FLORIDA HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/CS/CS/HB 1417	**COMPANION BILL:** CS/CS/CS/SB 1510 (Massullo)
TITLE: Department of Environmental Protection	**LINKED BILLS:** None
SPONSOR(S): LaMarca and Boyles	**RELATED BILLS:** None

FINAL HOUSE FLOOR ACTION: 110 **Y's** 0 **N's** **GOVERNOR'S ACTION:** Approved

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.
- Requires erosion and sediment control plans for the construction of solar facilities to include certain protections, including the implementation of stormwater best management practices.
- Limits the requirement that any commercial or residential property with an existing septic system, within the area covered by the Indian River Lagoon Protection Program, connect to central sewer or upgrade the septic system so that it only applies to commercial or residential properties of 10 acres or less.
- Creates provisions allowing public-private partnerships for coastal resiliency projects.
- 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.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION

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)

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 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 4)

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 4)

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 6)

The bill removes the requirement that the Department of Environmental Protection (DEP) send a written warning to a permittee if the annual operating license fee is not received by the required date. (Section 6)

The bill removes language providing the costs to issue and administer permits must be considered direct and indirect costs of the major stationary source air-operation permit program. (Section 6)

Solar Facility Construction Best Management Practices

The bill requires applicants for permits required under s. 373.413, F.S.,[1] to incorporate site specific and appropriate additional protections in the development and implementation of an erosion and sediment control plan (ESC plan) for the construction of a solar facility. The bill requires such ESC plans to include, at a minimum:

- Soil percolation testing on the premises of a proposed solar facility.
- Implementation of stormwater best management practices and related erosion controls for runoff during the construction of a solar facility that are based on rainfall amounts up to the 100-year, 24-hour design storm for the project site.
- Clearing and stabilization in phases as needed to reduce disturbed portions of the project site that may be susceptible to erosion during construction. (Section 2)

Inspections must be performed by a certified Florida Stormwater, Erosion, and Sedimentation Control Inspector during construction to ensure the plan is being implemented in accordance with permitting requirements under s. 373.413, F.S. (Section 2)

The bill requires an operator of a solar facility or a proposed solar facility to implement all applicable construction and operational permit requirements. (Section 2)

Within the jurisdictional boundary of the Northwest Florida Water Management District, the bill requires an operational phase stormwater management system, permitted under part IV of chapter 373, F.S., that serves a solar facility to be designed based on the 100-year, 24-hour design storm for the project site. However, this provision only applies to applications for new solar facilities filed after July 1, 2026. (Section 2)

Public-private Partnerships for Coastal Resiliency Projects

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 5)

The bill defines public-private partnership as a coastal resiliency project entered into by a local government pursuant to the statutory procedures and requirements applicable to public-private partnerships.[3] (Section 5)

[1] Section 373.413, F.S., relates to permits proposing to construct or alter a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works.
[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 three-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.

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 3)

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 5)

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 5)

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 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 Itchetucknee Rivers and Priority Springs. (Section 26)

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 26)

Effective Date

The bill was approved by the Governor on March 19, 2026, ch. 2026-2, L.O.F., and will become effective on July 1, 2026. (Section 27)

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.

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.

[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 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.

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 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]

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[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* Ch. 75-22, L.OF.; s. 403.804, F.S.
[6] *Id.*; *see also* s. 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.*

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]

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 (BMPs) or conducting water quality monitoring.[22] A

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[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.*

[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); s. 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. Rule 62-620.200(37), F.A.C.

[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.

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 BMPs 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;
- 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]

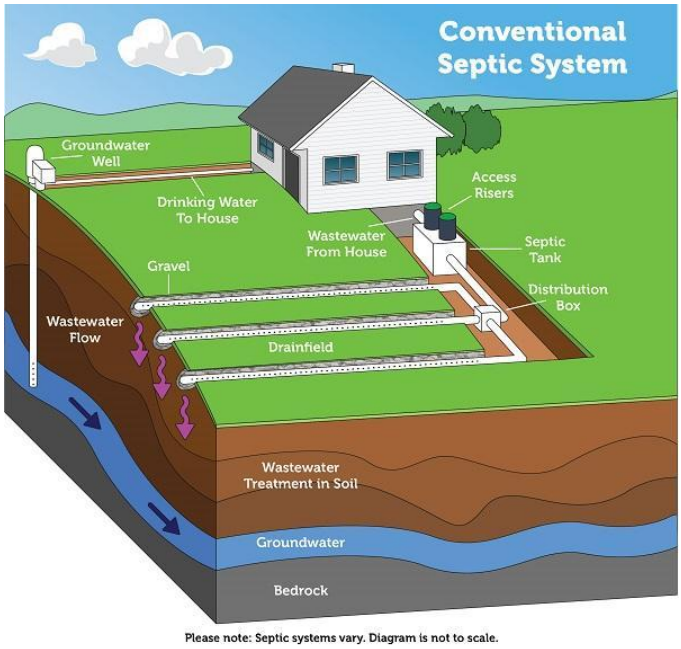
Pursuant to the Indian River Lagoon Protection Program, the installation of new onsite sewage treatment and disposal system (septic systems) is prohibited within the program area where a publicly-owned or investor-owned sewerage system is available.[30] If central sewerage is unavailable, only enhanced 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]

Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (septic systems) generally consist of two basic parts: the septic tank and the drainfield.[32] Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic

[23] Section 403.067(7)(b)2.h., F.S.
[24] Section 403.067(7)(a)6., F.S.
[25] *Id.*
[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* s. 373.469, F.S.
[29] Section 373.469(3), F.S.; ch. 2023-196, L.O.F.
[30] Section 373.469(3)(d), F.S.
[31] *Id*.
[32] 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.

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.[33] In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.[34] There are an estimated 2.6 million septic systems in Florida, providing wastewater disposal for 30 percent of the state's population.[35] The vast majority of these are conventional systems.[36]



Please note: Septic systems vary. Diagram is not to scale.

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.[37] This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from septic systems a potential contaminant in groundwater.[38]

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.[39] 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.[40]

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),[41] and may be required in certain areas. For

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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).

[33] *Id.*

[34] 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. Rule 62-6.001(4)(e)2. and 3., F.A.C. *See also* r. 62-6.015(6)(a), F.A.C.

[35] 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).

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

[37] 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.

[38] 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/pdffiles/SS/SS55000.pdf.

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

[40] *Id.*

[41] 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%20_Springs_Protection_0.pdf.

example, enhanced nutrient-reducing septic systems[42] are required for new systems within the Indian River Lagoon[43] 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.[44] There are also special treatment requirements for the Florida Keys.[45] In addition, performance-based treatment systems[46] must meet specific treatment standards.[47]*Septic System Permits*
State law requires a person to receive an approved[48] permit to construct, repair, modify, abandon, or operate a septic system.[49] 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.[50]

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.[51] 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.[52] The Clean Air Act requires states to adopt enforceable plans to achieve and maintain air quality standards.[53]

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.[54] 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.[55]

State law requires each major source of air pollution operating in Florida to pay an annual operation license fee.[56] This fee must be sufficient to cover all reasonable direct and indirect costs required to develop and administer the

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[42] "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.
[43] *See* s. 373.469(3)(d), F.S.
[44] Sections 373.811(2) and 403.067(7)(a)10., F.S.
[45] Section 381.0065(4)(l), F.S.
[46] "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. Rule 62-6.025(7), F.A.C. 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.
[47] *See* r. 62-6.025(11), F.A.C.
[48] 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).
[49] 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.
[50] *Id*.
[51] 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.
[52] EPA, *Clean Air Act Requirements and History*; *see* 40 C.F.R. ss. 50.1-50.21.
[53] EPA, *Clean Air Act Requirements and History*; 42 U.S.C. §7407.
[54] Section 403.0872, F.S.
[55] 42 U.S.C. §7412(a)(1).
[56] Section 403.0872(11), F.S.

major stationary source air-operation permit program.[57] The fee is due between January 15 and April 1 of each year.[58] 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.[59]

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.[60] 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.[61] 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.[62] 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.[63]

Solar Facility Development

A utility-scale solar generation system requires larger quantities of land per unit of power produced than traditional power plants.[64] Solar generation facilities require "at least [ten] times as much land per unit of power produced than coal or natural gas-fired power plants."[65] 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.[66]

Environmental Resource Permits

Florida's Environmental Resource Permitting (ERP) program regulates activities involving the alteration of surface water flows, including activities that generate stormwater runoff from upland construction, as well as dredging

[57] Section 403.0872(11)(b), F.S.
[58] *Id*.
[59] Section 403.0872(11)(a)3., F.S.
[60] Section 403.0872(11)(a)5., F.S.
[61] United States Office of Energy Efficiency and Reliability, *Solar Energy*, *available at* https://www.energy.gov/topics/solar-energy (last visited Feb. 6, 2026).
[62] 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).
[63] 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).
[64] 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).
[65] *Id*.
[66] *Id*.

and filling in wetlands and other surface waters.[67] Specifically, the ERP program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other works, such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.[68]

DEP and Florida's five water management districts (WMDs) issue ERP permits.[69] Either DEP or the relevant WMD reviews ERP applications to ensure the permit authorizes activities not harmful to water resources or inconsistent with the public interest.[70] Current law requires applicants to provide reasonable assurance that the permitted activity will not violate state water quality standards and is not contrary to the public interest.[71] However, if the proposed activity significantly degrades or is within an Outstanding Florida Water, the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.[72] To determine if the activity is not contrary to public interest, DEP or the WMD governing board must consider the current condition and relative value of the functions being performed by areas affected by the proposed activity, as well as whether the activity will:

- Adversely affect the public health, safety, or welfare or the property of others.
- Adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats.
- Adversely affect navigation or the flow of water or cause harmful erosion or shoaling.
- Adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity.
- Be temporary or permanent.
- Adversely affect or enhance significant historical and archaeological resources.
- Affect the current condition and relative value of functions being performed by areas affected by the proposed activity.[73]

If an ERP applicant cannot meet applicable criteria, the permitting agency must consider measures to mitigate adverse effects of the regulated activity.[74] Where existing ambient water quality prevents compliance with water quality standards, such mitigation must result in a net improvement in the receiving waterbody for the parameters that do not meet standards.[75] Mitigation options may include, but are not limited to, onsite or offsite mitigation, regional offsite mitigation, and the purchase of mitigation credits from mitigation banks.[76] It is the applicant's responsibility to choose the form of mitigation.[77]

Erosion and Sediment Control

Erosion and Sediment Control Plans

Uncontrolled erosion and sediment from land development activities can result in costly damage to aquatic areas and to both private and public lands. Excessive sediment blocks stormwater conveyance systems, fills navigable

[67] DEP, Environmental Resource Permitting Coordination, Assistance, Portals (last visited Feb. 26, 2026).
[68] Rule 62-330.010(2), F.A.C.
[69] *See* MyFlorida, Florida's Water Permitting Portal (last visited Feb. 26, 2026) *and* Department of Environmental Protection, Environmental Resource Permitting Coordination, Assistance, Portals (last visited Feb. 26, 2026).
[70] Southwest Florida Water Management District, Environmental Resource Permit (last visited Feb. 26, 2026).
[71] Section 373.414(1), F.S.
[72] Section 373.414(1), F.S. The Outstanding Florida Water designation indicates a water is worthy of special protection because of its natural attributes; the designation is intended to protect existing good water quality. *See* Department of Environmental Protection, Outstanding Florida Waters (last visited Feb. 26, 2026).
[73] Section 373.414(1)(a), F.S.
[74] Section 373.414(1)(b), F.S.
[75] Section 373.414(1)(b)3., F.S.
[76] Section 373.414(1)(b), F.S.
[77] *Id.*

channels, impairs fish spawning, clogs the gills of fish and invertebrates, and suppresses aquatic life.[78] Under Florida's ERP program, an erosion and sediment control plan (ESC Plan) must be submitted as part of providing reasonable assurance that water quality standards will not be violated during a project's construction phase. An ESC Plan is a site-specific plan that specifies the location, installation, and maintenance of BMPs to prevent and control erosion and sediment loss at a construction site. The ESC Plan is submitted as part of the permit application and must be shown on the construction plans for the development. It must identify the location, relative timing, and specifications for all erosion and sediment control and stabilization measures that will be implemented as part of the project's construction. It must also provide for compliance with the terms and schedule of implementing the proposed project, beginning with the initiation of construction activities. If the proposed erosion and sedimentation controls no longer provide reasonable assurance that water quality standards will not be violated, due to unforeseen circumstances such as extreme rainfall events or construction delays, additional erosion and sediment control measures must be required to prevent violations of water quality standards.[79]

The goal of ESC Plans is the minimization of erosion and control of sediment through the implementation of BMPs.[80] These details must be included in the permit application.[81] Overall, these BMPs are intended to prevent unauthorized offsite and onsite discharges of sediments and turbid waters.[82] At a minimum, the erosion and sediment control requirements in the Applicant's Handbook must be followed during construction of the project. When necessary, during construction, BMPs are required to retain sediment onsite and guard against causing or contributing to a violation of state water quality standards.[83] Sediment accumulation in the stormwater system from construction activities must be removed prior to final certification of the system to ensure that the designed and permitted storage volume is available.[84] Finally, the BMPs described in the permit are minimum requirements and may require revision, upgrading, relocating, strengthening, or other modifications to serve their intended function while responding quickly to unanticipated changes in conditions onsite.[85]

Florida Stormwater, Erosion, and Sedimentation Control Inspectors

Florida Stormwater, Erosion, and Sedimentation Control Inspectors undergo a training and certification program implemented by DEP's Water Quality Restoration Program that prepares students to perform stormwater inspections on construction and development sites once they become inspectors. The goals of this training include educating future installers and inspectors on proper BMP selection, installation, layering, maintenance, and restoration, and how to correctly inspect BMPs for use during and after construction to minimize and eliminate onsite and offsite impacts from uncontrolled erosion, sedimentation, and other polluted discharges.[86]

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.[87] These agreements enable skill and asset sharing between the public and private sectors

[78] DEP, *Environmental Resource Permit Applicant's Handbook Volume I (General and Environmental),* p. 11-1 (July 30, 2025) available at https://floridadep.gov/sites/default/files/AH_I_thru_Appendix_D_Compare_SB7040_Clean.pdf (last visited Feb. 26, 2026).
[79] *Id.* at 11-1 -11-2.
[80] A BMP for sediment and erosion control means a practice or combination of practices, based on research, field-testing, and expert review, to be the most effective and practicable, including economic and technological considerations, to prevent or reduce erosion processes and sediment transport downstream. *See Id.* at 2-2.
[81] *Id.* at 11-1 -11-2.
[82] *Id.* at 11-1-11-3.
[83] *Id.* at 11-2-11-3.
[84] *Id.*
[85] *Id.* at 11-1.
[86] Florida Stormwater, Florida Stormwater, Erosion, and Sedimentation Control Inspector Training & Certification Program (last visited Feb. 26, 2026).
[87] 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

to provide services or facilities benefitting the general public.[88] Several statutes promote and offer direction for P3 projects, including those for services and facilities related to transportation, housing, and education.[89]

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.[90] 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.[91] RPEs must adhere to specific requirements, including protocols for reviewing and approving proposals.[92]

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.[93] The plan must consist of ranked projects that address flooding and sea level rise risks for coastal and inland communities.[94] All eligible projects submitted to DEP must be ranked and included in the plan.[95] DEP ranks the projects using a four-tiered scoring system.[96] Examples of projects include construction of living shorelines, seawalls, pump stations, elevation projects, and infrastructure hardening.[97]

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.[98] 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.

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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* s. 255.065(1)(g), F.S.

[88] 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).

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

[90] *See* s. 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.

[91] "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.

[92] *See* s. 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.

[93] Section 380.093(5)(a), F.S.

[94] *Id.*

[95] *Id.*

[96] Section 380.093(5)(g), F.S.

[97] *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).

[98] Section 380.093(5)(a), F.S.

- The project sponsor.[99]

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.[100] 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.[101]

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.[102]

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.[103]

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.[104]

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.[105]

[99] Section 380.093(5)(c), F.S.
[100] Section 380.093(5)(d)1., F.S.
[101] Section 380.093(5)(d)2., F.S.
[102] 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.
[103] Section 120.541(3), F.S.
[104] Section 120.541(1)(b), F.S.
[105] 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.[106] 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.[107]

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.[108] MFLs are calculated using the best information available[109] and are considered rules by the WMDs, which are subject to Chapter 120, F.S., challenges.[110] MFLs are subject to independent scientific peer review at the election of DEP, a WMD, or, if requested, by a third party.[111] MFLs must be reevaluated periodically and revised as needed.[112]

MFLs must be established for each Outstanding Florida Spring (OFS).[113] 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.[114]

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.[115] 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.[116]
- 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.[117]

Agricultural producers who implement BMPs are presumed to be in compliance with the recovery or prevention strategy.[118]

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[106] *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).
[107] Rule 62-40.473(1), F.A.C.
[108] Section 373.042(3), F.S.
[109] Section 373.042(1), F.S.
[110] Section 373.042(5) and (7), F.S.
[111] Section 373.042(6)(a), F.S.
[112] Section 373.0421(5), F.S.
[113] Section 373.042(2), F.S.
[114] Section 373.042(2)(b), F.S.
[115] 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); s. 373.805(1), F.S.
[116] 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.
[117] Section 373.805(4), F.S
[118] 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.[119] 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.[120] The Lower Santa Fe River is fed by the flow of at least 36 different named springs.[121] With a discharge of over 200 million gallons per day, the Ichetucknee River is the largest tributary to the Santa Fe River.[122]

The Santa Fe River Basin is approximately 1,380 square miles and is underlain by limestone formations that comprise the Floridan aquifer system.[123] 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.[124] 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.[125]

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.[126] 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.[127]

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.[128] 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.[129]

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

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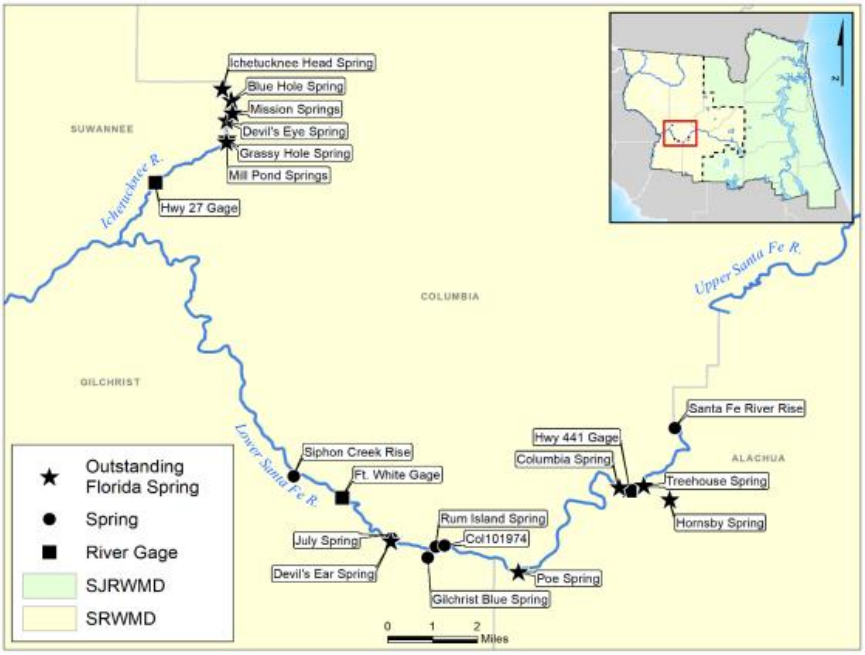
[119] Santa Fe River Basin Springs Working Group and the Howard T. Odum Florida Springs Institute, *Santa Fe Springs Restoration Plan*, (Jan. 2012), *available at* https://floridaspringsinstitute.org/wp-content/uploads/2018/07/SFS-RAP.pdf at 7.
[120] *Id.*
[121] *Id.* at 8.
[122] DEP, *Florida State 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.
[123] *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.
[124] 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.
[125] 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.
[126] 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.
[127] *Id.*
[128] *Id.* at 119.
[129] 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.[130] 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).[131] 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.[132]



Santa Fe and Ichetucknee Rivers and Priority Springs[133]

On December 2, 2019, DEP published a Notice of Rule Development to reevaluate the 2015 LSFIR MFLs.[134] 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.[135] The revised rules and implementation strategy are discussed below.

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[130] *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.

[131] 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.

[132] *Id.* at 6-7.

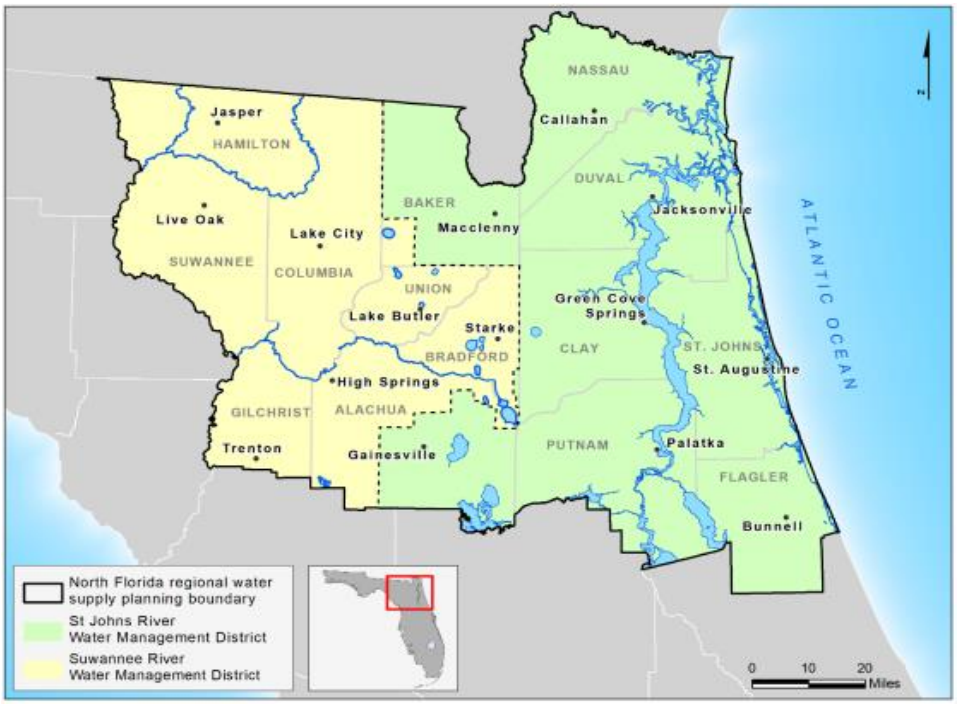
[133] North Florida Regional Water Supply Partnership, *2025 Implementation Strategy for the Lower Santa Fe and Ichetucknee Rivers and priority springs* (2025), *available at* https://www.northfloridawater.com/2025implementationstrategy.html (depicting map) at 5.

[134] 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.

[135] 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.[136] 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.[137]



NFRWSP Area[138]

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.[139] 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.[140] 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.[141]

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.[142]

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[136] 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_20230212.pdf

[137] *Id.* at 18.

[138] 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.

[139] 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_20230212.pdf at 19.

[140] *Id.* at 22.

[141] *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.

[142] *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.[143]

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.[144] 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.[145]

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.[146] 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.[147] A summary of these costs is provided in the table below.[148]

Summary of Costs to Regulated Entities[149]

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[150]	$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.[151]

[143] *Id.* at 3.
[144] *Id.* at 75.
[145] *Id.* at 4, 101.
[146] *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.
[147] *Id.* at 4.
[148] *See Id.* at 4-5.
[149] 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.
[150] 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.*
[151] 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.[152]

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.[153]

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.[154] 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.[155]

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.[156] 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.[157]

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).[158]

Monitoring and Reporting Requirements

The proposed rule provides supplemental requirements for monitoring and reporting activities where they are not already in place.[159] Monitoring and reporting requirements are currently in effect in both SJRWMD and SRWMD.[160]

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[152] 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.

[153] 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.

[154] *Id.*

[155] *See* r. 40B-2.041(9)(d), F.A.C., and r. 40C-2.042(2)(a), F.A.C.

[156] 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.

[157] *Id.*

[158] *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.*

[159] *Id.* at 9.

[160] *Id.* at 10.

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.[161]

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.[162] The proposed rule requires monitoring of all permitted wells and pumps authorized by an individual consumptive use permit.[163] The timeline and type of monitoring required is handled differently based on permit allocation and when the authorized use began.[164] 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).[165] 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.[166]

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.[167]

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 permittees is $12,772,964.[168] The requirements and associated costs for each type of permittee are discussed in more detail below.[169]

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[161] *Id.*

[162] *Id.*

[163] 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).

[164] 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.*

[165] *Id.* at 11.

[166] *Id.*

[167] *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.

[168] *Id.* at 4.

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

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.[170] Water conservation plans are already required for permittees, but the proposed rule includes new components or minimum requirements that must be included.[171] The standard plan must include:

- A water conservation public education program.
- An outdoor water use reduction program.
- A rate structure promoting conservation.[172]
- A water loss reduction program.
- An indoor water use conservation program.[173]

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

- A goal for reducing residential per capita water use;[174]
- 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.[175]

Agricultural

Currently, all agricultural permittees are required to implement a district-approved water conservation plan.[176] 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.[177] The specific requirements depend on the size of the permit, based on allocation.[178]

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

[170] 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.
[171] *Id.* at 11.
[172] 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.
[173] *Id.* at 12.
[174] 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.
[175] *Id.* at 13.
[176] *Id.* at 14.
[177] *Id.*
[178] *Id.* at 30, 31.

feasible.[179] 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.[180]

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.[181]

These permittees are estimated to incur $1,746,708 in costs associated with reporting requirements within five years of rule implementation.[182] 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.[183]

Offset Requirements

The proposed rule requires the offset of impacts as a permit condition for specific individual permit applicants.[184] 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.[185] 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.[186] The proposed rule provides means by which permittees may participate in a regional project to offset their growth.[187]

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.[188] 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.[189] Impacts may be offset by financial contribution, in-kind services, or assisting in cooperation and maintenance of a regional or local project.[190]

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

[179] *Id.* at 15.
[180] *Id.*
[181] *Id.* at 15-16.
[182] *Id.* at 30.
[183] *Id.* at 32.
[184] *Id.* at 16.
[185] 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.*
[186] *Id.*
[187] *Id.* at 17.
[188] *Id.* at 16-17.
[189] *Id.* at 17.
[190] *Id.*

North Florida) over an estimated 13-year period.[191] 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.[192]

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.[193] SJRWMD and SRWMD will provide financial assistance for projects and measures identified in the implementation strategy.[194] SJRWMD is required to provide at least 25 percent of total project costs unless other funding sources provide more than 75 percent.[195] SRWMD is not subject to this requirement.[196]

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.[197] 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.[198]

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.[199] 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.[200]

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.[201] These estimates are based on a review of existing permits and 2020 Census population data identifying small city permittees in the NFRWSP planning area.[202] 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.[203] Most costs are

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[191] *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.

[192] *Id.* at 33.

[193] *Id.*

[194] *Id.*

[195] *Id.*

[196] *Id.*

[197] *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*.

[198] *Id.*

[199] *Id.*

[200] *Id.*

[201] *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.

[202] 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.

[203] *Id.* at 37.

attributable to water conservation requirements applicable to Public Supply permits with allocations exceeding 100,000 gpd.[204]

Small counties are estimated to incur total costs between $191,746 and $234,134 within the first five years of rule implementation.[205] 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.[206] 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.[207] Additional costs to small counties are attributable to monitoring and reporting requirements, based on their proportionate share of affected permittees.[208]

Small businesses are estimated to incur total costs between $3,272,885 and $6,628,584 within the first five years of rule implementation.[209] The proposed rule would only directly impact small businesses that are water use permittees or applicants in the NFRWSP planning area.[210] 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 Requirements[211]

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[212]	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.[213]

[204] *Id.*
[205] *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.
[206] 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.
[207] *Id.*
[208] *Id.*
[209] *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; s. 288.703(6), F.S.
[210] 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.
[211] *Id.* at 36.
[212] 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.
[213] *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.[214]

[214] *Id.* at 36, 38.