

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/CS/HB 1417](#)

TITLE: Department of Environmental Protection

SPONSOR(S): LaMarca and Boyles

COMPANION BILL: [CS/SB 1510](#) (Massullo)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Natural Resources & Disasters](#)

16 Y, 0 N, As CS



[Agriculture & Natural Resources](#)

[Budget](#)

12 Y, 2 N, As CS



[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill revises several provisions related to the Department of Environmental Protection. The bill, in part:

- Repeals the Environmental Regulation Commission.
- Revises provisions related to onsite sewage treatment and disposal systems.
- Revises provisions related to basin management action plans (BMAP), including providing a 60-day waiting period before an approved BMAP is effective.
- Requires DEP to develop best management practices for the construction of a solar facility.
- Grants DEP exclusive authority to execute coastal resiliency projects through public-private partnerships.
- Extends the due date for annual operating permits for major sources of air pollution.
- Ratifies rules relating to the Lower Santa Fe and Ichetucknee Rivers and Priority Springs Minimum Flows and Levels and recovery strategies.

Fiscal or Economic Impact:

The bill may have an insignificant negative fiscal impact on DEP, local governments, and water management districts. The bill will likely have a significant negative economic impact on the private sector.

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ANALYSIS

EFFECT OF THE BILL:

[The Environmental Regulation Commission](#)

The bill repeals the Environmental Regulation Commission (ERC) and removes reference to the ERC throughout statute. (Multiple Sections)

[Septic System and Wastewater Regulation](#)

[Indian River Lagoon Protection Program](#)

The bill revises requirements for onsite sewage treatment and disposal systems (septic systems) for properties located within the area covered by the Indian River Lagoon Protection Program. Specifically, the bill limits the requirement that any commercial or residential property with an existing septic system must connect to central sewer or upgrade the septic system so that it only applies to commercial or residential properties of 10 acres or less. (Section [3](#))

The bill also requires a permitting agency to notify a property owner that an existing septic system must be upgraded for all applications submitted before July 1, 2030, to repair, modify, or replace a conventional septic system on a commercial property or a residential property of 10 acres or less. (Section [3](#))

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Outstanding Florida Springs

The bill makes revisions for septic system remediation plans under a basin management action plan (BMAP) for Outstanding Florida Springs (OFS). For properties 10 acres or less that are located outside an established priority focus area of an OFS, but within the boundary of a specific springs BMAP, the bill authorizes such remediation plans to require existing convention septic systems to upgrade to a nutrient-reducing septic system where central sewage is not available. Such remediation plans may also require properties of any size located within the boundary of an established priority focus area of an OFS to upgrade existing conventional septic systems to a nutrient-reducing septic system where central sewage is not available. (Section [4](#))

Onsite Sewage Treatment and Disposal Systems

The bill revises provisions of law related to [septic systems](#) generally. The bill authorizes DEP to annually review and audit up to 25 percent of all inspection and maintenance reports submitted by maintenance entities for performance-based treatment systems and aerobic treatment unit systems. The bill also authorizes DEP to adopt rules to establish procedures for these audits. (Section [9](#))

The bill requires DEP to concurrently process septic system operating and construction permits when a person jointly applies for an operating permit and a construction permit for the same septic system. (Section [9](#))

The bill adds that an operating permit must be obtained before the use of any engineer-designed performance-based system. (Section [9](#))

The bill provides that an operating permit for a residential septic system, when required, is valid for the lifetime of the installation. The bill provides that any subsequent change in ownership of the property or any modification of the wastewater system requires an operating permit modification. When property with a septic system that requires an operating permit is sold or transferred, the bill requires the subsequent owner with a controlling interest to provide written notice and proof of ownership to DEP to amend the operating permit information within 60 days of such sale or transfer. (Section [9](#))

Current law provides that a fee is not associated with the processing of supplemental information in an amended operating permit. The bill limits this to cases where only ownership information is updated to reflect a permit transfer for a construction, repair, or an operating permit. (Section [9](#))

Current law requires maintenance entities to perform twice-a-year inspections of engineer-designed performance-based septic systems and aerobic treatment unit septic systems and to submit four reports per year to DEP on the number of systems inspected and serviced. The bill matches the frequency of these inspections and reports so that both will be required twice a year. (Section [9](#))

The bill removes the requirement that a property owner obtain a biennial system operating permit from DEP for each septic system. (Section [9](#))

The bill provides that any transfer of title of a property with a septic system that has not been abandoned, or that is subject to a permit for the installation, modification, repair, or operation of such a system, is subject to certain requirements. Two of these requirements are currently in law; however, the bill adds the following requirement:

- At or before the time of such real estate transaction, the following notifications must be provided to persons receiving ownership of the property:
 - A disclosure statement clearly identifying that the property is subject to septic system regulations.
 - Information indicating the nature and location of any existing septic system components.
 - If applicable, a statement that the property is subject to a septic system operating permit and that one or more of the persons receiving a controlling interest in the property are required to provide written notice and proof of ownership to update the operating permit information within 60 days of such real estate transaction.
 - A copy of any valid permit for the installation, modification, repair, or operation of a septic system that is being transferred. (Section [9](#))

Basin Management Action Plans

The bill provides a 60-day waiting period after a secretarial order is filed before a BMAP or an amendment to a BMAP is effective. (Section [10](#))

The bill provides that the following activities are prohibited within a BMAP, a reasonable assurance plan, or a pollution reduction plan:

- The construction or installation of new domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 or more gallons per day, except facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen and 1 mg/l total phosphorus on an annual permitted basis, or a more stringent treatment standard if DEP determines it is necessary to attain a total maximum daily load.
- The construction or installation of new hazardous waste disposal facilities. (Section [10](#))

The activities listed above were previously prohibited only within a BMAP for an OFS. This language expands the prohibitions¹ to all BMAPs, reasonable assurance plans, and pollution reduction plans. Further, it narrows the exception for facilities that meet certain wastewater treatment standards by adding the requirement that they also meet the 1 mg/l total phosphorus standard. The current exception for wastewater disposal facilities in OFS' BMAPs only require the 3 mg/l total nitrogen standard. (Section [10](#))

Current law requires the installation of enhanced nutrient-reducing septic systems or other specified wastewater treatment systems on lots of one acre or less in a BMAP, reasonable assurance plan, or pollution reduction plan, if a publicly-owned or investor-owned sewerage system is unavailable. The bill also allows the installation of distributed wastewater treatment systems in this case. (Section [10](#))

Air Pollution

The bill requires each major source of air pollution permitted to operate in Florida to pay the annual operation license fee by June 30 of each year, instead of between January 15 and April 1, which is the requirement in current law. (Section [12](#))

The bill removes the requirement that DEP send a written warning to a permittee if the annual operating license fee is not received by the required date. (Section [12](#))

Powers and Duties of the Secretary of DEP

The bill revises the powers and duties of the Secretary of DEP to remove reference to rulemaking provisions of the ERC. The bill also expands the chapters of law the Secretary has authority to implement by rule to include:

- Ch. 161, F.S., Beach and Shore Preservation.
- Ch. 258, F.S., State Parks and Preserves.
- Ch. 260, F.S., Florida Greenways and Trails Act.
- Ch. 369, F.S., Conservation.
- Ch. 377, F.S., Energy Resources.
- Ch. 378, F.S., Land Reclamation.
- Ch. 380, F.S., Land and Water Management. (Section [26](#))

Solar Facility Construction Best Management Practices

The bill requires DEP to develop best management practices (BMPs) for the construction of a solar facility. The bill specifies such BMPs must include, at a minimum, requirements for:

- Percolation testing on the premises of a proposed solar facility.
- Stormwater runoff management during the construction of a solar facility.
- Construction design that would enable a solar facility to withstand a 100-year storm event. (Section [2](#))

¹ These prohibitions are found in [s. 373.811, F.S.](#), which the bill repeals in section 6.

The bill requires DEP to update and annually revise such BMPs, including reviewing all settlements, consent decrees, judgments, and resolutions of civil cases since 2020 that relate to the construction of a solar facility. (Section [2](#))

The bill requires an operator of a solar facility or a proposed solar facility to implement all the BMPS developed. The bill provides these requirements do not apply to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021. (Section [2](#))

Public-private Partnerships for Coastal Resiliency Projects

The bill grants DEP the exclusive authority to execute coastal resiliency projects through [public-private partnerships](#). The bill defines “coastal resiliency project” to mean:

- Planning, contracting, and executing a project to address flooding and sea level rise in a coastal or inland community in the state as part of the Statewide Flooding and Sea Level Rise Resilience Plan.²
- Public infrastructure repair and upgrades to seawalls and stormwater drainage.
- Resiliency measures designed to withstand extreme weather, mitigate flooding, and prevent coastal erosion, including:
 - Acquisition of at-risk coastal and flood-prone properties;
 - Acquisition of properties in areas at high risk of flooding;
 - Infrastructure hardening and development of natural barriers;
 - Construction of large-scale seawalls, levees, and elevated flood barriers; or
 - Expansion or restoration of natural protective systems. (Section [16](#))

The bill defines public-private partnership as a coastal resiliency project entered into by DEP pursuant to the statutory procedures and requirements applicable to public-private partnerships.³ (Section [16](#))

The bill adds coastal resiliency projects, as defined under the bill’s provisions, to the definition of a “qualifying project” for the purposes of public-private partnerships. (Section [15](#))

The bill authorizes DEP to encourage investment from the private sector in coastal resiliency projects by:

- Entering into long-term revenue-sharing agreements.
- Providing expedited permitting for construction.
- Seeking comments from local governments and the public during project planning and execution and incorporating actions responsive to such comments into the project.
- Engaging in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction. (Section [16](#))

The bill requires DEP to publish biennial progress reports for each coastal resiliency project funded through a public-private partnership, including project milestones, expenditures, and public benefits, on its website. DEP is also required to create and maintain an online dashboard on its website for real-time updates on project execution. (Section [16](#))

Rule Ratification for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs Minimum Flows and Levels

The bill ratifies DEP’s revisions to the [minimum flows and levels](#) (MFLs) for the [Lower Santa Fe and Ichetucknee Rivers and Priority Springs](#) and related definitions within rules 62-42.200 and 62-42.300, F.A.C.⁴ MFLs are

² The Statewide Flooding and Sea Level Rise Resilience Plan consists of ranked projects that address risks of flooding and sea level rise to coastal and inland communities in the state. DEP is required to develop this plan every year, which must be based on a 3-year planning horizon, and submit the plan to the Governor and Legislature. See [s. 380.093\(5\), F.S.](#)

³ See [s. 255.065, F.S.](#)

⁴ The proposed changes to R. 62-42.200, F.A.C., define terms used in the remainder of the rule chapter and have no independent regulatory effects or costs. See DEP, Statement of Estimated Regulatory Costs-Summary of SERC Economic

established at the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. The proposed rule relies on conservation practices, monitoring, and offsets to protect the continued health and ecological value of the Lower Santa Fe and Ichetucknee Rivers and Priority Springs. (Section [35](#))

The [statement of estimated regulatory costs](#) developed by DEP concluded that the proposed rules will likely increase costs to regulated entities by \$158,450,588 to \$163,836,003 in the aggregate within five years after the rules' implementation. Additionally, an estimated \$1,975,050 to \$11,712,476 in indirect costs are expected to be incurred by the Suwannee River Water Management District. This amount triggers the statutory requirement for the rule to be ratified by the Legislature before it may go into effect. (Section [35](#))

Effective Date

The bill provides an effective date of July 1, 2026. (Section [36](#))

RULEMAKING:

The bill ratifies rules relating to the Lower Santa Fe and Ichetucknee Rivers and Priority Springs minimum flows and levels and recovery strategies, thus allowing these rules to go into effect.

The bill expands the chapters of law the Secretary of DEP has rulemaking authority over to include ch. 161, F.S., (Beach and Shore Preservation), ch. 258, F.S., (State Parks and Preserves), ch. 260, F.S., (Florida Greenways and Trails Act), ch. 369, F.S., (Conservation), ch. 377, F.S., (Energy Resources), ch. 378, F.S., (Land Reclamation), and ch. 380, F.S., (Land and Water Management).

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an insignificant negative fiscal impact on DEP associated with publishing biennial progress reports for coastal resiliency projects and creating and maintaining an online dashboard as required by the bill, but DEP can absorb the associated costs within existing resources.

LOCAL GOVERNMENT:

Ratification of the rulemaking provisions in the bill may have negative fiscal impacts on local governments and water management districts, as provided in DEP's statement of estimated regulatory costs sections of this bill analysis.

PRIVATE SECTOR:

The bill will have an indeterminate economic impact on the private sector. It may have an indeterminate positive fiscal impact on property owners by extending the lifespan of permits for certain residential septic systems.

The bill will likely have a significant negative economic impact on the private sector related to complying with the rules ratified by the bill, as provided in DEP's statement of estimated regulatory costs.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

The Environmental Regulation Commission

The Environmental Regulation Commission (ERC) is a non-salaried, seven-member board within the Department of Environmental Protection (DEP).⁵ The ERC is responsible for setting statutorily specified air and water quality standards by evaluating their scientific and technical validity, economic impacts, and risks and benefits to the public and Florida's natural resources.⁶ The ERC's members are selected by the Governor and confirmed by the Senate,⁷ and must be representative of:

- Agriculture.
- The development industry.
- Local government.
- The environmental community.
- Residents.
- Members of the scientific and technical community with substantial expertise in water pollutants, toxicology, epidemiology, geology, biology, environmental science, or engineering.⁸

If a proposed standard would be stricter or more stringent than one set by federal law or regulation, current law requires DEP to conduct a study of the economic and environmental impact of any such standard.⁹ Such study must be submitted to the ERC, which must initially adopt the standard.¹⁰ The study must then be submitted to the Governor and Cabinet for final action, which must accept, reject, modify, or remand the standard for further proceedings within 60 days of the submission.¹¹

In the past 10 years, the ERC has met four times: once in 2016, 2017, 2024, and 2025.¹²

Impaired Waters

Under section 303(d) of the federal Clean Water Act, states must establish water quality standards for waters within their borders and develop a list of impaired waters that do not meet the established water quality standards.¹³ States must also develop a list of threatened waters that may not meet water quality standards in the following reporting cycle.¹⁴

⁵ DEP, *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Feb. 2, 2026). The ERC was created in statute in 1975. See Chapter 75-22, L.O.F.; [S. 403.804, F.S.](#)

⁶ *Id.*; see also section [403.804\(1\), F.S.](#) The ERC does not establish DEP policies, priorities, plans, or directives, but may adopt procedural rules governing its meetings and hearings.

⁷ Section [20.255\(6\), F.S.](#); see also DEP, *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Feb. 3, 2026).

⁸ Section [20.255\(6\), F.S.](#)

⁹ Section [403.804\(2\), F.S.](#)

¹⁰ *Id.*

¹¹ *Id.*

¹² DEP, *Environmental Regulation Commission Agenda* (2016), available at https://floridadep.gov/sites/default/files/ERC_Agenda_July.pdf; DEP, *ERC Meeting*, <https://floridadep.gov/ogc/ogc/content/7319-erc-meeting> (last visited Feb. 2, 2026); DEP, *The Environmental Regulation Commission Meeting*, <https://floridadep.gov/water/water/content/42188-environmental-regulation-commission-meeting> (last visited Feb. 2, 2026); and DEP, *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Feb. 2, 2026).

¹³ EPA, *Overview of Identifying and Restoring Impaired Waters under Section 303(d) of the CWA*, <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa> (last visited Feb. 2, 2026); 40 C.F.R. 130.7.

¹⁴ *Id.*

DEP sorted those waters into 29 major watersheds, or basins, and further organized them into five basin groups for assessment purposes.¹⁵ If DEP determines that any waters are impaired, the waterbody must be placed on the verified list of impaired waters and a total maximum daily load (TMDL) must be calculated.¹⁶ A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.¹⁷ A waterbody may be removed from the verified list at any time during the TMDL process if it attains water quality standards.¹⁸

Basin Management Action Plans

Basin management action plans (BMAPs) are one of the primary mechanisms DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges,¹⁹ for a watershed.

DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody.²⁰ First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole or to each identified point source or category of nonpoint sources. Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations.²¹

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by implementing appropriate best management practices or conducting water quality monitoring.²² A nonpoint source discharger in a BMAP area may be subject to enforcement action by DEP or a water management district (WMD) for failure to implement these requirements.²³

BMAPs must include five-year milestones for implementation and water quality improvement and an associated water quality monitoring component to evaluate the progress of pollutant load reductions.²⁴ Every five years an assessment of progress toward these milestones must be conducted and the appropriate revisions may be made to the BMAP.²⁵

Each BMAP must also include:

- The management strategies available through existing water quality protection programs to achieve TMDLs;
- A description of best management practices adopted by rule;
- For the applicable five-year implementation milestones, a list of projects that will achieve the pollutant load reductions needed to meet a TMDL or other established load allocations, including a planning-level cost estimate and an estimated date of completion;

¹⁵ DEP, *Assessment Lists*, <https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists> (last visited Feb. 2, 2026).

¹⁶ *Id.*; DEP, *Watershed Evaluation and Total Maximum Daily Loads (TMDL) Section*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Feb. 2, 2026); DEP, *Verified List Waterbody Ids (WBIDs)*, <https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about> (last visited Feb. 2, 2026); section 403.067(4), F.S.

¹⁷ Section 403.067(6)(a), F.S. See also The Clean Water Act, 33 U.S.C. § 1251, s. 303(d).

¹⁸ Section 403.067(5), F.S.

¹⁹ “Point source” is defined as any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Nonpoint sources of pollution are sources of pollution that are not point sources. Fla. Admin. Code R. 62-620.200(37).

²⁰ Section 403.067(7)(b)2.h., F.S. (

²¹ *Id.*

²² Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

²³ Section 403.067(7)(b)2.h., F.S.

²⁴ Section 403.067(7)(a)6., F.S. .

²⁵ *Id.*

- A list of regional nutrient reduction projects submitted by the Department of Agriculture and Consumer Services which will achieve pollutant load reductions established for agricultural nonpoint sources;²⁶
- The source and amount of financial assistance that will be made available; and
- A planning-level estimate of each project's expected load reduction, if applicable.²⁷

Indian River Lagoon Protection Program

The Indian River Lagoon is a critical water resource that provides many economic, natural habitat, and biodiversity functions, including fishing, boating, recreation, and habitat for endangered and threatened species and other plants and animals.²⁸

The Indian River Lagoon Protection Program was created in 2023 to provide additional requirements, projects, and water quality monitoring to further the efforts identified in the Banana River Lagoon BMAP, the Central Indian River Lagoon BMAP, the North Indian River Lagoon BMAP, and the Mosquito Lagoon Reasonable Assurance Plan, which are all components of the Indian River Lagoon Protection Program.²⁹

Pursuant to the Indian River Lagoon Protection Program, the installation of new onsite sewage treatment and disposal system (septic systems) is prohibited within the program area where a publicly-owned or investor-owned sewerage system is available.³⁰ If central sewerage is unavailable, only enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized for installation. By July 1, 2030, any commercial or residential property within the program area must be connected to an available central sewer or upgrade septic systems to the specified standards.³¹

Outstanding Florida Springs

In 2016, the Florida Legislature enacted the Florida Springs and Aquifer Protection Act and identified 30 Outstanding Florida Springs (OFS) that require additional protections to ensure their conservation and restoration for future generations.³² These springs are a unique part of the state's scenic beauty, provide critical habitat, and have immeasurable natural, recreational, and economic value.³³ OFS are defined by statute and include all historic first magnitude springs, including their associated spring runs, as determined by DEP using the most recent Florida Geological Survey springs bulletin, and several additional enumerated springs.³⁴ There are 30 OFS, including 24 historic first magnitude springs and six named additional springs.³⁵

²⁶ This is required only where agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges or DEP determines that additional measures are necessary to achieve a TMDL. Section 403.067(7)(e)1., F.S.

²⁷ Section 403.067(7)(a)4., F.S.

²⁸ See section 373.469, F.S.

²⁹ Section 373.469(3), F.S.; chapter 2023-196, L.O.F.

³⁰ Section 373.469(3)(d), F.S.

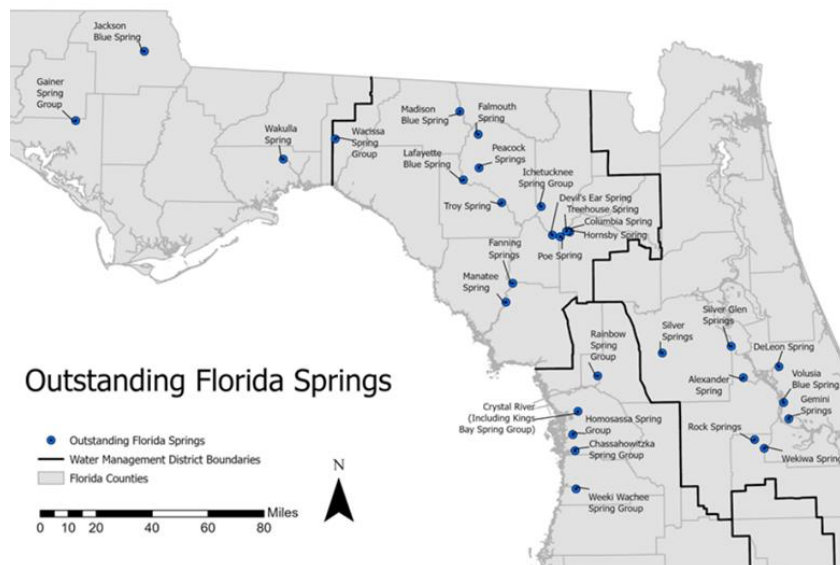
³¹ *Id.*

³² DEP, *Springs*, <https://floridadep.gov/springs/> (last visited Feb. 2, 2026).

³³ DEP, *Protect and Restore Springs*, <https://floridadep.gov/springs/protect-restore> (last visited Feb. 2, 2026); Ch. 2016-1, s. 22, L.O.F.

³⁴ Section 373.802(4), F.S.

³⁵ DEP, *Outstanding Florida Springs*, <https://geodata.dep.state.fl.us/datasets/outstanding-florida-springs-ofs/about?layer=1> (last visited Feb. 2, 2026). The 30 Outstanding Florida Springs are Alexander Spring, Chassahowitzka Springs Group, Columbia Spring, Crystal River, DeLeon Spring, Devil's Ear Spring, Falmouth Spring, Fanning Springs, Gainer Spring Group, Gemini Springs, Homosassa Spring Group, Hornsby Spring, Ichetucknee Spring Group, Jackson Blue Spring, Lafayette Blue Spring, Madison Blue Spring, Manatee Spring, Peacock Springs, Poe Spring, Rainbow Spring Group, Rock Springs, Silver Glen Springs, Silver Springs, Treehouse Spring, Troy Spring, Volusia Blue Spring, Wacissa Spring Group, Wakulla Spring, Weeki Wachee Springs Group, and Wekiwa Spring. DEP, 62-41.400-403, F.A.C. *Outstanding Florida Springs Rule Development Workshop*, 5 (2023), available at https://floridadep.gov/sites/default/files/OFS_Workshop_Aug-28-2023_0.pdf (showing map of Outstanding Florida Springs).



For areas within a BMAP in effect for an OFS, the following activities are prohibited:

- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen on an annual permitted basis, or a more stringent treatment standard if it is necessary to attain a TMDL for the OFS.
- New septic systems where connection to a publicly-owned or investor-owned sewerage system is available. On lots of 1 acre or less, if a sewerage system is not available, only the installation of enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.
- New hazardous waste disposal facilities.
- Land application of Class A or Class B domestic wastewater biosolids³⁶ not in accordance with a DEP-approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the pollutants and nutrients being discharged.
- New agriculture operations that do not implement best management practices, measures necessary to achieve DEP-established pollution reduction levels, or groundwater monitoring plans approved by a WMD or DEP.

DEP is required to collaborate with the WMDs to delineate priority focus areas for each OFS or group of springs that contains one or more OFS and is impaired.³⁷ In delineating these areas, DEP must consider groundwater travel time to the spring, hydrogeology, nutrient load, and any other factors that may lead to spring degradation.³⁸

[Onsite Sewage Treatment and Disposal Systems](#)

³⁶ Biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. Section [373.4595\(2\)\(b\), F.S.](#) DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids. These classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest. Fla. Admin. Code R. 62-640.200; DEP, *Domestic wastewater biosolids*. <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Feb. 6, 2026).

³⁷ Section [373.803, F.S.](#)

³⁸ *Id.*

Onsite sewage treatment and disposal systems (septic systems) generally consist of two basic parts: the septic tank and the drainfield.³⁹ Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also filters the wastewater as gravity draws the water down through the soil layers.⁴⁰ In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.⁴¹ There are an estimated 2.6 million septic systems in Florida, providing wastewater disposal for 30 percent of the state's population.⁴² The vast majority of these are conventional systems.⁴³

Conventional septic systems do not reduce nitrogen from raw sewage. In Florida, approximately 30 to 40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.⁴⁴ This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from septic systems a potential contaminant in groundwater.⁴⁵

Aerobic treatment units are an alternative to conventional septic systems for smaller lots or areas where the soil condition is inadequate, the water table is high, or the septic system will be close to an environmentally sensitive water body.⁴⁶ Aerobic systems use processes that are similar to municipal sewage plants. The system injects oxygen into the treatment tank, which increases the activity of natural bacteria to provide additional treatment of the effluent.⁴⁷



³⁹ DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Feb. 2, 2026); U.S. Environmental Protection Agency (EPA), *How Septic Systems Work*, <https://www.epa.gov/septic/how-septic-systems-work> (last visited Feb. 2, 2026); EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Feb. 2, 2026) (showing the graphic provided on the following page).

⁴⁰ *Id.*

⁴¹ Rule 62-6.006(2), F.A.C. For system repairs and alterations to add sewage flow, where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high water table, the bottom of the drainfield must be maintained at the existing separation or a minimum of 12 inches above the wet season high water table, whichever is greater. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield must be brought into full compliance with all new system standards. Fla. Admin. Code R. and 62-6.001(4)(e)2. and 3. *See also* Rule 62-6.015(6)(a), F.A.C.

⁴² DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%E2%80%99%20septic%20systems> (last visited Feb. 2, 2026).

⁴³ DEP, *Onsite Sewage Research Projects*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-research-projects> (last visited Feb. 2, 2026).

⁴⁴ Florida Department of Health, *Florida Onsite Sewage Nitrogen Reduction Strategies Study, Final Report 2008-2015*, 21 (Dec. 2015), available at <https://wakullaspringsalliance.org/wp-content/uploads/2016/11/Fla-OSTDS-N-Reduction-Strategies.DOH2015.pdf>. *See* R. 64E-6.006(2), F.A.C.

⁴⁵ University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (2020), available at <http://edis.ifas.ufl.edu/pdf/SS/SS55000.pdf>.

⁴⁶ EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems#aerobic> (last visited Feb. 2, 2026).

⁴⁷ *Id.*

Different types of advanced septic systems can remove greater amounts of nitrogen than a typical septic system (often referred to as “advanced” or “nutrient-reducing” septic systems),⁴⁸ and may be required in certain areas. For example, enhanced nutrient-reducing septic systems⁴⁹ are required for new systems within the Indian River Lagoon⁵⁰ and on lots of 1 acre or less within a BMAP, reasonable assurance plan, or pollution reduction plan where a sewerage system is not available.⁵¹ There are also special treatment requirements for the Florida Keys.⁵² In addition, performance-based treatment systems⁵³ must meet specific treatment standards.⁵⁴ [Septic System Permits](#) State law requires a person to receive an approved⁵⁵ permit to construct, repair, modify, abandon, or operate a septic system.⁵⁶ Once received, a permit to construct a septic system is valid for 18 months after it is issued, although one 90-day extension is available. A permit to repair a septic system is valid for 90 days after it is issued.⁵⁷

A property owner who personally performs construction, maintenance, or repairs to a septic system serving their own owner-occupied, single-family residence does not have to be registered as a septic tank contractor;⁵⁸ however, they will be subject to all permitting requirements.⁵⁹

Current law prohibits a municipality or political subdivision of the state from issuing a building or plumbing permit for any building that requires the use of a septic system, unless the owner or builder has received a construction permit for the septic system.⁶⁰

An operating permit is required for the use of an aerobic treatment unit system or if the establishment generates commercial waste.⁶¹ An operating permit for a commercial wastewater system is valid for one year and must be annually renewed. An operating permit for an aerobic treatment unit is valid for two years and must be renewed

⁴⁸ DEP, *Nitrogen-Reducing Systems for Areas Affected by the Florida Springs and Aquifer Protection Act* (updated May 2021), available at https://floridadep.gov/sites/default/files/Nitrogen_Reducing_Systems_for%20Springs_Protection_0.pdf.

⁴⁹ “Enhanced nutrient-reducing OSTDS” means a septic system approved by DEP as capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from onsite sewage tank or tanks and drainfield. Section [373.469\(2\)\(b\), F.S.](#)

⁵⁰ See section [373.469\(3\)\(d\), F.S.](#)

⁵¹ Section [373.811\(2\), F.S.](#) and Section [403.067\(7\)\(a\)10., F.S.](#)

⁵² Section [381.0065\(4\)\(l\), F.S.](#)

⁵³ “Performance-based treatment system” means a specialized septic systems designed by a professional engineer with a background in wastewater engineering, licensed in the state of Florida, using appropriate application of sound engineering principles to achieve specified levels of CBOD5 (carbonaceous biochemical oxygen demand after five days), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), or fecal coliform found in domestic or commercial sewage waste, to a specific and measurable established performance standard. Fla. Admin. Code R. 62-6.025(7). If a site restricts home construction because of setbacks or authorized sewage flow, a system can be designed by an engineer to meet strict levels of effluent pollutant reductions. The three levels of performance-based treatment systems are secondary treatment, advanced secondary treatment, and advanced wastewater treatment.

⁵⁴ See Rule 62-6.025(11), F.A.C.

⁵⁵ The transfer of the Onsite Sewage Program from the Florida Department of Health to DEP was initiated in 2020 with the passage of SB 712. The first phase of the transition has been implemented, meaning that DEP is currently responsible for permitting septic tanks in Northwest Florida (including Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington counties) and Marion County. In the other counties, septic system permits are issued by the Environmental Public Health Program of the Florida Department of Health’s local county health department. DEP, *Onsite Sewage FAQ – Permitting*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last visited Feb. 2, 2026).

⁵⁶ Section [381.0065\(4\), F.S.](#) DEP may issue septic system permits, except that the issuance of a permit to work seaward of the coastal construction control line is contingent upon receipt of any required coastal construction control line permit from DEP.

⁵⁷ *Id.*

⁵⁸ See chapter 489, part III, F.S., relating to septic tank contracting.

⁵⁹ Section [381.0065\(4\), F.S.](#)

⁶⁰ *Id.*

⁶¹ *Id.*

every two years.⁶² An operating permit for a performance-based treatment system must also be renewed every two years.⁶³

DEP must inspect a septic system before placing it system into service⁶⁴ and must approve the final installation before a building or structure may be occupied.⁶⁵ If certain alterations⁶⁶ are made, septic tanks must be pumped and visually inspected.⁶⁷ If an existing septic system was approved within the preceding five years, a new inspection is not required unless there is a record of system failure.⁶⁸ Septic system repairs must be inspected by DEP or a master septic tank contractor.⁶⁹ Buildings or establishments that use an aerobic treatment unit or generate commercial waste must be inspected by DEP at least annually.⁷⁰

DEP is required to regulate and permit maintenance entities for performance-based systems and aerobic treatment unit systems.⁷¹ DEP must establish minimum qualifying criteria for maintenance entities to ensure that these performance-based and aerobic treatment unit systems are maintained and operated according to the manufacturer's specifications.⁷² The owner of an engineer-designed performance-based system or an aerobic treatment unit system must maintain a current maintenance service agreement with a maintenance entity, which must inspect each system twice a year and submit a quarterly report to DEP regarding the number of systems inspected and serviced.⁷³

Any permit issued for the installation, modification, or repair of a septic system will transfer with the title to the property in a real estate transaction.⁷⁴ For the transfer of a construction or repair permit, all information pertaining to the siting, location, and installation conditions or repair must remain the same and the transferee must file an amended application providing updated information and proof of property ownership.⁷⁵ The transferee must file the amended application within 60 days of the transfer of ownership.⁷⁶ There is no fee associated with processing this information.⁷⁷

Air Pollution Regulation

The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish national ambient air quality standards for common and widespread pollutants.⁷⁸ The Environmental Protection Agency has established air quality standards for six common criteria air pollutants, which are particulate matter, ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead.⁷⁹ The Clean Air Act requires states to adopt enforceable plans to achieve and maintain air quality standards.⁸⁰

⁶² *Id.*

⁶³ Section 381.0065(4)(j)5., F.S.

⁶⁴ Rule 62-6.003(2), F.A.C.

⁶⁵ Section [381.0065\(4\), F.S.](#)

⁶⁶ This includes alterations that change the conditions under which the system was permitted, sewage characteristics, or increase sewage flow. DEP approval is required prior to such alterations. Rule 62-6.001(4), F.A.C.

⁶⁷ Rule 62-6.001(4)(b), F.A.C.

⁶⁸ Rule 62-6.001(4)(c), F.A.C.

⁶⁹ Rule 62-6.003(3), F.A.C.

⁷⁰ Section [381.0065\(4\), F.S.](#)

⁷¹ Section [381.0065\(3\)\(n\), F.S.](#)

⁷² *Id.*

⁷³ Section 381.0065(4)(j)3., F.S. (performance-based system requirement); section 381.0065(4)(t)1., F.S. (aerobic treatment unit system requirement).

⁷⁴ Section [381.0065\(4\)\(v\), F.S.](#)

⁷⁵ Section [381.0065\(4\), F.S.](#)

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ EPA, *Clean Air Act Requirements and History*, <https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history> (last visited Feb. 2, 2026); see 42 U.S.C. ch. 85.

⁷⁹ EPA, *Clean Air Act Requirements and History*; See 40 C.F.R. sections 50.1-50.21.

⁸⁰ EPA, *Clean Air Act Requirements and History*; 42 U.S.C. §7407.

Pursuant to the Clean Air Act, Florida law requires each major source of air pollution in the state to obtain an operation permit from DEP.⁸¹ A major source of air pollution is defined as a stationary source or group of stationary sources located within a contiguous area and under common control that emits or can emit 10 tons per year or more of any hazardous air pollutant, or 25 tons per year or more of any combination of hazardous air pollutants.⁸²

State law requires each major source of air pollution operating in Florida to pay an annual operation license fee.⁸³ This fee must be sufficient to cover all reasonable direct and indirect costs required to develop and administer the major stationary source air-operation permit program.⁸⁴ The fee is due between January 15 and April 1 of each year.⁸⁵ DEP must send a written warning of the consequences of failing to pay the fee if it has not received the payment by March 1 of each year. A fee must be postmarked by April 1 to avoid imposition of a late penalty.⁸⁶

DEP may not require air pollution construction fees for changes or additions to a major source of air pollution, unless the activity triggers certain permitting requirements.⁸⁷ Costs to issue and administer such permits are considered direct and indirect costs of the major stationary source air-operation permit program.

Solar Energy

Solar energy is a form of renewable energy by which power is produced from the sun. The sun emits solar radiation in the form of light. Solar energy technologies capture this emitted radiation and convert it into energy.⁸⁸ The two main types of solar energy technologies are:

- Photovoltaics (PV), which is the technology that is familiar to most people. PV is used in solar panels. When sunlight (i.e. radiation) hits a solar panel, the energy from that sunlight is absorbed by the PV cells in the panel. This absorbed energy creates electrical charges which move in response to an electrical field internal to the PV cell. These charges then allow electricity to flow from the panel.⁸⁹ Solar panels can be used in small-scale (such as home rooftop solar) up to large utility-scale operations; and
- Concentrating solar-thermal power (CSP), which uses a system of mirrors to reflect and concentrate sunlight onto a receiver. This concentrated sunlight heats a high-temperature fluid in the receiver to create thermal energy. This thermal energy can be used to spin a turbine (similar to how any coal or gas-fired power plant would work) or power an engine to create energy. The heat can also be used in industrial applications such as water desalination, enhanced oil recovery, food processing, chemical production, and mineral processing. CSP-based systems are generally used for utility-scale operations. However, some single receptor and engine systems can be as small as 5 to 25 kilowatts and be used for distributed power applications.⁹⁰

Florida Energy Consumption and Generation

Florida is the third-largest energy-consuming state; however, it uses less energy per capita than all but six other states. Florida is also the second-largest producer of electricity in the nation (behind Texas). Natural gas is, by far,

⁸¹ Section [403.0872, F.S.](#)

⁸² 42 U.S.C. §7412(a)(1).

⁸³ Section [403.0872\(11\), F.S.](#)

⁸⁴ Section [403.0872\(11\)\(b\), F.S.](#)

⁸⁵ *Id.*

⁸⁶ Section [403.0872\(11\)\(a\)3., F.S.](#)

⁸⁷ Section [403.0872\(11\)\(a\)5., F.S.](#)

⁸⁸ United States Office of Energy Efficiency and Reliability, *Solar Energy*, available at <https://www.energy.gov/topics/solar-energy> (last visited Feb. 6, 2026).

⁸⁹ United States Department of Energy, *How Does Solar Work*, available at <https://www.energy.gov/eere/solar/how-does-solar-work> (last visited Feb. 6, 2026).

⁹⁰ United States Department of Energy, *Concentrating Solar-Thermal Power Basics*, available at <https://www.energy.gov/eere/solar/concentrating-solar-thermal-power-basics> (last visited Feb. 6, 2026).

the largest energy source in Florida, and has been since 2003 when it surpassed coal.⁹¹ As of January 1, 2025, the energy sources, as a percentage of all energy sources in Florida, are as follows:

- Natural gas: 74.77 percent
- Nuclear: 10.91 percent
- Coal: 3.41 percent
- Renewables: 8.13 percent
- Other: 0.8 percent
- Firm Inter-Region Interchange: 1.61 percent
- Distillate (i.e. fuel oil/diesel fuel): 0.07 percent
- Residual: 0.00 percent⁹²

In Florida, renewables provided about 10 percent of Florida's total in-state electricity net generation in 2024, and nearly nine-tenths of that renewable generation came from solar energy.⁹³ As of March 2025, Florida is the third largest generator of solar energy in the United States (behind California and Texas).⁹⁴

The Florida Reliability Coordinating Council expects approximately a four-fold increase in solar as a percentage of Florida's total energy production (increasing from nearly 7.04 percent in 2024 to 28.22 percent in 2034).⁹⁵

Solar Facility Development

A utility-scale solar generation system requires larger quantities of land per unit of power produced than traditional power plants.⁹⁶ Solar generation facilities require “at least [ten] times as much land per unit of power produced than coal or natural gas-fired power plants.”⁹⁷ Solar facilities are generally located where resource availability (i.e. suitably large-enough land at reasonable prices) is highest, instead of where it is most convenient for people and infrastructure. As a result, these projects tend to end up in less industrially-developed areas, such as agricultural areas. Siting such facilities can be challenging, and the facilities are sometimes viewed as unpopular by those who do not want these large projects near their homes.⁹⁸

Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects.⁹⁹ These agreements enable skill and asset sharing between the public and private sectors

⁹¹ United States Energy Information Administration, *Florida Profile Analysis* (Mar. 20, 2025)

<https://www.eia.gov/state/analysis.php?sid=FL#:~:text=Solar%20energy%20and%20biomass%20provide,generation%20> (last visited Feb. 6, 2026).

⁹² Florida Reliability Coordinating Council, *2025 Regional Load & Resource Plan FRCC-MS-PL-586*

Version: 1 (Jun. 13, 2025), available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/Electricgas/TenYearSitePlans/2025/FRCC_RLRP.pdf at 60 (last visited Feb. 6, 2026).

⁹³ United States Energy Information Administration, *Florida Profile Analysis* (Mar. 20, 2025)

<https://www.eia.gov/state/analysis.php?sid=FL#:~:text=Solar%20energy%20and%20biomass%20provide,generation%20> (last visited Feb. 6, 2026).

⁹⁴ *Id.*

⁹⁵ Florida Reliability Coordinating Council, *2025 Regional Load & Resource Plan FRCC-MS-PL-586*

Version: 1 (Jun. 13, 2025), available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/Electricgas/TenYearSitePlans/2025/FRCC_RLRP.pdf at 60 (last visited Feb. 6, 2026).

⁹⁶ Samantha Gross, Brookings, *Renewables, land use, and local opposition in the United States* (Jan. 2020), available at

https://www.brookings.edu/wp-content/uploads/2020/01/FP_20200113_renewables_land_use_local_opposition_gross.pdf (last visited Feb. 6, 2026).

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ [Section 255.065\(2\)\(b\), F.S.](#) “Private entity” means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity. See Associated General Contractors of America, *Public-Private Partnership (P3) Basics*, available at <https://www.agc.org/public-private-partnership-p3-basics> (last visited Feb. 4, 2026) and [Section 255.065\(1\)\(g\), F.S.](#)

to provide services or facilities benefitting the general public.¹⁰⁰ Several statutes promote and offer direction for P3 projects, including those for services and facilities related to transportation, housing, and education.¹⁰¹

Responsible public entities (RPEs) may engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose.¹⁰² Examples of qualifying projects include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or city halls.¹⁰³ RPEs must adhere to specific requirements, including protocols for reviewing and approving proposals.¹⁰⁴

Statewide Flooding and Sea Level Rise Resilience Plan

By December 1 of each year, DEP must develop a Statewide Flooding and Sea Level Rise Resilience Plan with a three-year planning horizon and submit it to the Governor and Legislature.¹⁰⁵ The plan must consist of ranked projects that address flooding and sea level rise risks for coastal and inland communities.¹⁰⁶ All eligible projects submitted to DEP must be ranked and included in the plan.¹⁰⁷ DEP ranks the projects using a four-tiered scoring system.¹⁰⁸ Examples of projects include construction of living shorelines, seawalls, pump stations, elevation projects, and infrastructure hardening.¹⁰⁹

Each plan must include, among other things, a detailed description of the methodology DEP used to rank projects, details on the submitted project applications, and total funding requested for both eligible and ineligible projects.¹¹⁰ In addition, for each recommended project, each plan must include:

- A description of the project.
- The location of the project.
- An estimate of how long the project will take to complete.
- An estimate of the cost of the project.
- The cost-share percentage available for the project.
- A summary of the priority score assigned to the project.
- The project sponsor.¹¹¹

¹⁰⁰ Associated General Contractors of America, *Public-Private Partnership (P3) Basics*, available at <https://www.agc.org/public-private-partnership-p3-basics> (last visited Feb. 4, 2026).

¹⁰¹ See, e.g., [Section 334.30, F.S.](#), relating to public-private transportation facilities; [Section 420.0003\(2\)\(b\), F.S.](#), relating to state housing strategy; [Section 1013.35, F.S.](#), relating to school district educational facilities plans.

¹⁰² See [Section 255.065\(8\)\(a\), F.S.](#) “Responsible public entity” means a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project. [Section 255.065\(1\)\(j\), F.S.](#) “Develop” means to plan, design, finance, lease, acquire, install, construct, or expand. [Section 255.065\(1\)\(b\), F.S.](#) “Operate” means to finance, maintain, improve, equip, modify, or repair. [Section 255.065\(1\)\(f\), F.S.](#)

¹⁰³ “Qualifying project” means a facility or project that serves a public purpose; 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; a water, wastewater, or surface water management facility or other related infrastructure; or projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects. [Section 255.065\(1\)\(i\), F.S.](#)

¹⁰⁴ See [Section 255.065\(3\)\(a\), F.S.](#) “Proposal” means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined. [Section 255.065\(1\)\(h\), F.S.](#)

¹⁰⁵ [Section 380.093\(5\)\(a\), F.S.](#)

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ [Section 380.093\(5\)\(g\), F.S.](#)

¹⁰⁹ See DEP, *Resilient Florida Annual Plan: Fiscal Year 2025-26*, available at https://floridadep.gov/sites/default/files/25-26%20Resilient%20Florida%20Annual%20Plan_1.pdf at 9-16 (last visited Feb. 4, 2025).

¹¹⁰ [Section 380.093\(5\)\(a\), F.S.](#)

¹¹¹ [Section 380.093\(5\)\(c\), F.S.](#)

Counties, municipalities, special districts, and regional resilience entities may submit a list of proposed projects that address risks identified in statewide or local vulnerability assessments.¹¹² WMDs, drainage districts, erosion control districts, flood control districts, and regional water supply authorities may also submit projects that mitigate flooding and sea level rise impacts on water supplies or water resources.¹¹³

Legislative Ratification

A rule is subject to legislative ratification if it:

- Has an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- Has an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; or
- Increases regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.¹¹⁴

If a rule requires ratification by the Legislature, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the regular legislative session. The rule may not go into effect until it is ratified by the Legislature.¹¹⁵

Statement of Estimated Regulatory Costs Requirements

A statement of estimated regulatory costs (SERC) is an analysis prepared by an agency before the adoption, amendment, or repeal of a rule other than an emergency rule. A SERC must be prepared by an agency for a proposed rule that:

- Will have an adverse impact on small businesses; or
- Is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in the state within one year after the implementation of the rule.¹¹⁶

A SERC must include:

- An economic analysis showing whether the rule exceeds the thresholds requiring legislative ratification.
- A good faith estimate of the number and types of individuals and entities likely to be required to comply with the rule, and a general description of the types of individuals likely to be affected by the rule.
- A good faith estimate of the cost to the agency, and to other state and local government entities, of implementing and enforcing the proposed rule, including anticipated effects on state or local revenues.
- A good faith estimate of the transactional costs (direct business costs) likely to be incurred by individuals and entities required to comply with the requirements of the rule.
- An analysis of the impact on small businesses, small counties, and small cities.
- A description of regulatory alternatives submitted to the agency and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.¹¹⁷

¹¹² [Section 380.093\(5\)\(d\)1., F.S.](#)

¹¹³ [Section 380.093\(5\)\(d\)2., F.S.](#)

¹¹⁴ [Section 120.541\(2\)\(a\), F.S.](#) “Transactional costs” re direct costs that are readily ascertainable by the agency based upon standard business practices, and may include, among other things: filing fees; necessary equipment, operations, or procedures; labor and benefits; capital expenditures; professional services; monitoring and reporting; reduced sales or other revenue. [Section 120.541\(2\)\(d\), F.S.](#)

¹¹⁵ [Section 120.541\(3\), F.S.](#)

¹¹⁶ [Section 120.541\(1\)\(b\), F.S.](#)

¹¹⁷ [Section 120.541\(2\), F.S.](#)

Minimum Flow and Minimum Water Levels (MFLs)

MFLs are established for waterbodies to prevent significant harm to the water resources or ecology of an area as a result of water withdrawals.¹¹⁸ MFLs are typically determined based on evaluations of natural seasonal fluctuations in water flows or levels, nonconsumptive uses, and environmental values associated with coastal, estuarine, riverine, spring, aquatic, wetlands ecology, and other pertinent information associated with the water resource.¹¹⁹

While DEP has the authority to adopt MFLs, the state's five WMDs have the primary responsibility for MFL adoption. WMDs submit annual MFL priority lists and schedules to DEP for the establishment of MFLs for surface watercourses, aquifers, and surface waters within the district.¹²⁰ MFLs are calculated using the best information available¹²¹ and are considered rules by the WMDs, which are subject to Chapter 120, F.S., challenges.¹²² MFLs are subject to independent scientific peer review at the election of DEP, a WMD, or, if requested, by a third party.¹²³ MFLs must be reevaluated periodically and revised as needed.¹²⁴

MFLs must be established for each OFS.¹²⁵ For OFSs identified on a WMD's priority list which have the potential to be affected by withdrawals in an adjacent district, the adjacent district and DEP must collaboratively develop and implement a recovery or prevention strategy for an OFS not meeting an adopted MFL.¹²⁶

For OFSs that fall below the adopted MFL or are projected to fall below the MFL within 20 years, DEP or WMDs must implement a recovery or prevention strategy to ensure the MFL is maintained over the long-term.¹²⁷ The recovery or prevention strategy must include:

- A listing of all specific projects identified for implementation of the plan.
- A priority listing of each project.
- The estimated cost and date of completion for each listed project.
- The source and amount of financial assistance to be made available by the WMD for each listed project, which may not be less than 25 percent of the total project cost unless a specific funding source or sources are identified which will provide more than 75 percent of the total project cost.¹²⁸
- An estimate of each listed project's benefit to an OFS.
- An implementation plan designed with a target to achieve the adopted MFL no more than 20 years after the adoption of the recovery or prevention strategy.¹²⁹

Agricultural producers who implement best management practices are presumed to be in compliance with the recovery or prevention strategy.¹³⁰

¹¹⁸ See s. 373.042, F.S.; see also DEP, *Minimum Flows and Minimum Water Levels and Reservations*, <https://floridadep.gov/owper/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations> (last visited Feb. 4, 2026).

¹¹⁹ R. 62-40.473(1), F.A.C.

¹²⁰ S. 373.042(3), F.S.

¹²¹ S. 373.042(1), F.S.

¹²² [Sections 373.042\(5\) and \(7\), F.S.](#)

¹²³ [Section 373.042\(6\)\(a\), F.S.](#)

¹²⁴ [Section 373.0421\(5\), F.S.](#)

¹²⁵ [Section 373.042\(2\), F.S.](#)

¹²⁶ [Section 373.042\(2\)\(b\), F.S.](#)

¹²⁷ DEP, *Minimum Flows and Minimum Water Levels and Reservations* (Dec. 13, 2024), <https://floridadep.gov/owper/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations> (last visited Feb. 4, 2026); [Section 373.805\(1\), F.S.](#)

¹²⁸ The Northwest Florida Water Management District and SRWMD are not required to meet the minimum financial assistance requirement. [Section 373.805\(4\)\(d\), F.S.](#)

¹²⁹ [Section 373.805\(4\), F.S.](#)

¹³⁰ [Section 373.0421\(2\), F.S.](#)

Lower Santa Fe and Ichetucknee Rivers and Priority Springs

The Santa Fe River in north-central Florida is a second-order tributary to the Suwannee River.¹³¹ It is naturally divided into two sections: the Upper Santa Fe River, extending from its headwaters in Lake Santa Fe and the Santa Fe Swamp, and the Lower Santa Fe River, extending from the River Rise north of High Springs to its confluence with the Suwannee River.¹³² The Lower Santa Fe River is fed by the flow of at least 36 different named springs.¹³³ With a discharge of over 200 million gallons per day, the Ichetucknee River is the largest tributary to the Santa Fe River.¹³⁴

The Santa Fe River Basin is approximately 1,380 square miles and is underlain by limestone formations that comprise the Floridan aquifer system.¹³⁵ The area features several popular recreational areas containing springs, swallets, and river rises, including Ichetucknee Springs State Park, O'Leno State Park, River Rise State Park, and private venues.¹³⁶ The river and its springs are important to the economy of at least seven counties in north-central Florida and serve as a significant natural resource through the ecosystem services they provide, including the maintenance of habitat for fish and wildlife.¹³⁷

Six springs within the basin have been designated as OFSs, including the Ichetucknee Springs Group and Columbia, Devil's Ear, Hornsby, Poe, and Treehouse Springs along the Santa Fe River.¹³⁸ The Ichetucknee Springs Group is a first-magnitude spring complex, comprised of nine named and many unnamed springs that discharge into the Ichetucknee River. All but two of the nine springs are identified as Priority Springs.¹³⁹

Maintaining flows from the Priority Springs is essential to protecting water resource conditions and the ecological values of the springs, as well as the Lower Santa Fe River and Ichetucknee River downstream.¹⁴⁰ However, historical flow records over more than 90 years have shown a decline in flow for the Ichetucknee River and springs of roughly 10-20 percent. Additionally, nitrate-nitrogen concentrations have increased over the past two decades, and while the Ichetucknee River and springs continue to be well-vegetated with native plant species, there has been a marked decrease in the diversity of those species over time.¹⁴¹

In 2013, the Suwannee River Water Management District (SRWMD) concluded that excessive flow reductions in the Lower Santa Fe and Ichetucknee Rivers and associated Priority Springs (LSFIR) were beyond the point of

¹³¹ Santa Fe River Basin Springs Working Group and the Howard T. Odum Florida Springs Institute, *Santa Fe Springs Restoration Plan*, (Jan. 2012), available at <https://floridaspringsinstitute.org/wp-content/uploads/2018/07/SFS-RAP.pdf> at 7.

¹³² *Id.*

¹³³ *Id.* at 8.

¹³⁴ DEP, *Florida State Park: When the masses meet the grasses*, <https://www.floridastateparks.org/learn/when-masses-meet-grasses> (last visited Feb. 5, 2026); Florida Springs Institute, *Santa Fe River and Springs: Environmental Analysis* (Dec. 2020), available at <https://floridaspringsinstitute.org/wp-content/uploads/2021/03/Santa-Fe-River-and-Springs-Environmental-Analysis-Final-rev1-ZH-Update.pdf> at 5.

¹³⁵ *Id.* at 4.; Suwannee River Water Management District (SRWMD), *Minimum flows and minimum water levels re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs* (Jan. 2021), available at <https://www.mysuwanneeriver.com/DocumentCenter/View/17834/LSFIR-MFL-Report-Final> at 2.

¹³⁶ SRWMD, *Minimum flows and minimum water levels re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs* (Jan. 2021), available at <https://www.mysuwanneeriver.com/DocumentCenter/View/17834/LSFIR-MFL-Report-Final> at 3.

¹³⁷ Santa Fe River Basin Springs Working Group and the Howard T. Odum Florida Springs Institute, *Santa Fe Springs Restoration Plan*, (Jan. 2012), available at <https://floridaspringsinstitute.org/wp-content/uploads/2018/07/SFS-RAP.pdf> at 2.

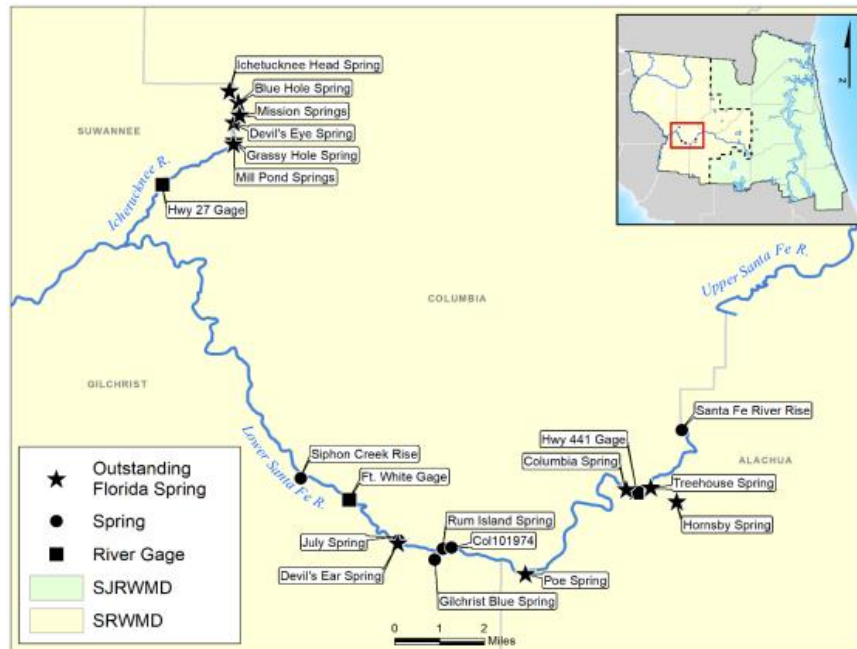
¹³⁸ SRWMD, *Minimum flows and minimum water levels re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs* (Jan. 2021), available at <https://www.mysuwanneeriver.com/DocumentCenter/View/17834/LSFIR-MFL-Report-Final> at 3.

¹³⁹ *Id.*

¹⁴⁰ *Id.* at 119.

¹⁴¹ Florida Springs Institute, *Santa Fe River and Springs: Environmental Analysis* (Dec. 2020), available at <https://floridaspringsinstitute.org/wp-content/uploads/2021/03/Santa-Fe-River-and-Springs-Environmental-Analysis-Final-rev1-ZH-Update.pdf> at 5.

“significant harm” and that these waterbodies required a recovery strategy.¹⁴² Accordingly, the SRWMD governing board requested that DEP adopt MFLs for the LSFIR due to the potential for impacts associated with water withdrawals in both the SRWMD and the St. Johns River Water Management District (SJRWMD).¹⁴³ At that time, the LSFIR was determined to be in recovery at both of the two MFL compliance points, and a recovery strategy was approved by the SRWMD and SJRWMD governing boards with regulatory components adopted by rule by DEP in June 2015.¹⁴⁴



*Santa Fe and Ichetucknee Rivers and Priority Springs*¹⁴⁵

On December 2, 2019, DEP published a Notice of Rule Development to reevaluate the 2015 LSFIR MFLs.¹⁴⁶ The most recent status assessment determined that the reevaluated MFLs in the proposed rule are not being met at two of the three identified compliance points. Accordingly, development of a prevention or recovery strategy was necessary.¹⁴⁷ The revised rules and implementation strategy are discussed below.

¹⁴² Florida Springs Institute, *Santa Fe River and Springs: Environmental Analysis* (Dec. 2020), available at https://floridaspringsinstitute.org/wp-content/uploads/2021/03/Santa-Fe-River-and-Springs-Environmental-Analysis_Final-rev1-ZH-Update.pdf at 5; SRWMD, *Recovery Strategy: Lower Santa Fe River Basin* (Apr. 8, 2014), available at <https://srwmd.org/DocumentCenter/View/9116/Lower-Santa-Fe-and-Ichetucknee-River-Recovery-Strategy?bidId=> at 1.

¹⁴³ DEP, *Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A* (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 6.

¹⁴⁴ *Id.* at 6-7.

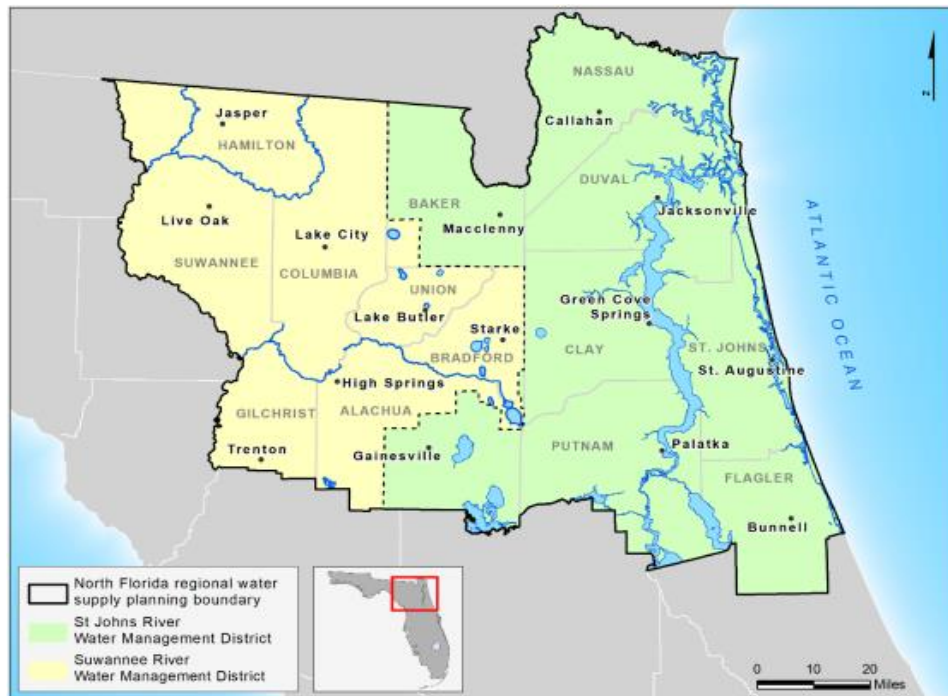
¹⁴⁵ North Florida Regional Water Supply Partnership, *2025 Implementation Strategy for the Lower Santa Fe and Ichetucknee Rivers and priority springs* (2025), available at <https://www.northfloridawater.com/2025implementationstrategy.html> (depicting map) at 5.

¹⁴⁶ DEP, *Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A* (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 7.

¹⁴⁷ Section 373.0421(2), F.S.

North Florida Regional Water Supply Partnership (NFRWSP)

The NFRWSP was established in 2011 through a formal interagency agreement executed by DEP, SJRWMD, and SRWMD.¹⁴⁸ The NFRWSP planning area covers more than 8,000 square miles and includes 14 counties: Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union.¹⁴⁹



NFRWSP Area¹⁵⁰

The purpose of the NFRWSP is to protect natural resources and water supplies in North Florida through collaborative planning, scientific-tool development, and related efforts.¹⁵¹ A central product of the NFRWSP is the North Florida Regional Water Supply Plan, which assesses current and projected water demands and identifies projects, water conservation measures, and other strategies to meet future demands while avoiding unacceptable water resource impacts.¹⁵² Such projects include the use of reclaimed water to offset potable use or groundwater recharge to increase the amount of water in an aquifer to help offset declines caused by withdrawals.¹⁵³

According to the latest water supply plan published in 2023, total water demand within the NFRWSP area is projected to increase from 530 million gallons per day (mgd) in 2015 to 698 mgd by 2045, a 32 percent increase.¹⁵⁴

¹⁴⁸ SJRWMD and SRWMD, *2023 North Florida Regional Water Supply Plan (2020-2045)* (Dec. 2023), available at [https://aws.sjrwmd.com/NFWSP/watersupplyplan/documents/final/2023 NFRWSP and Associated Appendices Final 2023 0212.pdf](https://aws.sjrwmd.com/NFWSP/watersupplyplan/documents/final/2023%20NFRWSP%20and%20Associated%20Appendices%20Final%202023%200212.pdf)

¹⁴⁹ *Id.* at 18.

¹⁵⁰ North Florida Regional Water Supply Partnership, *2025 Implementation Strategy for the Lower Santa Fe and Ichetucknee Rivers and priority springs (2025)*, available at <https://www.northfloridawater.com/2025ImplementationStrategy.html> (depicting map) at 6.

¹⁵¹ SJRWMD and SRWMD, *2023 North Florida Regional Water Supply Plan (2020-2045)* (Dec. 2023), available at [https://aws.sjrwmd.com/NFWSP/watersupplyplan/documents/final/2023 NFRWSP and Associated Appendices Final 2023 0212.pdf](https://aws.sjrwmd.com/NFWSP/watersupplyplan/documents/final/2023%20NFRWSP%20and%20Associated%20Appendices%20Final%202023%200212.pdf) at 19.

¹⁵² *Id.* at 22.

¹⁵³ *Id.* at 84, 87. For example, one project identified in the 2023 plan is the Black Creek Water Resource Development Project in Clay County, which is designed to recharge of the Upper Floridan aquifer and has the potential to increase flows in the Lower Santa Fe and Ichetucknee Rivers. *Id.* at 84.

¹⁵⁴ *Id.* at 26. This includes groundwater, surface water, and alternative water sources. *Id.* at 3.

The NFRWSP concluded that fresh groundwater alone cannot meet this projected increase in demand without causing unacceptable impacts to water resources.¹⁵⁵

Since approval of the previous regional water supply plan in 2017, participating agencies and stakeholders have implemented approximately 1,294 cost-share water supply and conservation projects through 2022, an investment of about \$146 million that contributed to the availability or conservation of approximately 89.1 mgd of water within the NFRWSP area.¹⁵⁶ The 2023 plan identifies 160 mgd of estimated benefit from water supply development, water resource development, and water conservation project options to offset the projected increase in groundwater demand of approximately 135 mgd by 2045.¹⁵⁷

SERC for Rule 62-300, F.A.C.

DEP determined that a SERC was required for the revisions to r. 62-42.300, F.A.C., and prepared one in advance of rule adoption.¹⁵⁸ DEP estimates the revised rule will increase regulatory costs, including transactional costs, by up to \$163.8 million in the aggregate within five years of implementation.¹⁵⁹ A summary of these costs is provided in the table below.¹⁶⁰

Summary of Costs to Regulated Entities¹⁶¹

Rule Citation	Topic	SERC Total Estimated Cost
62-42.300(4), F.A.C.	Private residential landscape irrigation well water uses	\$2,540,806–\$4,393,906
62-42.300(5), F.A.C.	Metering and Monitoring Requirements	\$1,136,818–\$4,669,133
62-42.300(6), F.A.C.	Water Conservation Requirements	\$12,772,964
62-42.300(7), F.A.C.	Offset Requirements ¹⁶²	\$142,000,000
TOTAL		\$158,450,588– \$163,836,003

Additionally, an estimated \$1,975,050 to \$11,712,476 in indirect costs are expected to be incurred by the SRWMD within the first five years.¹⁶³

¹⁵⁵ *Id.* at 3.

¹⁵⁶ *Id.* at 75.

¹⁵⁷ *Id.* at 4, 101.

¹⁵⁸ See DEP, Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment>.

¹⁵⁹ *Id.* at 4.

¹⁶⁰ See *Id.* at 4-5.

¹⁶¹ For agricultural producers, [section 373.0421, F.S.](#), provides an alternative means for compliance. The costs associated with that statutorily-established alternative are not included in this SERC. *Id.* at 4.

¹⁶² The total estimated cost for the “Offset Requirements” includes the completion of a large-scale regional water recharge project, which will take place over an estimated 13-year time period. In the first five years following rule adoption, \$142 million is the estimated expenditure for the project, which includes preconstruction activities, such as permitting and design and land acquisition, and some initial construction activities. The total estimated project cost is \$1.1 billion. *Id.*

¹⁶³ DEP, Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 4.

Rulemaking

This rulemaking ratifies the revised MFLs r. 62-42.300, F.A.C., titled “The Lower Santa Fe and Ichetucknee Rivers and Priority Springs” and the associated definitions found in proposed r. 62-42.200, F.A.C., as filed for adoption with the Department of State pursuant to the certification package dated December 31, 2025.¹⁶⁴

Proposed Definitions

The proposed amendments to r. 62-42.200, F.A.C., define terms that are used in the remainder of the rule chapter and have no independent regulatory effect and are therefore not associated with an increased regulatory cost.¹⁶⁵

Proposed MFLs for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs

The proposed revisions to r. 62-42.300, F.A.C., replace the existing 2015 MFLs and establish the regulatory components of an implementation strategy to achieve the new limits.¹⁶⁶ The implementation strategy will be administered by the SJRWMD and the SRWMD in the NFRWSP planning area.

As discussed in further detail below, the proposed rule provides new requirements related to private residential landscape irrigation, monitoring and reporting, water conservation, and offsetting impacts.

Private Residential Landscape Irrigation Requirements

Currently, private residential irrigation water use is authorized by a general permit. Uses authorized under such permits generally must abide by days of the week restrictions and other watering restrictions.¹⁶⁷

The proposed rule supersedes existing rules for certain users. If a residential home is supplied potable water by a utility, a general permit will not be authorized within the NFRWSP for a new well from the Floridan aquifer for irrigation after the effective date of the rule.¹⁶⁸ The use of water may be authorized through a No-Fee Noticed General Permit, which has a duration of 10 years and requires certification that the applicant has an irrigation system that includes leak detection and water conservation devices.¹⁶⁹

The estimated costs for the proposed private residential landscape irrigation requirements are between \$2,540,806 and \$4,393,906 (\$1,200 to \$2,100 per system).¹⁷⁰

¹⁶⁴ The bill provides that this section serves no other purpose and may not be codified in the Florida Statutes. After this act becomes a law, its enactment and effective dates must be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This section does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under ch. 120, F.S.. This section does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing adoption of any rule cited.

¹⁶⁵ DEP, *Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A* (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 8.

¹⁶⁶ *Id.*

¹⁶⁷ See R. 40B-2.041(9)(d) and r. 40C-2.042(2)(a), F.A.C.

¹⁶⁸ DEP, *Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A* (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 9.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.* at 24. These costs are incurred by homeowners who have public supply available but choose to install a well for irrigation and ensure that water conservation measures are implemented. The cost savings from not paying for water from the public supplier are presumed to be offset by the well installation. *Id.*

Monitoring and Reporting Requirements

The proposed rule provides supplemental requirements for monitoring and reporting activities where they are not already in place.¹⁷¹ Monitoring and reporting requirements are currently in effect in both SJRWMD and SRWMD.¹⁷² In SJRWMD, the proposed rule does not impose any additional monitoring or reporting requirements beyond those already in effect. However, in SRWMD, the proposed rule supplements existing district rules and would result in additional regulatory requirements for monitoring and reporting water use.¹⁷³

Currently, SRWMD rules require monthly monitoring of wells eight inches or greater and surface water pumps with a cumulative intake diameter of six inches or greater, regardless of total permit allocation.¹⁷⁴ The proposed rule requires monitoring of all permitted wells and pumps authorized by an individual consumptive use permit.¹⁷⁵ The timeline and type of monitoring required is handled differently based on permit allocation and when the authorized use began.¹⁷⁶ Regarding reporting requirements, SRWMD currently requires permittees to submit monthly water use data every six months for withdrawal points that are subject to monitoring (i.e., wells eight inches or greater, surface water pumps with intakes six inches or greater).¹⁷⁷ SRWMD rules currently do not incorporate standardized forms for reporting. The proposed rule prescribes the format for reporting. Specifically, the proposed rule requires monthly recording and biannual reporting of all permitted wells for permittees with total allocations of 100,000 gallons per day (gpd) or greater and annual reporting for permittees with total allocations less than or equal to 100,000 gpd. Additionally, flow meters and alternative methods must be validated for accuracy every 10 years using proposed forms incorporated into the proposed rule. In SRWMD, this verification is a current requirement only for the withdrawal points currently requiring monitoring (i.e., wells eight inches or greater, surface water pumps with intakes six inches or greater), and the SRWMD rules do not incorporate standardized forms for reporting.¹⁷⁸

The total cost to permittees for this regulatory measure is estimated to be between \$1,136,818 and \$4,669,133, which includes the cost of equipment installation, monitoring, and reporting.¹⁷⁹

Water Conservation Requirements

The proposed rule imposes different requirements for public water supply permittees, agricultural permittees, and permittees of other use types (i.e., landscape/recreation, commercial/industrial/institutional, and mining/dewatering). The total estimated cost of the proposed rule's water conservation requirements for all

¹⁷¹ *Id.* at 9.

¹⁷² *Id.* at 10.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ A consumptive use permit allows the holder to withdraw a specified amount of water from surface water and groundwater sources for reasonable and beneficial use. Consumptive use permits require water conservation to prevent wasteful uses, require the reuse of reclaimed water instead of higher-quality groundwater where appropriate, and set limits on the amount of water that can be withdrawn. South Florida Water Management District, *Consumptive Water Use Permits*, <https://www.sfwmd.gov/doing-business-with-us/permits/water-use-permits> (last visited Feb. 5, 2026).

¹⁷⁶ DEP, Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 10. New individual permits issued after the effective date of the proposed rule must comply with monitoring requirements before use begins. Existing individual permits issued prior to the effective date are generally required to comply within five years following a renewal or modification that does not increase allocation or add withdrawal points. Modifications or renewals of existing permits that add withdrawal points or increase authorized allocations earlier compliance timelines, depending on the nature of the modification. *Id.*

¹⁷⁷ *Id.* at 11.

¹⁷⁸ *Id.*

¹⁷⁹ *Id.* at 28. To develop the cost for the monitoring requirements, the cost to install in-line flow meters is estimated to be \$5,000 per well, inclusive of the cost of equipment and installation. Based on SRWMD's current agricultural cost-share program, these devices are covered at 75 percent district cost share (which is funded by state grants), leaving the total estimated cost per well at \$1,250 for the producer. *Id.* at 24-25.

permittees is \$12,772,964.¹⁸⁰ The requirements and associated costs for each type of permittee are discussed in more detail below.¹⁸¹

Public Water Supply

All public supply permittees are required to implement either a standard or goal-based water conservation plan, evaluate those plans, and provide the evaluations in the form of a report.¹⁸² Water conservation plans are already required for permittees, but the proposed rule includes new components or minimum requirements that must be included.¹⁸³ The standard plan must include:

- A water conservation public education program.
- An outdoor water use reduction program.
- A rate structure promoting conservation.¹⁸⁴
- A water loss reduction program.
- An indoor water use conservation program.¹⁸⁵

The proposed rule also includes new requirements for Public Supply Water Conservation Plans:

- A goal for reducing residential per capita water use;¹⁸⁶
- For permittees with an allocation of 100,000 gpd or greater:
 - Annual verification of ongoing implementation of the water conservation plan and submittal of a Public Supply Annual Report.
- Submittal of an updated water conservation plan and a Public Supply Five-Year Water Conservation Report. For permittees with an allocation greater than 1 million gpd, include in the Public Supply Five-Year Water Conservation Report an analysis of the pre- and post-water use data to demonstrate the water savings associated with the implementation of the water conservation measures.¹⁸⁷

Agricultural

Currently, all agricultural permittees are required to implement a district-approved water conservation plan.¹⁸⁸ Consistent with existing rules, the proposed rule requires these permittees to implement the best available water conservation measures for all irrigation systems installed and take reasonable actions to maintain that efficiency throughout the term of the permit.¹⁸⁹ The specific requirements depend on the size of the permit, based on allocation.¹⁹⁰

¹⁸⁰ *Id.* at 4.

¹⁸¹ The proposed rule also provides an alternative means of compliance for agricultural producers who implement statutorily adopted best management practices. *Id.* at 15. See [Section 373.0421\(2\), F.S.](#)

¹⁸² DEP, Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 11.

¹⁸³ *Id.* at 11.

¹⁸⁴ There are no changes in these requirements. However, the proposed rule conforms this language in SRWMD to how it is currently expressed in the SJRWMD rule, including the details of how the districts will assist the permittee or applicant. These amendments in SRWMD are not expected to create an additional regulatory burden. *Id.* at 12.

¹⁸⁵ *Id.* at 12.

¹⁸⁶ This is a new requirement. The proposed rule requires permittees or applicants to demonstrate achievement of, or progress toward, a residential per capita water use rate equal to the lower of 75 gallons per capita day or the permittee's five-year average prior to the rule's effective date, with interim per capita reduction targets as needed. Permittees must submit documentation explaining any failure to meet the goal or approved targets through the required five-year water conservation report. *Id.* at 13.

¹⁸⁷ *Id.* at 13.

¹⁸⁸ *Id.* at 14.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.* at 30, 31.

Other Use Types

The proposed rule requires permittees for other use types (i.e., landscape/recreation, commercial/industrial/institutional, and mining/dewatering) to consider implementation of water conservation practices for all processes and components of water use that are environmentally, technically, and economically feasible.¹⁹¹ Although water conservation is already required under existing rules, the proposed rule adds specificity by identifying additional elements to be considered, including:

- For landscape/recreation: limiting daytime water use, leak detection and repair programs, and use of irrigation schedules and water-conserving devices.
- For commercial/industrial/institutional and mining/dewatering: water-efficient irrigation for drought-tolerant landscaping.¹⁹²

The proposed rule also requires permittees in these use categories with allocations greater than 100,000 gpd to evaluate and update their water conservation plans and submit a standardized water conservation report upon permit renewal, certain permit modifications, and 10-year compliance reviews.¹⁹³

These permittees are estimated to incur \$1,746,708 in costs associated with reporting requirements within five years of rule implementation.¹⁹⁴ Implementation of other water conservation measures does not result in additional costs, as all permittees are already required to implement such measures and submit a water conservation plan.¹⁹⁵

Offset Requirements

The proposed rule requires the offset of impacts as a permit condition for specific individual permit applicants.¹⁹⁶ These offset requirements are based on the quantity of water needed to meet demands in 2025, referred to the “Demonstrated 2025 Demand.” For new permits, applicants whose requested withdrawals that may impact an MFL compliance point must continue to provide reasonable assurance that the potential impact will be eliminated or offset before withdrawals begin, consistent with existing rule requirements. For permit renewals or modifications, applications that may impact an MFL compliance point must include reasonable assurance of elimination or offset for the portion of the requested allocation that exceeds the applicant’s Demonstrated 2025 Demand.¹⁹⁷ For existing permits, uses that do not exceed the Demonstrated 2025 Demand are considered consistent with the implementation strategy. Uses with projected demands above that level must, within five years of the proposed rule’s effective date, identify a project to eliminate or offset the excess.¹⁹⁸ The proposed rule provides means by which permittees may participate in a regional project to offset their growth.¹⁹⁹

For permittees whose demand is not calculated based on projected growth, such as agriculture, no offset is required and no action will be taken to reduce the permittee’s allocation.²⁰⁰ For permittees whose demand is calculated based on projected population growth, such as public supply, the permittee must address any future impacts associated with that growth.²⁰¹ Impacts may be offset by financial contribution, in-kind services, or assisting in cooperation and maintenance of a regional or local project.²⁰²

¹⁹¹ *Id.* at 15.

¹⁹² *Id.*

¹⁹³ *Id.* at 15-16.

¹⁹⁴ *Id.* at 30.

¹⁹⁵ *Id.* at 32.

¹⁹⁶ *Id.* at 16.

¹⁹⁷ Existing rules require offsets for amounts exceeding the current permitted allocation. Therefore, the requirement to eliminate or offset impacts for renewals or modifications is not entirely new, but the benchmark for determining the amount of offset that would be needed is a change from existing rule. *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.* at 17.

²⁰⁰ *Id.* at 16-17.

²⁰¹ *Id.* at 17.

²⁰² *Id.*

The cost of the proposed rule's offset requirements are estimated to be \$142 million within the first five years of the rule's implementation, which includes completion of a large-scale regional water recharge project (Water First North Florida) over an estimated 13-year period.²⁰³ While other projects may be implemented at the election of individual permittees, DEP included the Water First North Florida project cost as the sole offset cost as the project is anticipated to address the impacts associated with all water uses.²⁰⁴

Regulatory Cost to Agencies

The proposed rule will require SJRWMD and SRWMD to incorporate the proposed regulatory requirements into all water use permits issued in the NFRWSP area.²⁰⁵ SJRWMD and SRWMD will provide financial assistance for projects and measures identified in the implementation strategy.²⁰⁶ SJRWMD is required to provide at least 25 percent of total project costs unless other funding sources provide more than 75 percent.²⁰⁷ SRWMD is not subject to this requirement.²⁰⁸

SJRWMD intends to implement the proposed rule with existing staff and meet its statutory requirements through participation in the Black Creek Water Resource Development Project, the Water First North Florida project, and the Florida Water Star Silver Plus water conservation project.²⁰⁹ SJRWMD's financial contribution to Water First North Florida will be limited to the share of impacts to the MFL compliance points resulting from water withdrawals in the SJRWMD region, estimated at \$100–125 million.²¹⁰

SRWMD has identified the potential need to expand their workforce by one full-time equivalent position for the first five years of the proposed rule's implementation.²¹¹ Additionally, SRWMD's existing cost-share programs are anticipated to assist agricultural producers in implementing monitoring cost. The funding for these programs comes from state grant programs. The total estimated indirect cost to SRWMD for the new position and cost-share programs is between \$1,975,050 and \$11,712,476.²¹²

Regulatory Costs to Small Cities, Small Counties, and Small Businesses

Small cities are estimated to incur total costs between \$1,545,415 and \$1,608,996 within the first five years of rule implementation.²¹³ These estimates are based on a review of existing permits and 2020 Census population data identifying small city permittees in the NFRWSP planning area.²¹⁴ Costs to the small cities will vary based on the permit allocation and type, and include the cost to implement the conservation requirements, including achieving per capita goals (for Public Supply permittees), implementing specific elements required in their water conservation plans, and reporting on the effectiveness of their water conservation plans.²¹⁵ Most costs are

²⁰³ *Id.* at 33. Water First North Florida is a planned 40 mgd project that will treat reclaimed water from JEA's Buckman and Southwest water reclamation facilities through wetland systems, provide regional recharge to the Floridan aquifer, and, when fully implemented, has the potential to increase flows to the Lower Santa Fe and Ichetucknee rivers. The project is in the planning phase, with wetland treatment and recharge site investigations underway. Total estimated construction costs are approximately \$1.1 billion, excluding land acquisition, permitting, and operation and maintenance costs. *Id.* at 32-33.

²⁰⁴ *Id.* at 33.

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.* at 33-34. Regarding Water First North Florida, SJRWMD intends to participate by contributing to the planning, design, construction and/or operation and maintenance of the project. In addition to direct cost-share, SJRWMD may meet the financial assistance requirement through land acquisition or in-kind services. *Id.*

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.* at 37. "Small city" means any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. *Id.* at 35; [Section 120.52\(18\), F.S.](#)

²¹⁴ DEP, Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 36-37.

²¹⁵ *Id.* at 37.

attributable to water conservation requirements applicable to Public Supply permits with allocations exceeding 100,000 gpd.²¹⁶

Small counties are estimated to incur total costs between \$191,746 and \$234,134 within the first five years of rule implementation.²¹⁷ Like small cities, these estimates are based on a review of existing permits and 2020 Census population data identifying small county permittees in the NFRWSP planning area.²¹⁸ Only three small county Public Supply permits exceed 100,000 gpd and are subject to water conservation requirements, resulting in an estimated cost of \$178,104.²¹⁹ Additional costs to small counties are attributable to monitoring and reporting requirements, based on their proportionate share of affected permittees.²²⁰

Small businesses are estimated to incur total costs between \$3,272,885 and \$6,628,584 within the first five years of rule implementation.²²¹ The proposed rule would only directly impact small businesses that are water use permittees or applicants in the NFRWSP planning area.²²² Below is a table summarizing the regulatory costs from the proposed water conservation requirements.

Estimated Number of Small Business Permittees by Use Type and Regulatory Costs from Conservation Requirements²²³

Water Use Type	Total Number of Permittees with a Regulatory Cost (a)	Water Conservation Reporting Cost per Permittee (b)	Total Regulatory Cost per Use Type (a x b)
Agricultural	669	\$120	\$80,280
Commercial/Industrial/Institutional	30	\$12,388	\$371,640
Landscape/Recreation	81	\$12,388	\$1,003,428
Mining/Dewatering	10	\$12,388	\$123,880
Public Supply ²²⁴	10	\$59,368	\$613,680

In addition, small businesses are estimated to incur \$1,079,977–\$4,435,676 in costs related to the proposed rule’s monitoring and reporting requirements.²²⁵

²¹⁶ *Id.*

²¹⁷ *Id.* at 38. “Small county” means any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census. *Id.* at 35; [s. 120.52\(19\), F.S.](#)

²¹⁸ DEP, Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 38.

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ *Id.* at 36. “Small business” means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement includes both personal and business investments. *Id.* at 34-35; [section 288.703\(6\), F.S.](#)

²²² DEP, Statement of Estimated Regulatory Costs-Summary of SERC Economic Assessment: Rule 62-42.300, F.A.C.: Attachment A (Oct. 2, 2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment> at 35.

²²³ *Id.* at 36.

²²⁴ The cost for Public Supply is the combined cost of the five-year cost for the Public Supply Annual Report (\$46,980) and the one-time cost for the Public Supply Five-Year Water Conservation Report (\$12,388). There is one small business Public Supply permit with an allocation greater than 1 mgd, which means it would also have an additional \$20,000 reporting cost for implementing the data analytics requirements. This \$20,000 is added to the total for Public Supply. *Id.* at 36.

²²⁵ *Id.* at 36.

Other costs that could be incurred by small businesses, small cities, and small counties, such as participation in a water conservation project, are based on the needs and decisions of the permittees and are not known on an individual basis at this time.²²⁶

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Natural Resources & Disasters Subcommittee	16 Y, 0 N, As CS	2/4/2026	Skinner	Skinner
THE CHANGES ADOPTED BY THE COMMITTEE:	- Required DEP to develop BMPs for the construction of a solar facility. - Provided that a septic system remediation plan may require existing conventional septic systems to upgrade to nutrient-reducing septic systems where central sewerage is not available for: 1) properties of 10 acres or less located outside of a priority focus area of an OFS, but within a springs BMAP; and 2) properties of any size located within a priority focus area. - Provided that a commercial wastewater system permit is valid for one year and must be renewed annually. - Narrowed the types of septic system operating permits that are valid for the lifetime of the installation to only residential septic systems. - Required a septic system operating permit to be modified upon a change in <i>ownership</i>, rather than occupancy, of the property. - Removed a provision that authorized a municipality or county that is a rural community to be eligible for a reduced cost share for the Resilient Florida Grant Program. - Removed a provision that allowed for inflation adjusted fees for certain inspection reports. - Removed a reporting requirement that was added for local governments to report on domestic biosolids and septage generated in their service area. - Granted DEP exclusive authority to execute coastal resiliency projects through public-private partnerships. - Removed the provisions that impacted fees associated with Class AA biosolids and fertilizers - Provided for ratification of rules relating to the Lower Santa Fe and Ichetucknee Rivers and Priority Springs minimum flows and levels and recovery strategies. - Made conforming changes.			
Agriculture & Natural Resources Budget Subcommittee	12 Y, 2 N, As CS	2/12/2026	Topp	Perez
THE CHANGES ADOPTED BY THE COMMITTEE:	Removed the provisions related to the Acquisition and Restoration Council and the Florida Communities Trust.			
State Affairs Committee			Skinner	Williamson

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

²²⁶ *Id.* at 36, 38.

