal" is a manmade trench, the bottom of which is
1914 normally covered by water with the upper edges of its sides

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1915 normally above water.

1916 (3) "Channel" is a trench, the bottom of which is normally
1917 covered entirely by water, with the upper edges of its sides
1918 normally below water.

1919 (4) ~~"Commission"~~ means the Environmental Regulation
1920 ~~Commission~~.

1921 (5) "Department" means the Department of Environmental
1922 Protection.

1923 (5)-(6) "District" or "environmental district" means one of
1924 the geographical areas, the boundaries of which are established
1925 pursuant to this act.

1926 (6)-(7) "Drainage ditch" or "irrigation ditch" is a manmade
1927 trench dug for the purpose of draining water from the land or
1928 for transporting water for use on the land and is not built for
1929 navigational purposes.

1930 (7)-(8) "Environmental district center" means the
1931 facilities and personnel which are centralized in each district
1932 for the purposes of carrying out the provisions of this act.

1933 (8)-(9) "Headquarters" means the physical location of the
1934 offices of the secretary and the division directors of the
1935 department.

1936 (9)-(10) "Insect control impoundment dikes" means
1937 artificial structures, including earthen berms, constructed and
1938 used to impound waters for the purpose of insect control.

1939 (10)-(11) "Manager" means the head of an environmental

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1940 district or branch office who shall supervise all environmental
1941 functions of the department within such environmental district
1942 or branch office.

1943 (11) (12) "Secretary" means the Secretary of Environmental
1944 Protection.

1945 (12) (13) "Standard" means any rule of the Department of
1946 Environmental Protection relating to air and water quality,
1947 noise, solid-waste management, and electric and magnetic fields
1948 associated with electrical transmission and distribution lines
1949 and substation facilities. The term "standard" does not include
1950 rules of the department which relate exclusively to the internal
1951 management of the department, the procedural processing of
1952 applications, the administration of rulemaking or adjudicatory
1953 proceedings, the publication of notices, the conduct of
1954 hearings, or other procedural matters.

1955 (13) (14) "Swale" means a manmade trench which:

1956 (a) Has a top width-to-depth ratio of the cross-section
1957 equal to or greater than 6:1, or side slopes equal to or greater
1958 than 3 feet horizontal to 1 foot vertical;

1959 (b) Contains contiguous areas of standing or flowing water
1960 only following a rainfall event;

1961 (c) Is planted with or has stabilized vegetation suitable
1962 for soil stabilization, stormwater treatment, and nutrient
1963 uptake; and

1964 (d) Is designed to take into account the soil erodibility,

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1965 soil percolation, slope, slope length, and drainage area so as
1966 to prevent erosion and reduce pollutant concentration of any
1967 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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1990 authority assigned to the department by this act to the
1991 assistant secretary, division directors, and district and branch
1992 office managers and to the water management districts.

1993 (3) After adoption of proposed rule 62-302.531(9), Florida
1994 Administrative Code, a nonseverability and effective date
1995 provision approved by the commission on December 8, 2011, ~~in~~
1996 ~~accordance with the commission's legislative authority under s.~~
1997 ~~403.804,~~ notice of which was published by the department on
1998 December 22, 2011, in the Florida Administrative Register, Vol.
1999 37, No. 51, page 4446, any subsequent rule or amendment altering
2000 the effect of such rule ~~must~~ ~~shall~~ be submitted to the President
2001 of the Senate and the Speaker of the House of Representatives no
2002 later than 30 days before the next regular legislative session,
2003 and such amendment may not take effect until it is ratified by
2004 the Legislature.

2005 **Section 31. Section 403.8055, Florida Statutes, is amended
2006 to read:**

2007 403.8055 Department adoption of federal standards.—
2008 Notwithstanding ~~s. 120.54 ss. 120.54 and 403.804~~, the secretary
2009 is empowered to adopt rules substantively identical to
2010 regulations adopted in the Federal Register by the United States
2011 Environmental Protection Agency pursuant to federal law, in
2012 accordance with the following procedures:

2013 (1) The secretary shall publish notice of intent to adopt
2014 a rule pursuant to this section in the Florida Administrative

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2015 Register at least 21 days before prior to filing the rule with
2016 the Department of State. The secretary shall mail a copy of the
2017 notice of intent to adopt a rule to the Administrative
2018 Procedures Committee at least 21 days before prior to the date
2019 of filing with the Department of State. Before Prior to filing
2020 the rule with the Department of State, the secretary shall
2021 consider any written comments received within 21 days after the
2022 date of publication of the notice of intent to adopt a rule. The
2023 rule must shall be adopted upon filing with the Department of
2024 State. Substantive changes from the rules as noticed shall
2025 require republishing of notice as required in this section.

2026 (2) Any rule adopted pursuant to this section becomes
2027 ~~shall become~~ effective upon the date designated in the rule by
2028 the secretary; however, ~~no~~ such a rule may not shall become
2029 effective earlier than the effective date of the substantively
2030 identical United States Environmental Protection Agency
2031 regulation.

2032 (3) The secretary shall stay any terms or conditions of a
2033 permit implementing department rules adopted pursuant to this
2034 section if the substantively identical provisions of a United
2035 States Environmental Protection Agency regulation have been
2036 stayed under federal judicial review. A stay issued pursuant to
2037 this subsection shall terminate upon completion of federal
2038 judicial review.

2039 (4) Any domestic for-profit or nonprofit corporation or

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2040 association formed, in whole or in part:

2041 (a) To promote conservation or natural beauty;

2042 (b) To protect the environment, personal health, or other

2043 biological values;

2044 (c) To preserve historical sites;

2045 (d) To promote consumer interests;

2046 (e) To represent labor, commercial, or industrial groups;

2047 or

2048 (f) To promote orderly development;

2049

2050 and any other substantially affected person may, within 14 days

2051 after the date of publication of the notice of intent to adopt a

2052 rule, file an objection to rulemaking with the department

2053 ~~Environmental Regulation Commission~~. The objection shall specify

2054 the portions of the proposed rule to which the person objects

2055 and the reasons for the objection. The secretary shall not have

2056 the authority under this section to adopt those portions of a

2057 proposed rule specified in such objection. Objections which are

2058 frivolous shall not be considered sufficient to prohibit the

2059 secretary from adopting rules under this section.

2060 (5) Whenever all or part of any rule proposed for adoption

2061 by the department is substantively identical to a regulation

2062 adopted in the Federal Register by the United States

2063 Environmental Protection Agency pursuant to federal law, such

2064 rule shall be written in a manner so that the rule specifically

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2065 references such regulation whenever possible.

2066 **Section 32. Subsection (1) of section 403.814, Florida**
2067 **Statutes, is amended to read:**

2068 403.814 General permits; delegation.—

2069 (1) The secretary is authorized to adopt rules
2070 establishing and providing for a program of general permits
2071 under this chapter and chapter 253 ~~and this chapter~~ for
2072 projects, or categories of projects, which have, either singly
2073 or cumulatively, a minimal adverse environmental effect. Such
2074 rules must ~~shall~~ specify design or performance criteria that
2075 ~~which~~, if applied, would result in compliance with appropriate
2076 standards ~~adopted by the commission~~. Except as provided for in
2077 subsection (3), any person complying with the requirements of a
2078 general permit may use the permit 30 days after giving notice to
2079 the department without any agency action by the department.

2080 **Section 33. Paragraph (a) of subsection (1) of section**
2081 **376.302, Florida Statutes, is amended to read:**

2082 376.302 Prohibited acts; penalties.—

2083 (1) It shall be a violation of this chapter and it shall
2084 be prohibited for any reason:

2085 (a) To discharge pollutants or hazardous substances into
2086 or upon the surface or ground waters of the state or lands,
2087 which discharge violates any departmental "standard" as defined
2088 in s. 403.803 ~~s. 403.803(13)~~.

2089 **Section 34. Paragraph (b) of subsection (1) of section**

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2090 **380.5105, Florida Statutes, is amended to read:**

2091 380.5105 The Stan Mayfield Working Waterfronts; Florida
2092 Forever program.—

2093 (1) Notwithstanding any other provision of this chapter,
2094 it is the intent of the Legislature that the trust shall
2095 administer the working waterfronts land acquisition program as
2096 set forth in this section.

2097 (b) For projects that will require more than the grant
2098 amount awarded for completion, the applicant must identify in
2099 their project application funding sources that will provide the
2100 difference between the grant award and the estimated project
2101 completion cost. Such rules may be incorporated into those
2102 developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

2103 **Section 35.** For the purpose of incorporating the amendment
2104 made by this act to section 381.0065, Florida Statutes, in a
2105 reference thereto, paragraph (k) of subsection (2) of section
2106 381.0066, Florida Statutes, is reenacted to read:

2107 381.0066 Onsite sewage treatment and disposal systems;
2108 fees.—

2109 (2) The minimum fees in the following fee schedule apply
2110 until changed by rule by the department within the following
2111 limits:

2112 (k) Research: An additional \$5 fee shall be added to each
2113 new system construction permit issued to be used to fund onsite
2114 sewage treatment and disposal system research, demonstration,

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2115 and training projects. Five dollars from any repair permit fee
2116 collected under this section shall be used for funding the
2117 hands-on training centers described in s. 381.0065(3)(j).

2119 The funds collected pursuant to this subsection for the
2120 implementation of onsite sewage treatment and disposal system
2121 regulation and for the purposes of ss. 381.00655 and 381.0067,
2122 subsequent to any phased transfer of implementation from the
2123 Department of Health to the department within any county
2124 pursuant to s. 381.0065, must be deposited in the Florida Permit
2125 Fee Trust Fund under s. 403.0871, to be administered by the
2126 department.

2127 **Section 36.** For the purpose of incorporating the amendment
2128 made by this act to section 403.067, Florida Statutes, in a
2129 reference thereto, section 373.4595, Florida Statutes, is
2130 reenacted to read:

2131 373.4595 Northern Everglades and Estuaries Protection
2132 Program.—

2133 (1) FINDINGS AND INTENT.—

2134 (a) The Legislature finds that the Lake Okeechobee
2135 watershed, the Caloosahatchee River watershed, and the St. Lucie
2136 River watershed are critical water resources of the state,
2137 providing many economic, natural habitat, and biodiversity
2138 functions benefiting the public interest, including
2139 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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2265 Agriculture and Consumer Services, the Department of
2266 Environmental Protection, and the South Florida Water Management
2267 District.

2268 (e) "Corps of Engineers" means the United States Army
2269 Corps of Engineers.

2270 (f) "Department" means the Department of Environmental
2271 Protection.

2272 (g) "District" means the South Florida Water Management
2273 District.

2274 (h) "Lake Okeechobee Watershed Construction Project" means
2275 the construction project developed pursuant to this section.

2276 (i) "Lake Okeechobee Watershed Protection Plan" means the
2277 Lake Okeechobee Watershed Construction Project and the Lake
2278 Okeechobee Watershed Research and Water Quality Monitoring
2279 Program.

2280 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
2281 tributaries, and the area within which surface water flow is
2282 directed or drains, naturally or by constructed works, to the
2283 lake or its tributaries.

2284 (k) "Northern Everglades" means the Lake Okeechobee
2285 watershed, the Caloosahatchee River watershed, and the St. Lucie
2286 River watershed.

2287 (l) "Project component" means any structural or
2288 operational change, resulting from the Restudy, to the Central
2289 and Southern Florida Project as it existed and was operated as

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2290 of January 1, 1999.

2291 (m) "Restudy" means the Comprehensive Review Study of the
2292 Central and Southern Florida Project, for which federal
2293 participation was authorized by the Federal Water Resources
2294 Development Acts of 1992 and 1996 together with related
2295 congressional resolutions and for which participation by the
2296 South Florida Water Management District is authorized by s.
2297 373.1501. The term includes all actions undertaken pursuant to
2298 the aforementioned authorizations which will result in
2299 recommendations for modifications or additions to the Central
2300 and Southern Florida Project.

2301 (n) "River Watershed Protection Plans" means the
2302 Caloosahatchee River Watershed Protection Plan and the St. Lucie
2303 River Watershed Protection Plan developed pursuant to this
2304 section.

2305 (o) "Soil amendment" means any substance or mixture of
2306 substances sold or offered for sale for soil enriching or
2307 corrective purposes, intended or claimed to be effective in
2308 promoting or stimulating plant growth, increasing soil or plant
2309 productivity, improving the quality of crops, or producing any
2310 chemical or physical change in the soil, except amendments,
2311 conditioners, additives, and related products that are derived
2312 solely from inorganic sources and that contain no recognized
2313 plant nutrients.

2314 (p) "St. Lucie River watershed" means the St. Lucie River,

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2315 its tributaries, its estuary, and the area within Martin,
2316 Okeechobee, and St. Lucie Counties from which surface water flow
2317 is directed or drains, naturally or by constructed works, to the
2318 river, its tributaries, or its estuary.

2319 (q) "Total maximum daily load" means the sum of the
2320 individual wasteload allocations for point sources and the load
2321 allocations for nonpoint sources and natural background adopted
2322 pursuant to s. 403.067. Before determining individual wasteload
2323 allocations and load allocations, the maximum amount of a
2324 pollutant that a water body or water segment can assimilate from
2325 all sources without exceeding water quality standards must first
2326 be calculated.

2327 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
2328 Okeechobee Watershed Protection Program shall consist of the
2329 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
2330 Basin Management Action Plan adopted pursuant to s. 403.067, the
2331 Lake Okeechobee Exotic Species Control Program, and the Lake
2332 Okeechobee Internal Phosphorus Management Program. The Lake
2333 Okeechobee Basin Management Action Plan adopted pursuant to s.
2334 403.067 shall be the component of the Lake Okeechobee Watershed
2335 Protection Program that achieves phosphorus load reductions for
2336 Lake Okeechobee. The Lake Okeechobee Watershed Protection
2337 Program shall address the reduction of phosphorus loading to the
2338 lake from both internal and external sources. Phosphorus load
2339 reductions shall be achieved through a phased program of

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2340 implementation. In the development and administration of the
2341 Lake Okeechobee Watershed Protection Program, the coordinating
2342 agencies shall maximize opportunities provided by federal cost-
2343 sharing programs and opportunities for partnerships with the
2344 private sector.

2345 (a) *Lake Okeechobee Watershed Protection Plan.*—To protect
2346 and restore surface water resources, the district, in
2347 cooperation with the other coordinating agencies, shall complete
2348 a Lake Okeechobee Watershed Protection Plan in accordance with
2349 this section and ss. 373.451-373.459. Beginning March 1, 2020,
2350 and every 5 years thereafter, the district shall update the Lake
2351 Okeechobee Watershed Protection Plan to ensure that it is
2352 consistent with the Lake Okeechobee Basin Management Action Plan
2353 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
2354 Protection Plan shall identify the geographic extent of the
2355 watershed, be coordinated with the plans developed pursuant to
2356 paragraphs (4)(a) and (c), and include the Lake Okeechobee
2357 Watershed Construction Project and the Lake Okeechobee Watershed
2358 Research and Water Quality Monitoring Program. The plan shall
2359 consider and build upon a review and analysis of the performance
2360 of projects constructed during Phase I and Phase II of the Lake
2361 Okeechobee Watershed Construction Project, pursuant to
2362 subparagraph 1.; relevant information resulting from the Lake
2363 Okeechobee Basin Management Action Plan, pursuant to paragraph
2364 (b); relevant information resulting from the Lake Okeechobee

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2365 Watershed Research and Water Quality Monitoring Program,
2366 pursuant to subparagraph 2.; relevant information resulting from
2367 the Lake Okeechobee Exotic Species Control Program, pursuant to
2368 paragraph (c); and relevant information resulting from the Lake
2369 Okeechobee Internal Phosphorus Management Program, pursuant to
2370 paragraph (d).

2371 1. Lake Okeechobee Watershed Construction Project.—To
2372 improve the hydrology and water quality of Lake Okeechobee and
2373 downstream receiving waters, including the Caloosahatchee and
2374 St. Lucie Rivers and their estuaries, the district, in
2375 cooperation with the other coordinating agencies, shall design
2376 and construct the Lake Okeechobee Watershed Construction
2377 Project. The project shall include:

2378 a. Phase I.—Phase I of the Lake Okeechobee Watershed
2379 Construction Project shall consist of a series of project
2380 features consistent with the recommendations of the South
2381 Florida Ecosystem Restoration Working Group's Lake Okeechobee
2382 Action Plan. Priority basins for such projects include S-191, S-
2383 154, and Pools D and E in the Lower Kissimmee River. To obtain
2384 phosphorus load reductions to Lake Okeechobee as soon as
2385 possible, the following actions shall be implemented:

2386 (I) The district shall serve as a full partner with the
2387 Corps of Engineers in the design and construction of the Grassy
2388 Island Ranch and New Palm Dairy stormwater treatment facilities
2389 as components of the Lake Okeechobee Water Retention/Phosphorus

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2390 Removal Critical Project. The Corps of Engineers shall have the
2391 lead in design and construction of these facilities. Should
2392 delays be encountered in the implementation of either of these
2393 facilities, the district shall notify the department and
2394 recommend corrective actions.

2395 (II) The district shall obtain permits and complete
2396 construction of two of the isolated wetland restoration projects
2397 that are part of the Lake Okeechobee Water Retention/Phosphorus
2398 Removal Critical Project. The additional isolated wetland
2399 projects included in this critical project shall further reduce
2400 phosphorus loading to Lake Okeechobee.

2401 (III) The district shall work with the Corps of Engineers
2402 to expedite initiation of the design process for the Taylor
2403 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
2404 Area, a project component of the Comprehensive Everglades
2405 Restoration Plan. The district shall propose to the Corps of
2406 Engineers that the district take the lead in the design and
2407 construction of the Reservoir Assisted Stormwater Treatment Area
2408 and receive credit towards the local share of the total cost of
2409 the Comprehensive Everglades Restoration Plan.

2410 b. Phase II technical plan and construction.—The district,
2411 in cooperation with the other coordinating agencies, shall
2412 develop a detailed technical plan for Phase II of the Lake
2413 Okeechobee Watershed Construction Project which provides the
2414 basis for the Lake Okeechobee Basin Management Action Plan

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2415 adopted by the department pursuant to s. 403.067. The detailed
2416 technical plan shall include measures for the improvement of the
2417 quality, quantity, timing, and distribution of water in the
2418 northern Everglades ecosystem, including the Lake Okeechobee
2419 watershed and the estuaries, and for facilitating the
2420 achievement of water quality standards. Use of cost-effective
2421 biologically based, hybrid wetland/chemical and other innovative
2422 nutrient control technologies shall be incorporated in the plan
2423 where appropriate. The detailed technical plan shall also
2424 include a Process Development and Engineering component to
2425 finalize the detail and design of Phase II projects and identify
2426 additional measures needed to increase the certainty that the
2427 overall objectives for improving water quality and quantity can
2428 be met. Based on information and recommendations from the
2429 Process Development and Engineering component, the Phase II
2430 detailed technical plan shall be periodically updated. Phase II
2431 shall include construction of additional facilities in the
2432 priority basins identified in sub subparagraph a., as well as
2433 facilities for other basins in the Lake Okeechobee watershed.
2434 The technical plan shall:

2435 (I) Identify Lake Okeechobee Watershed Construction
2436 Project facilities designed to contribute to achieving all
2437 applicable total maximum daily loads established pursuant to s.
2438 403.067 within the Lake Okeechobee watershed.

2439 (II) Identify the size and location of all such Lake

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2440 Okeechobee Watershed Construction Project facilities.

2441 (III) Provide a construction schedule for all such Lake
2442 Okeechobee Watershed Construction Project facilities, including
2443 the sequencing and specific timeframe for construction of each
2444 Lake Okeechobee Watershed Construction Project facility.

2445 (IV) Provide a schedule for the acquisition of lands or
2446 sufficient interests necessary to achieve the construction
2447 schedule.

2448 (V) Provide a detailed schedule of costs associated with
2449 the construction schedule.

2450 (VI) Identify, to the maximum extent practicable, impacts
2451 on wetlands and state-listed species expected to be associated
2452 with construction of such facilities, including potential
2453 alternatives to minimize and mitigate such impacts, as
2454 appropriate.

2455 (VII) Provide for additional measures, including voluntary
2456 water storage and quality improvements on private land, to
2457 increase water storage and reduce excess water levels in Lake
2458 Okeechobee and to reduce excess discharges to the estuaries.

2459 (VIII) Develop the appropriate water quantity storage goal
2460 to achieve the desired Lake Okeechobee range of lake levels and
2461 inflow volumes to the Caloosahatchee and St. Lucie estuaries
2462 while meeting the other water-related needs of the region,
2463 including water supply and flood protection.

2464 (IX) Provide for additional source controls needed to

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2465 enhance performance of the Lake Okeechobee Watershed
2466 Construction Project facilities. Such additional source controls
2467 shall be incorporated into the Lake Okeechobee Basin Management
2468 Action Plan pursuant to paragraph (b).

2469 c. Evaluation.—Within 5 years after the adoption of the
2470 Lake Okeechobee Basin Management Action Plan pursuant to s.
2471 403.067 and every 5 years thereafter, the department, in
2472 cooperation with the other coordinating agencies, shall conduct
2473 an evaluation of the Lake Okeechobee Watershed Construction
2474 Project and identify any further load reductions necessary to
2475 achieve compliance with the Lake Okeechobee total maximum daily
2476 loads established pursuant to s. 403.067. The district shall
2477 identify modifications to facilities of the Lake Okeechobee
2478 Watershed Construction Project as appropriate to meet the total
2479 maximum daily loads. Modifications to the Lake Okeechobee
2480 Watershed Construction Project resulting from this evaluation
2481 shall be incorporated into the Lake Okeechobee Basin Management
2482 Action Plan and included in the applicable annual progress
2483 report submitted pursuant to subsection (6).

2484 d. Coordination and review.—To ensure the timely
2485 implementation of the Lake Okeechobee Watershed Construction
2486 Project, the design of project facilities shall be coordinated
2487 with the department and other interested parties, including
2488 affected local governments, to the maximum extent practicable.
2489 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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2565 pollutant load reductions is being achieved over time. An
2566 assessment of progress toward these milestones shall be
2567 conducted every 5 years and shall be provided to the Governor,
2568 the President of the Senate, and the Speaker of the House of
2569 Representatives. Revisions to the plan shall be made, as
2570 appropriate, as a result of each 5-year review. Revisions to the
2571 basin management action plan shall be made by the department in
2572 cooperation with the basin stakeholders. Revisions to best
2573 management practices or other measures must follow the
2574 procedures set forth in s. 403.067(7)(c)4. Revised basin
2575 management action plans must be adopted pursuant to s.
2576 403.067(7)(a)5. The department shall develop an implementation
2577 schedule establishing 5-year, 10-year, and 15-year measurable
2578 milestones and targets to achieve the total maximum daily load
2579 no more than 20 years after adoption of the plan. The initial
2580 implementation schedule shall be used to provide guidance for
2581 planning and funding purposes and is exempt from chapter 120.
2582 Upon the first 5-year review, the implementation schedule shall
2583 be adopted as part of the plan. If achieving the total maximum
2584 daily load within 20 years is not practicable, the
2585 implementation schedule must contain an explanation of the
2586 constraints that prevent achievement of the total maximum daily
2587 load within 20 years, an estimate of the time needed to achieve
2588 the total maximum daily load, and additional 5-year measurable
2589 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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2640 Institute of Food and Agriculture Sciences to review and, where
2641 appropriate, develop revised nutrient application rates for all
2642 agricultural soil amendments in the watershed.

2643 3. As provided in s. 403.067, where agricultural nonpoint
2644 source best management practices or interim measures have been
2645 adopted by rule of the Department of Agriculture and Consumer
2646 Services, the owner or operator of an agricultural nonpoint
2647 source addressed by such rule shall either implement interim
2648 measures or best management practices or demonstrate compliance
2649 with state water quality standards addressed by the Lake
2650 Okeechobee Basin Management Action Plan adopted pursuant to s.
2651 403.067 by conducting monitoring prescribed by the department or
2652 the district. Owners or operators of agricultural nonpoint
2653 sources who implement interim measures or best management
2654 practices adopted by rule of the Department of Agriculture and
2655 Consumer Services shall be subject to s. 403.067.

2656 4. The district or department shall conduct monitoring at
2657 representative sites to verify the effectiveness of agricultural
2658 nonpoint source best management practices.

2659 5. Where water quality problems are detected for
2660 agricultural nonpoint sources despite the appropriate
2661 implementation of adopted best management practices, a
2662 reevaluation of the best management practices shall be conducted
2663 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
2664 that the best management practices or other measures require

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2665 modification, the rule shall be revised to require
2666 implementation of the modified practice within a reasonable
2667 period as specified in the rule.

2668 6. As provided in s. 403.067, nonagricultural nonpoint
2669 source best management practices, developed in accordance with
2670 s. 403.067 and designed to achieve the objectives of the Lake
2671 Okeechobee Watershed Protection Program as part of a phased
2672 approach of management strategies within the Lake Okeechobee
2673 Basin Management Action Plan, shall be implemented on an
2674 expedited basis.

2675 7. The department and the district are directed to work
2676 with the University of Florida Institute of Food and
2677 Agricultural Sciences to develop appropriate nutrient
2678 application rates for all nonagricultural soil amendments in the
2679 watershed. As provided in s. 403.067, the department, in
2680 consultation with the district and affected parties, shall
2681 develop nonagricultural nonpoint source interim measures, best
2682 management practices, or other measures necessary for Lake
2683 Okeechobee watershed total maximum daily load reduction.
2684 Development of nonagricultural nonpoint source best management
2685 practices shall initially focus on those priority basins listed
2686 in sub-subparagraph (a)1.a. The department, the district, and
2687 affected parties shall conduct an ongoing program for
2688 improvement of existing and development of new interim measures
2689 and best management practices. The department or the district

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2690 shall adopt such practices by rule.

2691 8. Where nonagricultural nonpoint source best management
2692 practices or interim measures have been developed by the
2693 department and adopted by the district, the owner or operator of
2694 a nonagricultural nonpoint source shall implement interim
2695 measures or best management practices and be subject to s.
2696 403.067.

2697 9. As provided in s. 403.067, the district or the
2698 department shall conduct monitoring at representative sites to
2699 verify the effectiveness of nonagricultural nonpoint source best
2700 management practices.

2701 10. Where water quality problems are detected for
2702 nonagricultural nonpoint sources despite the appropriate
2703 implementation of adopted best management practices, a
2704 reevaluation of the best management practices shall be conducted
2705 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
2706 that the best management practices or other measures require
2707 modification, the rule shall be revised to require
2708 implementation of the modified practice within a reasonable time
2709 period as specified in the rule.

2710 11. Subparagraphs 2. and 7. do not preclude the department
2711 or the district from requiring compliance with water quality
2712 standards or with current best management practices requirements
2713 set forth in any applicable regulatory program authorized by law
2714 for the purpose of protecting water quality. Subparagraphs 2.

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2715 and 7. are applicable only to the extent that they do not
2716 conflict with any rules adopted by the department that are
2717 necessary to maintain a federally delegated or approved program.

2718 12. The program of agricultural best management practices
2719 set forth in the Everglades Program of the district meets the
2720 requirements of this paragraph and s. 403.067(7) for the Lake
2721 Okeechobee watershed. An entity in compliance with the best
2722 management practices set forth in the Everglades Program of the
2723 district may elect to use that permit in lieu of the
2724 requirements of this paragraph. The provisions of subparagraph
2725 5. apply to this subparagraph. This subparagraph does not alter
2726 any requirement of s. 373.4592.

2727 13. The Department of Agriculture and Consumer Services,
2728 in cooperation with the department and the district, shall
2729 provide technical and financial assistance for implementation of
2730 agricultural best management practices, subject to the
2731 availability of funds. The department and district shall provide
2732 technical and financial assistance for implementation of
2733 nonagricultural nonpoint source best management practices,
2734 subject to the availability of funds.

2735 14. Projects that reduce the phosphorus load originating
2736 from domestic wastewater systems within the Lake Okeechobee
2737 watershed shall be given funding priority in the department's
2738 revolving loan program under s. 403.1835. The department shall
2739 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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2765 agricultural use plan that limits applications based upon
2766 phosphorus loading consistent with the Lake Okeechobee Basin
2767 Management Action Plan adopted pursuant to s. 403.067. The
2768 department may not authorize the disposal of domestic wastewater
2769 biosolids within the Lake Okeechobee watershed unless the
2770 applicant can affirmatively demonstrate that the phosphorus in
2771 the biosolids will not add to phosphorus loadings in Lake
2772 Okeechobee or its tributaries. This demonstration shall be based
2773 on achieving a net balance between phosphorus imports relative
2774 to exports on the permitted application site. Exports shall
2775 include only phosphorus removed from the Lake Okeechobee
2776 watershed through products generated on the permitted
2777 application site. This prohibition does not apply to Class AA
2778 biosolids that are marketed and distributed as fertilizer
2779 products in accordance with department rule.

2780 17. Private and government-owned utilities within Monroe,
2781 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
2782 River, Okeechobee, Highlands, Hendry, and Glades Counties that
2783 dispose of wastewater biosolids sludge from utility operations
2784 and septic removal by land spreading in the Lake Okeechobee
2785 watershed may use a line item on local sewer rates to cover
2786 wastewater biosolids treatment and disposal if such disposal and
2787 treatment is done by approved alternative treatment methodology
2788 at a facility located within the areas designated by the
2789 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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2815 Florida Public Service Commission or the county commission
2816 through the services of an independent auditor shall perform a
2817 financial audit of all facilities receiving compensation from an
2818 environmental protection disposal fee. The Florida Public
2819 Service Commission or the county commission through the services
2820 of an independent auditor shall also perform an audit of the
2821 methodology used in establishing the environmental protection
2822 disposal fee. The Florida Public Service Commission or the
2823 county commission shall, within 120 days after completion of an
2824 audit, file the audit report with the President of the Senate
2825 and the Speaker of the House of Representatives and shall
2826 provide copies to the county commissions of the counties set
2827 forth in subparagraph 17. The books and records of any
2828 facilities receiving compensation from an environmental
2829 protection disposal fee shall be open to the Florida Public
2830 Service Commission and the Auditor General for review upon
2831 request.

2832 19. The Department of Health shall require all entities
2833 disposing of septage within the Lake Okeechobee watershed to
2834 develop and submit to that agency an agricultural use plan that
2835 limits applications based upon phosphorus loading consistent
2836 with the Lake Okeechobee Basin Management Action Plan adopted
2837 pursuant to s. 403.067.

2838 20. The Department of Agriculture and Consumer Services
2839 shall initiate rulemaking requiring entities within the Lake

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2840 Okeechobee watershed which land-apply animal manure to develop
2841 resource management system level conservation plans, according
2842 to United States Department of Agriculture criteria, which limit
2843 such application. Such rules must include criteria and
2844 thresholds for the requirement to develop a conservation or
2845 nutrient management plan, requirements for plan approval, site
2846 inspection requirements, and recordkeeping requirements.

2847 21. The district shall revise chapter 40E-61, Florida
2848 Administrative Code, to be consistent with this section and s.
2849 403.067; provide for a monitoring program for nonpoint source
2850 dischargers required to monitor water quality by s. 403.067; and
2851 provide for the results of such monitoring to be reported to the
2852 coordinating agencies.

2853 (c) *Lake Okeechobee Exotic Species Control Program.*—The
2854 coordinating agencies shall identify the exotic species that
2855 threaten the native flora and fauna within the Lake Okeechobee
2856 watershed and develop and implement measures to protect the
2857 native flora and fauna.

2858 (d) *Lake Okeechobee Internal Phosphorus Management
2859 Program.*—The district, in cooperation with the other
2860 coordinating agencies and interested parties, shall evaluate the
2861 feasibility of Lake Okeechobee internal phosphorus load removal
2862 projects. The evaluation shall be based on technical
2863 feasibility, as well as economic considerations, and shall
2864 consider all reasonable methods of phosphorus removal. If

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2865 projects are found to be feasible, the district shall
2866 immediately pursue the design, funding, and permitting for
2867 implementing such projects.

2868 (e) *Lake Okeechobee Watershed Protection Program*
2869 *implementation.*—The coordinating agencies shall be jointly
2870 responsible for implementing the Lake Okeechobee Watershed
2871 Protection Program, consistent with the statutory authority and
2872 responsibility of each agency. Annual funding priorities shall
2873 be jointly established, and the highest priority shall be
2874 assigned to programs and projects that address sources that have
2875 the highest relative contribution to loading and the greatest
2876 potential for reductions needed to meet the total maximum daily
2877 loads. In determining funding priorities, the coordinating
2878 agencies shall also consider the need for regulatory compliance,
2879 the extent to which the program or project is ready to proceed,
2880 and the availability of federal matching funds or other nonstate
2881 funding, including public-private partnerships. Federal and
2882 other nonstate funding shall be maximized to the greatest extent
2883 practicable.

2884 (f) *Priorities and implementation schedules.*—The
2885 coordinating agencies are authorized and directed to establish
2886 priorities and implementation schedules for the achievement of
2887 total maximum daily loads, compliance with the requirements of
2888 s. 403.067, and compliance with applicable water quality
2889 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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2940 e. Provide a schedule for the acquisition of lands or
2941 sufficient interests necessary to achieve the construction
2942 schedule.

2943 f. Provide a schedule of costs and benefits associated
2944 with each construction project and identify funding sources.

2945 g. To ensure timely implementation, coordinate the design,
2946 scheduling, and sequencing of project facilities with the
2947 coordinating agencies, Lee County, other affected counties and
2948 municipalities, and other affected parties.

2949 2. Caloosahatchee River Watershed Research and Water
2950 Quality Monitoring Program.—The district, in cooperation with
2951 the other coordinating agencies and local governments, shall
2952 implement a Caloosahatchee River Watershed Research and Water
2953 Quality Monitoring Program that builds upon the district's
2954 existing research program and that is sufficient to carry out,
2955 comply with, or assess the plans, programs, and other
2956 responsibilities created by this subsection. The program shall
2957 also conduct an assessment of the water volumes and timing from
2958 Lake Okeechobee and the Caloosahatchee River watershed and their
2959 relative contributions to the timing and volume of water
2960 delivered to the estuary.

2961 (b) *Caloosahatchee River Watershed Basin Management Action*
2962 *Plans.*—The basin management action plans adopted pursuant to s.
2963 403.067 for the Caloosahatchee River watershed shall be the
2964 Caloosahatchee River Watershed Pollutant Control Program. The

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2965 plans shall be designed to be a multifaceted approach to
2966 reducing pollutant loads by improving the management of
2967 pollutant sources within the Caloosahatchee River watershed
2968 through implementation of regulations and best management
2969 practices, development and implementation of improved best
2970 management practices, improvement and restoration of the
2971 hydrologic function of natural and managed systems, and
2972 utilization of alternative technologies for pollutant reduction,
2973 such as cost-effective biologically based, hybrid
2974 wetland/chemical and other innovative nutrient control
2975 technologies. As provided in s. 403.067(7)(a)6., the
2976 Caloosahatchee River Watershed Basin Management Action Plans
2977 must include milestones for implementation and water quality
2978 improvement, and an associated water quality monitoring
2979 component sufficient to evaluate whether reasonable progress in
2980 pollutant load reductions is being achieved over time. An
2981 assessment of progress toward these milestones shall be
2982 conducted every 5 years and shall be provided to the Governor,
2983 the President of the Senate, and the Speaker of the House of
2984 Representatives. Revisions to the plans shall be made, as
2985 appropriate, as a result of each 5-year review. Revisions to the
2986 basin management action plans shall be made by the department in
2987 cooperation with the basin stakeholders. Revisions to best
2988 management practices or other measures must follow the
2989 procedures set forth in s. 403.067(7)(c)4. Revised basin

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2990 management action plans must be adopted pursuant to s.
2991 403.067(7)(a)5. The department shall develop an implementation
2992 schedule establishing 5-year, 10-year, and 15-year measurable
2993 milestones and targets to achieve the total maximum daily load
2994 no more than 20 years after adoption of the plan. The initial
2995 implementation schedule shall be used to provide guidance for
2996 planning and funding purposes and is exempt from chapter 120.
2997 Upon the first 5-year review, the implementation schedule shall
2998 be adopted as part of the plans. If achieving the total maximum
2999 daily load within 20 years is not practicable, the
3000 implementation schedule must contain an explanation of the
3001 constraints that prevent achievement of the total maximum daily
3002 load within 20 years, an estimate of the time needed to achieve
3003 the total maximum daily load, and additional 5-year measurable
3004 milestones, as necessary. The coordinating agencies shall
3005 facilitate the use of federal programs that offer opportunities
3006 for water quality treatment, including preservation,
3007 restoration, or creation of wetlands on agricultural lands.

3008 1. Nonpoint source best management practices consistent
3009 with s. 403.067, designed to achieve the objectives of the
3010 Caloosahatchee River Watershed Protection Program, shall be
3011 implemented on an expedited basis. The coordinating agencies may
3012 develop an intergovernmental agreement with local governments to
3013 implement the nonagricultural, nonpoint source best management
3014 practices within their respective geographic boundaries.

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3015 2. This subsection does not preclude the department or the
3016 district from requiring compliance with water quality standards,
3017 adopted total maximum daily loads, or current best management
3018 practices requirements set forth in any applicable regulatory
3019 program authorized by law for the purpose of protecting water
3020 quality. This subsection applies only to the extent that it does
3021 not conflict with any rules adopted by the department or
3022 district which are necessary to maintain a federally delegated
3023 or approved program.

3024 3. Projects that make use of private lands, or lands held
3025 in trust for Indian tribes, to reduce pollutant loadings or
3026 concentrations within a basin, or that reduce the volume of
3027 harmful discharges by one or more of the following methods:
3028 restoring the natural hydrology of the basin, restoring wildlife
3029 habitat or impacted wetlands, reducing peak flows after storm
3030 events, or increasing aquifer recharge, are eligible for grants
3031 available under this section from the coordinating agencies.

3032 4. The Caloosahatchee River Watershed Basin Management
3033 Action Plans shall require assessment of current water
3034 management practices within the watershed and shall require
3035 development of recommendations for structural, nonstructural,
3036 and operational improvements. Such recommendations shall
3037 consider and balance water supply, flood control, estuarine
3038 salinity, aquatic habitat, and water quality considerations.

3039 5. The department may not authorize the disposal of

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3040 domestic wastewater biosolids within the Caloosahatchee River
3041 watershed unless the applicant can affirmatively demonstrate
3042 that the nutrients in the biosolids will not add to nutrient
3043 loadings in the watershed. This demonstration shall be based on
3044 achieving a net balance between nutrient imports relative to
3045 exports on the permitted application site. Exports shall include
3046 only nutrients removed from the watershed through products
3047 generated on the permitted application site. This prohibition
3048 does not apply to Class AA biosolids that are marketed and
3049 distributed as fertilizer products in accordance with department
3050 rule.

3051 6. The Department of Health shall require all entities
3052 disposing of septage within the Caloosahatchee River watershed
3053 to develop and submit to that agency an agricultural use plan
3054 that limits applications based upon nutrient loading consistent
3055 with any basin management action plan adopted pursuant to s.
3056 403.067.

3057 7. The Department of Agriculture and Consumer Services
3058 shall require entities within the Caloosahatchee River watershed
3059 which land-apply animal manure to develop a resource management
3060 system level conservation plan, according to United States
3061 Department of Agriculture criteria, which limit such
3062 application. Such rules shall include criteria and thresholds
3063 for the requirement to develop a conservation or nutrient
3064 management plan, requirements for plan approval, site inspection

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3065 requirements, and recordkeeping requirements.

3066 8. The district shall initiate rulemaking to provide for a
3067 monitoring program for nonpoint source dischargers required to
3068 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
3069 The results of such monitoring must be reported to the
3070 coordinating agencies.

3071 (c) *St. Lucie River Watershed Protection Plan.*—The
3072 district, in cooperation with the other coordinating agencies,
3073 Martin County, and affected counties and municipalities shall
3074 complete a plan in accordance with this subsection. The St.
3075 Lucie River Watershed Protection Plan shall identify the
3076 geographic extent of the watershed, be coordinated as needed
3077 with the plans developed pursuant to paragraph (3)(a) and
3078 paragraph (a) of this subsection, and include the St. Lucie
3079 River Watershed Construction Project and St. Lucie River
3080 Watershed Research and Water Quality Monitoring Program.

3081 1. *St. Lucie River Watershed Construction Project.*—To
3082 improve the hydrology, water quality, and aquatic habitats
3083 within the watershed, the district shall, no later than January
3084 1, 2012, plan, design, and construct the initial phase of the
3085 Watershed Construction Project. In doing so, the district shall:

3086 a. Develop and designate the facilities to be constructed
3087 to achieve stated goals and objectives of the St. Lucie River
3088 Watershed Protection Plan.

3089 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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3140 measures must follow the procedures set forth in s.
3141 403.067(7)(c)4. Revised basin management action plans must be
3142 adopted pursuant to s. 403.067(7)(a)5. The department shall
3143 develop an implementation schedule establishing 5-year, 10-year,
3144 and 15-year measurable milestones and targets to achieve the
3145 total maximum daily load no more than 20 years after adoption of
3146 the plan. The initial implementation schedule shall be used to
3147 provide guidance for planning and funding purposes and is exempt
3148 from chapter 120. Upon the first 5-year review, the
3149 implementation schedule shall be adopted as part of the plan. If
3150 achieving the total maximum daily load within 20 years is not
3151 practicable, the implementation schedule must contain an
3152 explanation of the constraints that prevent achievement of the
3153 total maximum daily load within 20 years, an estimate of the
3154 time needed to achieve the total maximum daily load, and
3155 additional 5-year measurable milestones, as necessary. The
3156 coordinating agencies shall facilitate the use of federal
3157 programs that offer opportunities for water quality treatment,
3158 including preservation, restoration, or creation of wetlands on
3159 agricultural lands.

3160 1. Nonpoint source best management practices consistent
3161 with s. 403.067, designed to achieve the objectives of the St.
3162 Lucie River Watershed Protection Program, shall be implemented
3163 on an expedited basis. The coordinating agencies may develop an
3164 intergovernmental agreement with local governments to implement

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3165 the nonagricultural nonpoint source best management practices
3166 within their respective geographic boundaries.

3167 2. This subsection does not preclude the department or the
3168 district from requiring compliance with water quality standards,
3169 adopted total maximum daily loads, or current best management
3170 practices requirements set forth in any applicable regulatory
3171 program authorized by law for the purpose of protecting water
3172 quality. This subsection applies only to the extent that it does
3173 not conflict with any rules adopted by the department or
3174 district which are necessary to maintain a federally delegated
3175 or approved program.

3176 3. Projects that make use of private lands, or lands held
3177 in trust for Indian tribes, to reduce pollutant loadings or
3178 concentrations within a basin, or that reduce the volume of
3179 harmful discharges by one or more of the following methods:
3180 restoring the natural hydrology of the basin, restoring wildlife
3181 habitat or impacted wetlands, reducing peak flows after storm
3182 events, or increasing aquifer recharge, are eligible for grants
3183 available under this section from the coordinating agencies.

3184 4. The St. Lucie River Watershed Basin Management Action
3185 Plan shall require assessment of current water management
3186 practices within the watershed and shall require development of
3187 recommendations for structural, nonstructural, and operational
3188 improvements. Such recommendations shall consider and balance
3189 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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3240 any other specific objectives and goals, as stated in the River
3241 Watershed Protection Programs. The district shall identify
3242 modifications to facilities of the River Watershed Construction
3243 Projects, as appropriate, or any other elements of the River
3244 Watershed Protection Programs. The evaluation shall be included
3245 in the annual progress report submitted pursuant to this
3246 section.

3247 (g) *Priorities and implementation schedules.*—The
3248 coordinating agencies are authorized and directed to establish
3249 priorities and implementation schedules for the achievement of
3250 total maximum daily loads, the requirements of s. 403.067, and
3251 compliance with applicable water quality standards within the
3252 waters and watersheds subject to this section.

3253 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
3254 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
3255 department is directed to expedite development and adoption of
3256 total maximum daily loads for the Caloosahatchee River and
3257 estuary. The department is further directed to propose for final
3258 agency action total maximum daily loads for nutrients in the
3259 tidal portions of the Caloosahatchee River and estuary. The
3260 department shall initiate development of basin management action
3261 plans for Lake Okeechobee, the Caloosahatchee River watershed
3262 and estuary, and the St. Lucie River watershed and estuary as
3263 provided in s. 403.067 as follows:

3264 (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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3290 district issued permit or a permit modification issued in
3291 accordance with subsection (7).

3292 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in
3293 cooperation with the other coordinating agencies, shall report
3294 on implementation of this section as part of the consolidated
3295 annual report required in s. 373.036(7). The annual report shall
3296 include a summary of the conditions of the hydrology, water
3297 quality, and aquatic habitat in the northern Everglades based on
3298 the results of the Research and Water Quality Monitoring
3299 Programs, the status of the Lake Okeechobee Watershed
3300 Construction Project, the status of the Caloosahatchee River
3301 Watershed Construction Project, and the status of the St. Lucie
3302 River Watershed Construction Project. In addition, the report
3303 shall contain an annual accounting of the expenditure of funds
3304 from the Save Our Everglades Trust Fund. At a minimum, the
3305 annual report shall provide detail by program and plan,
3306 including specific information concerning the amount and use of
3307 funds from federal, state, or local government sources. In
3308 detailing the use of these funds, the district shall indicate
3309 those designated to meet requirements for matching funds. The
3310 district shall prepare the report in cooperation with the other
3311 coordinating agencies and affected local governments. The
3312 department shall report on the status of the Lake Okeechobee
3313 Basin Management Action Plan, the Caloosahatchee River Watershed
3314 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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3340 of intended agency action, on any permit from the department
3341 under this section.

3342 (c)1. Owners or operators of existing structures which
3343 discharge into or from Lake Okeechobee that were subject to
3344 Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707,
3345 and RT50-205564 and that are subject to s. 373.4592(4)(a) do not
3346 require a permit under this section and shall be governed by
3347 permits issued under ss. 373.413 and 373.416 and the Lake
3348 Okeechobee Basin Management Action Plan adopted pursuant to s.
3349 403.067.

3350 2. For the purposes of this paragraph, owners and
3351 operators of existing structures which are subject to s.
3352 373.4592(4)(a) and which discharge into or from Lake Okeechobee
3353 shall be deemed in compliance with this paragraph if they are in
3354 full compliance with the conditions of permits under chapter
3355 40E-63, Florida Administrative Code.

3356 3. By January 1, 2017, the district shall submit to the
3357 department a complete application for a permit modification to
3358 the Lake Okeechobee structure permits to incorporate proposed
3359 changes necessary to ensure that discharges through the
3360 structures covered by this permit are consistent with the basin
3361 management action plan adopted pursuant to s. 403.067.

3362 (d) The department shall require permits for district
3363 regional projects that are part of the Lake Okeechobee Watershed
3364 Construction Project. However, projects that qualify as exempt

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3365 pursuant to s. 373.406 do not require permits under this
3366 section. Such permits shall be issued for a term of 5 years upon
3367 the demonstration of reasonable assurances that:

3368 1. District regional projects that are part of the Lake
3369 Okeechobee Watershed Construction Project shall achieve the
3370 design objectives for phosphorus required in subparagraph
3371 (3) (a)1.;

3372 2. For water quality standards other than phosphorus, the
3373 quality of water discharged from the facility is of equal or
3374 better quality than the inflows;

3375 3. Discharges from the facility do not pose a serious
3376 danger to public health, safety, or welfare; and

3377 4. Any impacts on wetlands or state-listed species
3378 resulting from implementation of that facility of the Lake
3379 Okeechobee Construction Project are minimized and mitigated, as
3380 appropriate.

3381 (e) At least 60 days before the expiration of any permit
3382 issued under this section, the permittee may apply for a renewal
3383 thereof for a period of 5 years.

3384 (f) Permits issued under this section may include any
3385 standard conditions provided by department rule which are
3386 appropriate and consistent with this section.

3387 (g) Permits issued under this section may be modified, as
3388 appropriate, upon review and approval by the department.

3389 (8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida

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3390 Water Management District shall not divert waters to the St.
3391 Lucie River, the Indian River estuary, the Caloosahatchee River
3392 or its estuary, or the Everglades National Park, in such a way
3393 that the state water quality standards are violated, that the
3394 nutrients in such diverted waters adversely affect indigenous
3395 vegetation communities or wildlife, or that fresh waters
3396 diverted to the St. Lucie River or the Caloosahatchee or Indian
3397 River estuaries adversely affect the estuarine vegetation or
3398 wildlife, unless the receiving waters will biologically benefit
3399 by the diversion. However, diversion is permitted when an
3400 emergency is declared by the water management district, if the
3401 Secretary of Environmental Protection concurs.

3402 (9) PRESERVATION OF PROVISIONS RELATING TO THE
3403 EVERGLADES.—Nothing in this section shall be construed to modify
3404 any provision of s. 373.4592.

3405 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this
3406 section is intended to diminish or alter the governmental
3407 authority and powers of the Seminole Tribe of Florida, or
3408 diminish or alter the rights of that tribe, including, but not
3409 limited to, rights under the water rights compact among the
3410 Seminole Tribe of Florida, the state, and the South Florida
3411 Water Management District as enacted by Pub. L. No. 100-228, 101
3412 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in
3413 s. 285.165, and rights under any other agreement between the
3414 Seminole Tribe of Florida and the state or its agencies. No land

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3415 of the Seminole Tribe of Florida shall be used for water storage
3416 or stormwater treatment without the consent of the tribe.

3417 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—
3418 Nothing in this section shall be construed to modify any
3419 existing state water quality standard or to modify the
3420 provisions of s. 403.067(6) and (7)(a).

3421 (12) RULES.—The governing board of the district is
3422 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
3423 to implement the provisions of this section.

3424 (13) PRESERVATION OF AUTHORITY.—Nothing in this section
3425 shall be construed to restrict the authority otherwise granted
3426 to agencies pursuant to this chapter and chapter 403, and
3427 provisions of this section shall be deemed supplemental to the
3428 authority granted to agencies pursuant to this chapter and
3429 chapter 403.

3430 **Section 37.** For the purpose of incorporating the amendment
3431 made by this act to section 403.0872, Florida Statutes, in a
3432 reference thereto, section 403.0873, Florida Statutes, is
3433 reenacted to read:

3434 403.0873 Florida Air-Operation License Fee Account.—The
3435 "Florida Air-Operation License Fee Account" is established as a
3436 nonlapsing account within the Department of Environmental
3437 Protection's Air Pollution Control Trust Fund. All license fees
3438 paid pursuant to s. 403.0872(11) shall be deposited in such
3439 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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3465 credit enhancements, and buying or refinancing local debt. This
3466 financial assistance must be administered in accordance with
3467 this section and applicable federal authorities.

3468 (d) The department may make grants to financially
3469 disadvantaged small communities, as defined in s. 403.1838,
3470 using funds made available from grant allocations on loans
3471 authorized under subsection (4). The grants must be administered
3472 in accordance with s. 403.1838.

3473 **Section 39.** (1) The following rules are ratified for the
3474 sole and exclusive purpose of satisfying any condition on the
3475 effectiveness imposed under s. 120.541(3), Florida Statutes:
3476 Rules 62-42.200 and 62-42.300, Florida Administrative Code,
3477 titled "Definitions" and "The Lower Santa Fe and Ichetucknee
3478 Rivers and Priority Springs," respectively, as filed for
3479 adoption with the Department of State pursuant to the
3480 certification package dated December 31, 2025.

3481 (2) This section serves no other purpose and may not be
3482 codified in the Florida Statutes. After this act becomes a law,
3483 the enactment and effective dates of this section must be noted
3484 in the Florida Administrative Code, the Florida Administrative
3485 Register, or both, as appropriate. This section does not alter
3486 rulemaking authority delegated by prior law, does not constitute
3487 legislative preemption of or exception to any provision of law
3488 governing adoption or enforcement of the rule cited, and is
3489 intended to preserve the status of any cited rule as a rule

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3490 under chapter 120, Florida Statutes. This section does not cure
3491 any rulemaking defect or preempt any challenge based on a lack
3492 of authority or a violation of the legal requirements governing
3493 the adoption of any rule cited.

3494 **Section 40.** This act shall take effect July 1, 2026.

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3496 -----
3497 **T I T L E A M E N D M E N T**

3498 Remove everything before the enacting clause and insert:

3499 A bill to be entitled
3500 An act relating to the Department of Environmental
3501 Protection; amending s. 20.255, F.S.; deleting
3502 provisions creating the Environmental Regulation
3503 Commission; amending s. 259.035, F.S.; expanding the
3504 membership of the Acquisition and Restoration Council;
3505 providing requirements for membership; defining the
3506 term "metropolitan"; requiring the council to
3507 administer the Florida Communities Trust; requiring
3508 the council to coordinate with the department for
3509 rulemaking and grant cycle administration of the
3510 trust; conforming provisions to changes made by the
3511 act; amending s. 259.105, F.S.; conforming a provision
3512 to changes made by the act; amending s. 373.469, F.S.;
3513 requiring that residential properties of a specified
3514 size located in a certain area connect to a central

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1417 (2026)

Amendment No.

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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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1417 (2026)

Amendment No.

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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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1417 (2026)

Amendment No.

3565 submitted with an engineer-designed performance-based
3566 system inspection report; deleting a requirement for a
3567 property owner to obtain a certain permit from the
3568 department for certain onsite sewage treatment and
3569 disposal systems; revising the approval criteria for
3570 certain onsite sewage treatment and disposal systems;
3571 requiring an aerobic treatment unit maintenance entity
3572 to submit an inspection report to the department under
3573 certain circumstances; subjecting real estate
3574 transactions for the transfer of title to properties
3575 with a certain onsite sewage treatment and disposal
3576 system to certain requirements; deleting a requirement
3577 that the department contract with or delegate its
3578 powers and duties to a county only; amending s.
3579 403.067, F.S.; conforming a provision to changes made
3580 by the act; providing a timeframe within which a basin
3581 management action plan or plan amendment becomes
3582 effective; prohibiting certain activities within a
3583 basin management action plan, a reasonable assurance
3584 plan, or a pollution reduction plan; making a
3585 technical change; amending s. 403.0671, F.S.;
3586 conforming a provision to changes made by the act;
3587 amending s. 403.0872, F.S.; revising the date by which
3588 major permitted sources of air pollution operating in
3589 this state must pay an annual operation license fee;

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Bill No. HB 1417 (2026)

Amendment No.

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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Bill No. HB 1417 (2026)

Amendment No.

3615 381.0065, F.S., in a reference thereto; reenacting s.
3616 373.4595, F.S., relating to the Northern Everglades
3617 and Estuaries Protection Program, to incorporate the
3618 amendment made to s. 403.067, F.S., in a reference
3619 thereto; reenacting s. 403.0873, F.S., relating to the
3620 Florida Air-Operation License Fee Account, to
3621 incorporate the amendment made to s. 403.0872, F.S.,
3622 in a reference thereto; reenacting s. 403.1835(3)(d),
3623 F.S., relating to water pollution control financial
3624 assistance, to incorporate the amendment made to s.
3625 403.1838, F.S., in a reference thereto; ratifying
3626 specified rules relating to the Lower Santa Fe and
3627 Ichetucknee Rivers and Priority Springs minimum flows
3628 and recovery strategy for the sole and exclusive
3629 purpose of satisfying any condition on effectiveness
3630 pursuant to s. 120.541(3), F.S., which requires
3631 ratification of any rule exceeding the specified
3632 thresholds for likely adverse impact or increase in
3633 regulatory costs; providing construction; providing an
3634 effective date.

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