

1 A bill to be entitled
2 An act relating to the Department of Environmental
3 Protection; amending s. 20.255, F.S.; deleting the
4 creation of the Environmental Regulation Commission;
5 amending s. 259.035, F.S.; expanding the membership of
6 the Acquisition and Restoration Council; providing
7 requirements for membership; defining the term
8 "metropolitan"; requiring the council to administer
9 the Florida Communities Trust; requiring the council
10 to coordinate with the department for rulemaking and
11 grant cycle administration of the trust; conforming
12 provisions to changes made by the act; amending s.
13 259.105, F.S.; conforming a provision to changes made
14 by the act; amending s. 373.469, F.S.; requiring that
15 residential properties of a specified size located in
16 a certain area connect to a central sewer system or
17 upgrade to a specified type of nutrient-reducing
18 wastewater treatment system; requiring a permitting
19 agency to notify a property owner of such requirement
20 if the agency, before a certain date, receives an
21 application to repair, modify, or replace a
22 conventional onsite sewage treatment and disposal
23 system on certain property; amending s. 373.807, F.S.;
24 providing that remediation plans for certain
25 properties may not prohibit or require certain actions

26 relating to onsite sewage treatment and disposal
27 systems; repealing s. 373.811, F.S., relating to
28 prohibited activities within a basin management action
29 plan; amending s. 380.093, F.S.; revising the
30 definition of the term "community eligible for a
31 reduced cost share"; providing for a type 2 transfer
32 of powers and functions of the Florida Communities
33 Trust from the department to the Acquisition and
34 Restoration Council; amending s. 380.502, F.S.;
35 revising legislative findings and intent for the
36 Florida Communities Trust; providing for the transfer
37 of the administration and oversight of the trust from
38 the department to the Acquisition and Restoration
39 Council for a specified purpose; amending s. 380.504,
40 F.S.; deleting provisions relating to the membership,
41 appointments, and organizational structure of the
42 governing board of the trust; providing the purpose of
43 the trust; amending s. 380.507, F.S.; deleting
44 provisions authorizing the trust to make certain
45 loans; revising the powers of the trust; repealing ss.
46 380.512, 380.513, and 380.514, F.S., relating to an
47 annual report, corporate existence, and inconsistent
48 provisions of other laws superseded, respectively;
49 reenacting and amending s. 381.0065, F.S.; authorizing
50 the department to annually review and audit certain

51 inspection and maintenance reports for certain
52 systems; authorizing the department to adopt rules
53 that establish certain procedures; requiring the
54 department to concurrently process operating permits
55 and construction permits under certain circumstances;
56 requiring that an operating permit be obtained before
57 the use of an engineer-designed performance-based
58 system; providing a timeframe for the validity of
59 certain operating permits; requiring an operating
60 permit modification upon certain changes or
61 modifications; providing requirements for subsequent
62 property owners when a property with an onsite sewage
63 treatment and disposal system that requires an
64 operating permit is sold or transferred; requiring
65 certain subsequent property owners to provide notice
66 and proof of ownership to the department within a
67 certain timeframe; providing an exception to certain
68 fees under certain circumstances; requiring a
69 maintenance entity permitted by the department to
70 submit a report to the department on a specified
71 basis; providing requirements for fees submitted with
72 an engineer-designed performance-based system
73 inspection report; deleting a requirement for a
74 property owner to obtain a certain permit from the
75 department for certain onsite sewage treatment and

76 disposal systems; revising the approval criteria for
77 certain onsite sewage treatment and disposal systems;
78 requiring an aerobic treatment unit maintenance entity
79 to submit an inspection report to the department under
80 certain circumstances; subjecting real estate
81 transactions for the transfer of title to properties
82 with a certain onsite sewage treatment and disposal
83 system to certain requirements; deleting a requirement
84 that the department contract with or delegate its
85 powers and duties to a county only; amending s.
86 403.067, F.S.; conforming a provision to changes made
87 by the act; providing a timeframe within which a basin
88 management action plan or plan amendment becomes
89 effective; prohibiting certain activities within a
90 basin management action plan, a reasonable assurance
91 plan, or a pollution reduction plan; making a
92 technical change; amending s. 403.0671, F.S.;
93 conforming a provision to changes made by the act;
94 amending s. 403.0872, F.S.; revising the date by which
95 major permitted sources of air pollution operating in
96 this state must pay an annual operation license fee;
97 authorizing the department to impose penalties if it
98 does not receive such fee by the specified date;
99 deleting provisions relating to costs for
100 administering air pollution construction permits;

amending s. 403.1838, F.S.; conforming provisions to changes made by the act; repealing s. 403.804, F.S., relating to the powers and duties of the Environmental Regulation Commission; amending s. 403.9301, F.S.; revising the definition of the term "wastewater services"; revising requirements for certain needs analyses; amending s. 576.041, F.S.; revising the requirements for inspection fees for fertilizers; providing requirements for the calculation of inspection fees paid for Class AA biosolids; amending s. 576.045, F.S.; requiring licensees to pay a certain fee for Class AA biosolids; amending ss. 120.81, 373.421, 403.031, 403.061, 403.704, 403.707, 403.7222, 403.7234, 403.803, 403.805, 403.8055, and 403.814, F.S.; conforming provisions to changes made by the act; amending ss. 376.302 and 380.5105, F.S.; conforming cross-references; reenacting s. 381.0066(2)(k), F.S., relating to onsite sewage treatment and disposal system fees, to incorporate the amendment made to s. 381.0065, F.S., in references thereto; reenacting s. 373.4595, F.S., relating to the Northern Everglades and Estuaries Protection Program, to incorporate the amendment made to s. 403.067, F.S., in references thereto; reenacting s. 403.0873, F.S., relating to the Florida Air-Operation License Fee

Account, to incorporate the amendment made to s.
403.0872, F.S., in references thereto; reenacting s.
403.1835(3)(d), F.S., relating to water pollution
control financial assistance, to incorporate the
amendment made to s. 403.1838, F.S., in references
thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

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

~~(6) There is created as a part of the Department of
Environmental Protection an Environmental Regulation Commission.
The commission shall be composed of seven residents of this
state appointed by the Governor, subject to confirmation by the
Senate. In making appointments, the Governor shall provide
reasonable representation from all sections of the state.
Membership shall be representative of agriculture, the
development industry, local government, the environmental
community, lay citizens, and members of the scientific and
technical community who have substantial expertise in the areas
of the fate and transport of water pollutants, toxicology,
epidemiology, geology, biology, environmental sciences, or~~

151 ~~engineering. The Governor shall appoint the chair, and the vice~~
152 ~~chair shall be elected from among the membership. All~~
153 ~~appointments shall be for 4-year terms. The Governor may at any~~
154 ~~time fill a vacancy for the unexpired term. The members of the~~
155 ~~commission shall serve without compensation, but shall be paid~~
156 ~~travel and per diem as provided in s. 112.061 while in the~~
157 ~~performance of their official duties. Administrative, personnel,~~
158 ~~and other support services necessary for the commission shall be~~
159 ~~furnished by the department. The commission may employ~~
160 ~~independent counsel and contract for the services of outside~~
161 ~~technical consultants.~~

162 **Section 2. Paragraph (a) of subsection (1) and subsections**
163 **(2), (3), and (5) of section 259.035, Florida Statutes, are**
164 **amended to read:**

165 259.035 Acquisition and Restoration Council.—

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

168 (a) The council shall be composed of 12 ~~10~~ voting members,
169 6 ~~4~~ of whom shall be appointed by the Governor. Of these 6 ~~four~~
170 appointees, 3 must ~~three shall~~ be from scientific disciplines
171 related to land, water, or environmental sciences, 1 must ~~and~~
172 ~~the fourth shall~~ have at least 5 years of experience in managing
173 lands for both active and passive types of recreation, 1 must be
174 a former elected official of a county, and 1 must be a former
175 elected official of a metropolitan municipality. As used in this

176 paragraph, the term "metropolitan" has the same meaning as in s.
177 380.503. They shall serve 4-year terms, except that, initially,
178 to provide for staggered terms, 2 ~~two~~ of the appointees shall
179 serve 2-year terms. All subsequent appointments shall be for 4-
180 year terms. An appointee may not serve more than 6 years. The
181 Governor may at any time fill a vacancy for the unexpired term
182 of a member appointed under this paragraph.

183 (2) The 6 ~~four~~ members of the council appointed pursuant
184 to paragraph (1) (a) and the 2 ~~two~~ members of the council
185 appointed pursuant to paragraph (1) (c) shall receive
186 reimbursement for expenses and per diem for travel, to attend
187 council meetings, as allowed state officers and employees while
188 in the performance of their duties, pursuant to s. 112.061.

189 (3) The council shall:

190 (a) Provide assistance to the board in reviewing the
191 recommendations and plans for state-owned conservation lands
192 required under s. 253.034 and this chapter. The council shall,
193 in reviewing such plans, consider the optimization of multiple-
194 use and conservation strategies to accomplish the provisions
195 funded pursuant to former s. 259.101(3) (a), Florida Statutes
196 2014, and to s. 259.105(3) (b).

197 (b) Effective July 1, 2026, administer the Florida
198 Communities Trust established in ss. 380.501-380.515, including
199 reviewing, approving, and overseeing project applications and
200 disbursements, and implementation measures consistent with the

trust's purposes. The council shall coordinate with the department for rulemaking and grant cycle administration for the trust, ensuring alignment with the Florida Forever Act and the state's conservation priorities.

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

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

259.105 The Florida Forever Act.—

(4) It is the intent of the Legislature that projects or acquisitions funded pursuant to paragraphs (3)(a) and (b) contribute to the achievement of the following goals, which shall be evaluated in accordance with specific criteria and numeric performance measures developed pursuant to s. 259.035(4):

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

1. The number of acres acquired within a 100-year floodplain or a coastal high hazard area;
2. The number of acres acquired or developed to serve dual

functions as:

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

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

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

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

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

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

373.469 Indian River Lagoon Protection Program.—

(3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian River Lagoon Protection Program consists of the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin

251 Management Action Plan, and Mosquito Lagoon Reasonable Assurance
252 Plan, and such plans are the components of the Indian River
253 Lagoon Protection Program which achieve phosphorous and nitrogen
254 load reductions for the Indian River Lagoon.

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

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

268 2. By July 1, 2030, any commercial property or any
269 residential property of 10 acres or less with an existing onsite
270 sewage treatment and disposal system located within the Banana
271 River Lagoon Basin Management Action Plan, Central Indian River
272 Lagoon Basin Management Action Plan, North Indian River Lagoon
273 Basin Management Action Plan, and Mosquito Lagoon Reasonable
274 Assurance Plan areas must connect to central sewer if available
275 or upgrade to an enhanced nutrient-reducing onsite sewage

276 treatment and disposal system or other wastewater treatment
277 system that achieves at least 65 percent nitrogen reduction. For
278 all applications submitted before July 1, 2030, to a permitting
279 agency to repair, modify, or replace a conventional onsite
280 sewage treatment and disposal system on a commercial property or
281 a residential property of 10 acres or less, the permitting
282 agency shall notify the property owner of the requirement
283 provided in this subparagraph.

284 **Section 5. Paragraph (a) of subsection (1) of section**
285 **373.807, Florida Statutes, is amended to read:**

286 373.807 Protection of water quality in Outstanding Florida
287 Springs.—By July 1, 2016, the department shall initiate
288 assessment, pursuant to s. 403.067(3), of Outstanding Florida
289 Springs or spring systems for which an impairment determination
290 has not been made under the numeric nutrient standards in effect
291 for spring vents. Assessments must be completed by July 1, 2018.

292 (1)(a) Concurrent with the adoption of a nutrient total
293 maximum daily load for an Outstanding Florida Spring, the
294 department, or the department in conjunction with a water
295 management district, shall initiate development of a basin
296 management action plan, as specified in s. 403.067. For an
297 Outstanding Florida Spring with a nutrient total maximum daily
298 load adopted before July 1, 2016, the department, or the
299 department in conjunction with a water management district,
300 shall initiate development of a basin management action plan by

July 1, 2016. During the development of a basin management action plan, if the department identifies onsite sewage treatment and disposal systems as contributors of at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the total maximum daily load, the basin management action plan must ~~shall~~ include an onsite sewage treatment and disposal system remediation plan pursuant to subsection (3) for those systems identified as requiring remediation. For residential properties greater than 10 acres located outside the boundary of an established priority focus area of an Outstanding Florida Spring, such remediation plans may not prohibit the construction and installation of new conventional onsite sewage treatment and disposal systems, unless central sewer is available, or require existing conventional onsite sewage treatment and disposal systems to upgrade to a nutrient-reducing onsite sewage treatment and disposal system.

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

Section 7. Paragraph (e) of subsection (5) of section 380.093, Florida Statutes, is amended to read:

380.093 Resilient Florida Grant Program; comprehensive statewide flood vulnerability and sea level rise data set and assessment; Statewide Flooding and Sea Level Rise Resilience Plan; regional resilience entities.—

(5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE

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326 PLAN.—

327 (e) Each project included in the plan must have a minimum
328 50 percent cost share unless the project assists or is within a
329 community eligible for a reduced cost share. For purposes of
330 this section, the term "community eligible for a reduced cost
331 share" means:

332 1. A municipality that has a population of less than
333 10,000 ~~or fewer~~, according to the most recent April 1 population
334 estimates posted on the Office of Economic and Demographic
335 Research's website, and a per capita annual income that is less
336 than the state's per capita annual income as shown in the most
337 recent release from the Bureau of the Census of the United
338 States Department of Commerce that includes both measurements;

339 2. A county that has a population of less than 50,000 ~~or~~
340 ~~fewer~~, according to the most recent April 1 population estimates
341 posted on the Office of Economic and Demographic Research's
342 website, and a per capita annual income ~~that is~~ less than the
343 state's per capita annual income as shown in the most recent
344 release from the Bureau of the Census of the United States
345 Department of Commerce that includes both measurements; ~~or~~

346 3. A municipality or county that has a per capita annual
347 income ~~that is~~ equal to or less than 75 percent of the state's
348 per capita annual income as shown in the most recent release
349 from the Bureau of the Census of the United States Department of
350 Commerce; or

351 4. A municipality or county that is a rural community as
352 defined in s. 288.0656(2).

353 **Section 8. Subsection (3) of section 380.502, Florida**
354 **Statutes, is amended to read:**

355 380.502 Legislative findings and intent.—

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

371 (a) Responding promptly and creatively to opportunities to
372 correct undesirable development patterns, restore degraded
373 natural areas, enhance resource values, restore deteriorated or
374 deteriorating urban waterfronts, preserve working waterfronts,
375 reserve lands for later purchase, participate in and promote the

use of innovative land acquisition methods, and provide public access to surface waters.

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

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

Section 9. Section 380.504, Florida Statutes, is amended to read:

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

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

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

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

~~The Governor shall appoint a former elected official of a county government, a former elected official of a metropolitan municipal government, a representative of a nonprofit~~

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

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

~~(3) Governing body members shall receive no compensation for their services, but shall be entitled to the necessary~~

426 ~~expenses, including per diem and travel expenses, incurred in~~
427 ~~the discharge of their duties pursuant to this part, as provided~~
428 ~~by law.~~

429 **Section 10. Subsections (6), (7), (9) through (12), and**
430 **(14) of section 380.507, Florida Statutes, are amended to read:**

431 380.507 Powers of the trust.—The trust shall have all the
432 powers necessary or convenient to carry out the purposes and
433 provisions of this part, including:

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

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

450 (9) To review project recommendations and funding

451 priorities and provide acquisition decisions ~~To invest any funds~~
452 ~~held in reserves or sinking funds, or any funds not required for~~
453 ~~immediate disbursement, in such investments as may be authorized~~
454 ~~for trust funds under s. 215.47, and in any other authorized~~
455 ~~investments, if such investments are made on behalf of the trust~~
456 ~~by the State Board of Administration.~~

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

461 (11) To submit project recommendations, funding
462 priorities, and acquisition decisions to the Acquisition and
463 Restoration Council, which shall have final approval authority
464 over trust expenditures and acquisitions ~~make rules necessary to~~
465 ~~carry out the purposes of this part and to exercise any power~~
466 ~~granted in this part, pursuant to chapter 120. The trust shall~~
467 ~~adopt rules governing the acquisition of lands with proceeds~~
468 ~~from the Florida Forever Trust Fund, consistent with the intent~~
469 ~~expressed in the Florida Forever Act. Such rules for land~~
470 ~~acquisition must include, but are not limited to, procedures for~~
471 ~~appraisals and confidentiality consistent with ss. 125.355(1)(a)~~
472 ~~and (b) and 166.045(1)(a) and (b), a method of determining a~~
473 ~~maximum purchase price, and procedures to assure that the land~~
474 ~~is acquired in a voluntarily negotiated transaction, surveyed,~~
475 ~~conveyed with marketable title, and examined for hazardous~~

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

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

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

Section 11. Section 380.512, Florida Statutes, is repealed.

Section 12. Section 380.513, Florida Statutes, is repealed.

Section 13. Section 380.514, Florida Statutes, is repealed.

Section 14. Paragraph (n) of subsection (3) and subsections (4) and (9) of section 381.0065, Florida Statutes, are amended, and subsection (7) of that section is reenacted, to read:

381.0065 Onsite sewage treatment and disposal systems;

regulation.—

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

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

(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for

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

551 with a controlling interest shall provide written notice and
552 proof of ownership to the department to amend the operating
553 permit information within 60 days after such property sale or
554 transfer ~~commercial wastewater system is valid for 1 year after~~
555 ~~the date of issuance and must be renewed annually. The operating~~
556 ~~permit for an aerobic treatment unit is valid for 2 years after~~
557 ~~the date of issuance and must be renewed every 2 years. If all~~
558 information pertaining to the siting, location, and installation
559 conditions or repair of an onsite sewage treatment and disposal
560 system remains the same, a construction or repair permit for the
561 onsite sewage treatment and disposal system may be transferred
562 to another person, if the transferee files, within 60 days after
563 the transfer of ownership, an amended application providing all
564 corrected information and proof of ownership of the property. A
565 fee is not associated with the processing of this supplemental
566 information if only ownership information is updated to reflect
567 a permit transfer for a construction, repair, or operating
568 permit. A person may not contract to construct, modify, alter,
569 repair, service, abandon, or maintain any portion of an onsite
570 sewage treatment and disposal system without being registered
571 under part III of chapter 489. A property owner who personally
572 performs construction, maintenance, or repairs to a system
573 serving his or her own owner-occupied single-family residence is
574 exempt from registration requirements for performing such
575 construction, maintenance, or repairs on that residence, but is

subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all

601 distance and setback, soil condition, water table elevation, and
602 other related requirements of this section and rules adopted
603 under this section can be met.

604 (b) Subdivisions and lots using a public water system as
605 defined in s. 403.852 may use onsite sewage treatment and
606 disposal systems, provided there are no more than four lots per
607 acre, provided the projected daily sewage flow does not exceed
608 an average of 2,500 gallons per acre per day, and provided that
609 all distance and setback, soil condition, water table elevation,
610 and other related requirements that are generally applicable to
611 the use of onsite sewage treatment and disposal systems are met.

612 (c) Notwithstanding paragraphs (a) and (b), for
613 subdivisions platted of record on or before October 1, 1991,
614 when a developer or other appropriate entity has previously made
615 or makes provisions, including financial assurances or other
616 commitments, acceptable to the department, that a central water
617 system will be installed by a regulated public utility based on
618 a density formula, private potable wells may be used with onsite
619 sewage treatment and disposal systems until the agreed-upon
620 densities are reached. In a subdivision regulated by this
621 paragraph, the average daily sewage flow may not exceed 2,500
622 gallons per acre per day. This section does not affect the
623 validity of existing prior agreements. After October 1, 1991,
624 the exception provided under this paragraph is not available to
625 a developer or other appropriate entity.

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

633 (e) The department shall adopt rules relating to the
634 location of onsite sewage treatment and disposal systems,
635 including establishing setback distances, to prevent groundwater
636 contamination and surface water contamination and to preserve
637 the public health. The rules must consider conventional and
638 enhanced nutrient-reducing onsite sewage treatment and disposal
639 system designs, impaired or degraded water bodies, domestic
640 wastewater and drinking water infrastructure, potable water
641 sources, nonpotable wells, stormwater infrastructure, the onsite
642 sewage treatment and disposal system remediation plans developed
643 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the
644 recommendations of the onsite sewage treatment and disposal
645 systems technical advisory committee established pursuant to
646 former s. 381.00652. The rules must also allow a person to apply
647 for and receive a variance from a rule requirement upon
648 demonstration that the requirement would cause an undue hardship
649 and granting the variance would not cause or contribute to the
650 exceedance of a total maximum daily load.

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

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

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

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

660 4. Fifty feet from any nonpotable well.

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

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

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

668 8. Fifteen feet from the design high-water line of
669 retention areas, detention areas, or swales designed to contain
670 standing or flowing water for less than 72 hours after a
671 rainfall or the design high-water level of normally dry drainage
672 ditches or normally dry individual lot stormwater retention
673 areas.

674 (g) This section and rules adopted under this section
675 relating to soil condition, water table elevation, distance, and

676 other setback requirements must be equally applied to all lots,
677 with the following exceptions:

678 1. Any residential lot that was platted and recorded on or
679 after January 1, 1972, or that is part of a residential
680 subdivision that was approved by the appropriate permitting
681 agency on or after January 1, 1972, and that was eligible for an
682 onsite sewage treatment and disposal system construction permit
683 on the date of such platting and recording or approval shall be
684 eligible for an onsite sewage treatment and disposal system
685 construction permit, regardless of when the application for a
686 permit is made. If rules in effect at the time the permit
687 application is filed cannot be met, residential lots platted and
688 recorded or approved on or after January 1, 1972, shall, to the
689 maximum extent possible, comply with the rules in effect at the
690 time the permit application is filed. At a minimum, however,
691 those residential lots platted and recorded or approved on or
692 after January 1, 1972, but before January 1, 1983, shall comply
693 with those rules in effect on January 1, 1983, and those
694 residential lots platted and recorded or approved on or after
695 January 1, 1983, shall comply with those rules in effect at the
696 time of such platting and recording or approval. In determining
697 the maximum extent of compliance with current rules that is
698 possible, the department shall allow structures and
699 appurtenances thereto which were authorized at the time such
700 lots were platted and recorded or approved.

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

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

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

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

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

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

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

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

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

a. The committee is composed of the following:

(I) The Secretary of Environmental Protection or his or

her designee.

(II) A representative from the county health departments.

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

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

(V) A representative from the Department of Health.

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

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

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

3. The variance review and advisory committee is not responsible for reviewing water well permitting. However, the committee shall consider all requirements of law related to onsite sewage treatment and disposal systems when making recommendations on variance requests for onsite sewage treatment and disposal system permits.

(i) A construction permit may not be issued for an onsite

776 sewage treatment and disposal system in any area zoned or used
777 for industrial or manufacturing purposes, or its equivalent,
778 where a publicly owned or investor-owned sewage treatment system
779 is available, or where a likelihood exists that the system will
780 receive toxic, hazardous, or industrial waste. An existing
781 onsite sewage treatment and disposal system may be repaired if a
782 publicly owned or investor-owned sewage treatment system is not
783 available within 500 feet of the building sewer stub-out and if
784 system construction and operation standards can be met. This
785 paragraph does not require publicly owned or investor-owned
786 sewage treatment systems to accept anything other than domestic
787 wastewater.

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

796 2. Each person who owns or operates a business or facility
797 in an area zoned or used for industrial or manufacturing
798 purposes, or its equivalent, or who owns or operates a business
799 that has the potential to generate toxic, hazardous, or
800 industrial wastewater or toxic or hazardous chemicals, and uses

an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

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

(j) An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance

criteria adopted by the department must be approved by the department subject to the following:

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

2. A person electing to use an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may use an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health

department shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall submit an inspection report to the department each time the system is inspected which states ~~report quarterly to the department on~~ the number of systems inspected and serviced. The reports may be submitted electronically, and the fee for such submittals may not exceed an inflation-adjusted cost that would have otherwise been required for biennial operating permit renewals before July 1, 2026.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system

876 manufacturer's approved representative that the property owner
877 has received training on the proper installation and service of
878 the system. The maintenance service agreement must conspicuously
879 disclose that the property owner has the right to maintain his
880 or her own system and is exempt from contractor registration
881 requirements for performing construction, maintenance, or
882 repairs on the system but is subject to all permitting
883 requirements.

884 5. ~~The property owner shall obtain a biennial system~~
885 ~~operating permit from the department for each system.~~ The
886 department may ~~shall~~ inspect the system at least annually, or on
887 such periodic basis as the fee collected permits, and may
888 collect system-effluent samples if appropriate to determine
889 compliance with the performance criteria. The fee for the
890 biennial operating permit must ~~shall~~ be collected beginning with
891 the second year of system operation.

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

896 (k) An innovative system may be approved in conjunction
897 with an engineer-designed site-specific system that is certified
898 by the engineer to meet the performance-based criteria adopted
899 by the department.

900 (1) For the Florida Keys, the department shall adopt a

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

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

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

- a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- b. Suspended Solids of 10 mg/l.

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

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

932
933 In addition, onsite sewage treatment and disposal systems
934 discharging to an injection well must provide basic disinfection
935 as defined by department rule.

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

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

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

949 b. A sand-lined drainfield or injection well in accordance
950 with department rule must be installed.

951 5. Onsite sewage treatment and disposal systems must be
952 monitored for total nitrogen and total phosphorus concentrations
953 as required by department rule.

954 6. The department shall enforce proper installation,
955 operation, and maintenance of onsite sewage treatment and
956 disposal systems pursuant to this chapter, including ensuring
957 that the appropriate level of treatment described in
958 subparagraph 2. is met.

959 7. The authority of a local government, including a
960 special district, to mandate connection of an onsite sewage
961 treatment and disposal system is governed by s. 4, chapter 99-
962 395, Laws of Florida.

963 8. Notwithstanding any other law, an onsite sewage
964 treatment and disposal system installed after July 1, 2010, in
965 unincorporated Monroe County, excluding special wastewater
966 districts, that complies with the standards in subparagraph 2.
967 is not required to connect to a central sewerage system until
968 December 31, 2020.

969 (m) A product sold in the state for use in onsite sewage
970 treatment and disposal systems may not contain any substance in
971 concentrations or amounts that would interfere with or prevent
972 the successful operation of such system, or that would cause
973 discharges from such systems to violate applicable water quality
974 standards. The department shall publish criteria for products
975 known or expected to meet the conditions of this paragraph. If a

976 product does not meet such criteria, such product may be sold if
977 the manufacturer satisfactorily demonstrates to the department
978 that the conditions of this paragraph are met.

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

992 (o) An application for an onsite sewage treatment and
993 disposal system permit shall be completed in full, signed by the
994 owner or the owner's authorized representative, or by a
995 contractor licensed under chapter 489, and shall be accompanied
996 by all required exhibits and fees. Specific documentation of
997 property ownership is not required as a prerequisite to the
998 review of an application or the issuance of a permit. The
999 issuance of a permit does not constitute determination by the
1000 department of property ownership.

1001 (p) The department may not require any form of subdivision
1002 analysis of property by an owner, developer, or subdivider
1003 before submission of an application for an onsite sewage
1004 treatment and disposal system.

1005 (q) This section does not limit the power of a
1006 municipality or county to enforce other laws for the protection
1007 of the public health and safety.

1008 (r) In the siting of onsite sewage treatment and disposal
1009 systems, including drainfields, shoulders, and slopes, guttering
1010 may not be required on single-family residential dwelling units
1011 for systems located greater than 5 feet from the roof drip line
1012 of the house. If guttering is used on residential dwelling
1013 units, the downspouts shall be directed away from the
1014 drainfield.

1015 (s) Notwithstanding subparagraph (g)1., onsite sewage
1016 treatment and disposal systems located in floodways of the
1017 Suwannee and Aucilla Rivers must adhere to the following
1018 requirements:

1019 1. The absorption surface of the drainfield may not be
1020 subject to flooding based on 10-year flood elevations. Provided,
1021 however, for lots or parcels created by the subdivision of land
1022 in accordance with applicable local government regulations
1023 before January 17, 1990, if an applicant cannot construct a
1024 drainfield system with the absorption surface of the drainfield
1025 at an elevation equal to or above 10-year flood elevation, the

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

- a. The lot is at least one-half acre in size;
- b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and
- c. The applicant installs a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system that is capable of reducing effluent nitrate by at least 50 percent in accordance with department rules; or a system other than a system using alternative drainfield materials in accordance with department rules. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

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

1051 regulatory floodway will be considered for the purposes of this
1052 subsection to extend at a minimum to the 10-year flood
1053 elevation.

1054 (t)1. The owner of an aerobic treatment unit system shall
1055 maintain a current maintenance service agreement with an aerobic
1056 treatment unit maintenance entity permitted by the department.
1057 The maintenance entity shall inspect each aerobic treatment unit
1058 system at least twice each year and shall submit an inspection
1059 report to the department each time the system is inspected
1060 stating ~~report quarterly to the department on~~ the number of
1061 aerobic treatment unit systems inspected and serviced. The
1062 reports may be submitted electronically, and the fee for such
1063 submittals may not exceed an inflation-adjusted cost that would
1064 have otherwise been required for biennial operating permit
1065 renewals before July 1, 2026.

1066 2. The property owner of an owner-occupied, single-family
1067 residence may be approved and permitted by the department as a
1068 maintenance entity for his or her own aerobic treatment unit
1069 system upon written certification from the system manufacturer's
1070 approved representative that the property owner has received
1071 training on the proper installation and service of the system.
1072 The maintenance entity service agreement must conspicuously
1073 disclose that the property owner has the right to maintain his
1074 or her own system and is exempt from contractor registration
1075 requirements for performing construction, maintenance, or

repairs on the system but is subject to all permitting requirements.

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

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

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

(v) Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage

1101 treatment and disposal system transfers ~~shall transfer~~ with the
1102 title to the property in a real estate transaction. For any such
1103 transfer of title to a property that has an onsite sewage
1104 treatment and disposal system that has not been abandoned in
1105 accordance with the section, or which is subject to a permit for
1106 the installation, modification, repair, or operation of such a
1107 system, the real estate transaction is subject to the following
1108 requirements:

1109 1. A title may not be encumbered at the time of transfer
1110 by new permit requirements by a governmental entity for an
1111 onsite sewage treatment and disposal system which differ from
1112 the permitting requirements in effect at the time the system was
1113 permitted, modified, or repaired.

1114 2. An inspection of a system may not be mandated by a
1115 governmental entity at the point of sale in a real estate
1116 transaction.

1117 3. At or before the time of such real estate transaction,
1118 the following notifications must be provided to the persons
1119 receiving ownership of the property:

1120 a. A disclosure statement clearly identifying that the
1121 property is subject to regulations for an onsite sewage
1122 treatment and disposal system;

1123 b. Information indicating the nature and location of any
1124 existing onsite sewage treatment and disposal system components;

1125 c. If applicable, a statement that the property is subject

1126 to an onsite sewage treatment and disposal system operating
1127 permit and that one or more of the persons receiving a
1128 controlling interest in the property are required pursuant to
1129 this subsection to provide written notice and proof of ownership
1130 to update the operating permit information within 60 days after
1131 such real estate transaction; and

1132 d. A copy of any valid permit for the installation,
1133 modification, repair, or operation of an onsite sewage treatment
1134 and disposal system which will transfer pursuant to this
1135 paragraph.

1136
1137 This paragraph does not affect a septic tank phase-out deferral
1138 program implemented by a consolidated government as defined in
1139 s. 9, Art. VIII of the State Constitution of 1885.

1140 (w) A governmental entity, including a municipality,
1141 county, or statutorily created commission, may not require an
1142 engineer-designed performance-based treatment system, excluding
1143 a passive engineer-designed performance-based treatment system,
1144 before the completion of the Florida Onsite Sewage Nitrogen
1145 Reduction Strategies Project. This paragraph does not apply to a
1146 governmental entity, including a municipality, county, or
1147 statutorily created commission, which adopted a local law,
1148 ordinance, or regulation on or before January 31, 2012.
1149 Notwithstanding this paragraph, an engineer-designed
1150 performance-based treatment system may be used to meet the

requirements of the variance review and advisory committee recommendations.

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

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

b. The system is not a sanitary nuisance; and

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

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

(y) If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for

1176 construction but before the final approval of the system, the
1177 rules applicable and in effect at the time of construction
1178 approval apply at the time of final approval if fundamental site
1179 conditions have not changed between the time of construction
1180 approval and final approval.

1181 (z) An existing-system inspection or evaluation and
1182 assessment, or a modification, replacement, or upgrade of an
1183 onsite sewage treatment and disposal system is not required for
1184 a remodeling addition or modification to a single-family home if
1185 a bedroom is not added. However, a remodeling addition or
1186 modification to a single-family home may not cover any part of
1187 the existing system or encroach upon a required setback or the
1188 unobstructed area. To determine if a setback or the unobstructed
1189 area is impacted, the local health department shall review and
1190 verify a floor plan and site plan of the proposed remodeling
1191 addition or modification to the home submitted by a remodeler
1192 which shows the location of the system, including the distance
1193 of the remodeling addition or modification to the home from the
1194 onsite sewage treatment and disposal system. The local health
1195 department may visit the site or otherwise determine the best
1196 means of verifying the information submitted. A verification of
1197 the location of a system is not an inspection or evaluation and
1198 assessment of the system. The review and verification must be
1199 completed within 7 business days after receipt by the local
1200 health department of a floor plan and site plan. If the review

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and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

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

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

Section 15. Paragraph (c) of subsection (6) and paragraph (a) of subsection (7) of section 403.067, Florida Statutes, are amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(6) CALCULATION AND ALLOCATION.—

(c) Adoption of rules. The total maximum daily load calculations and allocations established under this subsection

for each water body or water body segment shall be adopted by rule by the secretary pursuant to ss. 120.536(1), 120.54, and 403.805. Where additional data collection and analysis are needed to increase the scientific precision and accuracy of the total maximum daily load, the department is authorized to adopt phased total maximum daily loads that are subject to change as additional data becomes available. Where phased total maximum daily loads are proposed, the department shall, in the detailed statement of facts and circumstances justifying the rule, explain why the data are inadequate so as to justify a phased total maximum daily load. The rules adopted pursuant to this paragraph are not ~~subject to approval by the Environmental Regulation Commission and are not subject to the provisions of~~ s. 120.541(3). As part of the rule development process, the department shall hold at least one public workshop in the vicinity of the water body or water body segment for which the total maximum daily load is being developed. Notice of the public workshop shall be published not less than 5 days nor more than 15 days before the public workshop in a newspaper of general circulation in the county or counties containing the water bodies or water body segments for which the total maximum daily load calculation and allocation are being developed.

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

(a) *Basin management action plans.*—

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

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

pollutant load reduction achieved by point or nonpoint sources that have implemented management strategies to reduce pollutant loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will address potential future increases in pollutant loading.

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

1301 does not supplant or otherwise alter any assessment made under
1302 subsection (3) or subsection (4) or any calculation or initial
1303 allocation.

1304 4. Each new or revised basin management action plan must
1305 include all of the following:

1306 a. The appropriate management strategies available through
1307 existing water quality protection programs to achieve total
1308 maximum daily loads, which may provide for phased implementation
1309 to promote timely, cost-effective actions as provided for in s.
1310 403.151.

1311 b. A description of best management practices adopted by
1312 rule.

1313 c. For the applicable 5-year implementation milestone, a
1314 list of projects that will achieve the pollutant load reductions
1315 needed to meet the total maximum daily load or the load
1316 allocations established pursuant to subsection (6). Each project
1317 must include a planning-level cost estimate and an estimated
1318 date of completion.

1319 d. A list of projects developed pursuant to paragraph (e),
1320 if applicable.

1321 e. The source and amount of financial assistance to be
1322 made available by the department, a water management district,
1323 or other entity for each listed project, if applicable.

1324 f. A planning-level estimate of each listed project's
1325 expected load reduction, if applicable.

1326 5. The department shall adopt all or any part of a basin
1327 management action plan and any amendment to such plan by
1328 secretarial order pursuant to chapter 120 to implement this
1329 section. A basin management action plan and any amendment to
1330 such plan become effective 60 days after the date the
1331 secretarial order is filed.

1332 6. The basin management action plan must include 5-year
1333 milestones for implementation and water quality improvement, and
1334 an associated water quality monitoring component sufficient to
1335 evaluate whether reasonable progress in pollutant load
1336 reductions is being achieved over time. An assessment of
1337 progress toward these milestones shall be conducted every 5
1338 years, and revisions to the plan shall be made as appropriate.
1339 Any entity with a specific pollutant load reduction requirement
1340 established in a basin management action plan shall identify the
1341 projects or strategies that such entity will undertake to meet
1342 current 5-year pollution reduction milestones, beginning with
1343 the first 5-year milestone for new basin management action
1344 plans, and submit such projects to the department for inclusion
1345 in the appropriate basin management action plan. Each project
1346 identified must include an estimated amount of nutrient
1347 reduction that is reasonably expected to be achieved based on
1348 the best scientific information available. Revisions to the
1349 basin management action plan shall be made by the department in
1350 cooperation with basin stakeholders. Revisions to the management

1351 strategies required for nonpoint sources must follow the
1352 procedures in subparagraph (c)4. Revised basin management action
1353 plans must be adopted pursuant to subparagraph 5.

1354 7. In accordance with procedures adopted by rule under
1355 paragraph (9)(c), basin management action plans, and other
1356 pollution control programs under local, state, or federal
1357 authority as provided in subsection (4), may allow point or
1358 nonpoint sources that will achieve greater pollutant reductions
1359 than required by an adopted total maximum daily load or
1360 wasteload allocation to generate, register, and trade water
1361 quality credits for the excess reductions to enable other
1362 sources to achieve their allocation; however, the generation of
1363 water quality credits does not remove the obligation of a source
1364 or activity to meet applicable technology requirements or
1365 adopted best management practices. Such plans must allow trading
1366 between NPDES permittees, and trading that may or may not
1367 involve NPDES permittees, where the generation or use of the
1368 credits involve an entity or activity not subject to department
1369 water discharge permits whose owner voluntarily elects to obtain
1370 department authorization for the generation and sale of credits.

1371 8. The department's rule relating to the equitable
1372 abatement of pollutants into surface waters do not apply to
1373 water bodies or waterbody segments for which a basin management
1374 plan that takes into account future new or expanded activities
1375 or discharges has been adopted under this section.

1376 9. In order to promote resilient wastewater utilities, if
1377 the department identifies domestic wastewater treatment
1378 facilities or onsite sewage treatment and disposal systems as
1379 contributors of at least 20 percent of point source or nonpoint
1380 source nutrient pollution or if the department determines
1381 remediation is necessary to achieve the total maximum daily
1382 load, a basin management action plan for a nutrient total
1383 maximum daily load must include the following:

1384 a. A domestic wastewater treatment plan developed by each
1385 local government, in cooperation with the department, the water
1386 management district, and the public and private domestic
1387 wastewater treatment facilities providing services or located
1388 within the jurisdiction of the local government, which addresses
1389 domestic wastewater. Private domestic wastewater facilities and
1390 special districts providing domestic wastewater services must
1391 provide the required wastewater facility information to the
1392 applicable local governments. The domestic wastewater treatment
1393 plan must:

1394 (I) Provide for construction, expansion, or upgrades
1395 necessary to achieve the total maximum daily load requirements
1396 applicable to the domestic wastewater treatment facility.

1397 (II) Include the permitted capacity in average annual
1398 gallons per day for the domestic wastewater treatment facility;
1399 the average nutrient concentration and the estimated average
1400 nutrient load of the domestic wastewater; a projected timeline

of the dates by which the construction of any facility improvements will begin and be completed and the date by which operations of the improved facility will begin; the estimated cost of the improvements; and the identity of responsible parties.

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

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

(I) The onsite sewage treatment and disposal system remediation plan must identify cost-effective and financially

feasible projects necessary to achieve the nutrient load reductions required for onsite sewage treatment and disposal systems. To identify cost-effective and financially feasible projects for remediation of onsite sewage treatment and disposal systems, the local government shall:

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

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

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

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

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

10. The following activities are prohibited within a basin

1451 management action plan adopted under this section, a reasonable
1452 assurance plan, or a pollution reduction plan:

1453 a. The installation of new onsite sewage treatment and
1454 disposal systems ~~constructed within a basin management action~~
1455 ~~plan area adopted under this section, a reasonable assurance~~
1456 ~~plan, or a pollution reduction plan is prohibited~~ where
1457 connection to a publicly owned or investor-owned sewerage system
1458 is available as defined in s. 381.0065(2)(a). On lots of 1 acre
1459 or less ~~within a basin management action plan adopted under this~~
1460 ~~section, a reasonable assurance plan, or a pollution reduction~~
1461 ~~plan~~ where a publicly owned or investor-owned sewerage system is
1462 not available, the installation of enhanced nutrient-reducing
1463 onsite sewage treatment and disposal systems, distributed
1464 wastewater treatment systems as defined in s. 403.814(13), or
1465 other wastewater treatment systems that achieve at least 65
1466 percent nitrogen reduction is required.

1467 b. The construction or installation of new domestic
1468 wastewater disposal facilities, including rapid infiltration
1469 basins, with permitted capacities of 100,000 or more gallons per
1470 day, except for those facilities that meet an advanced
1471 wastewater treatment standard of no more than 3 mg/l total
1472 nitrogen and 1 mg/l total phosphorus on an annual permitted
1473 basis, or a more stringent treatment standard if the department
1474 determines the more stringent standard is necessary to attain a
1475 total maximum daily load.

1476 c. The construction or installation of new facilities for
1477 the disposal of hazardous waste.

1478 11. When identifying wastewater projects in a basin
1479 management action plan, the department may not require the
1480 higher cost option if it achieves the same nutrient load
1481 reduction as a lower cost option. A regulated entity may choose
1482 a different cost option if it complies with the pollutant
1483 reduction requirements of an adopted total maximum daily load
1484 and meets or exceeds the pollution reduction requirement of the
1485 original project.

1486 12. Annually, local governments subject to a basin
1487 management action plan or located within the basin of a
1488 waterbody not attaining nutrient or nutrient-related standards
1489 must provide to the department an update on the status of
1490 construction of sanitary sewers to serve such areas, in a manner
1491 prescribed by the department.

1492 **Section 16. Paragraph (e) of subsection (1) of section**
1493 **403.0671, Florida Statutes, is amended to read:**

1494 403.0671 Basin management action plan wastewater reports.—

1495 (1) By July 1, 2021, the department, in coordination with
1496 the county health departments, wastewater treatment facilities,
1497 and other governmental entities, shall submit a report to the
1498 Governor, the President of the Senate, and the Speaker of the
1499 House of Representatives evaluating the costs of wastewater
1500 projects identified in the basin management action plans

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developed pursuant to ss. 373.807 and 403.067(7) and the onsite sewage treatment and disposal system remediation plans and other restoration plans developed to meet the total maximum daily loads required under s. 403.067. The report must include all of the following:

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

Section 17. Subsection (11) of section 403.0872, Florida Statutes, is amended to read:

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

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1526 issued pursuant to s. 403.814, must be issued in accordance with
1527 the procedures contained in this section and in accordance with
1528 chapter 120; however, to the extent that chapter 120 is
1529 inconsistent with this section, the procedures contained in this
1530 section prevail.

1531 (11) Each major source of air pollution permitted to
1532 operate in this state must pay by June 30 ~~between January 15 and~~
1533 ~~April 1~~ of each year, upon written notice from the department,
1534 an annual operation license fee in an amount determined by
1535 department rule. The annual operation license fee shall be
1536 terminated immediately in the event the United States
1537 Environmental Protection Agency imposes annual fees solely to
1538 implement and administer the major source air-operation permit
1539 program in Florida under 40 C.F.R. s. 70.10(d).

1540 (a) The annual fee must be assessed based upon the
1541 source's previous year's emissions and must be calculated by
1542 multiplying the applicable annual operation license fee factor
1543 times the tons of each regulated air pollutant actually emitted,
1544 as calculated in accordance with the department's emissions
1545 computation and reporting rules. The annual fee shall only apply
1546 to those regulated pollutants, except carbon monoxide and
1547 greenhouse gases, for which an allowable numeric emission
1548 limiting standard is specified in the source's most recent
1549 construction or operation permit; provided, however, that:

1550 1. The license fee factor is \$25 or another amount

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

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

3. If the department has not received the fee ~~by March 1 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by April 1. If the fee is not postmarked by June 30 April 1~~ of the calendar year, the department shall impose, in addition to the

1576 fee, a penalty of 50 percent of the amount of the fee, plus
1577 interest on such amount computed in accordance with s. 220.807.
1578 The department may not impose such penalty or interest on any
1579 amount underpaid, provided that the permittee has timely
1580 remitted payment of at least 90 percent of the amount determined
1581 to be due and remits full payment within 60 days after receipt
1582 of notice of the amount underpaid. The department may waive the
1583 collection of underpayment and may not be required to refund
1584 overpayment of the fee, if the amount due is less than 1 percent
1585 of the fee, up to \$50. The department may revoke any major air
1586 pollution source operation permit if it finds that the
1587 permitholder has failed to timely pay any required annual
1588 operation license fee, penalty, or interest.

1589 4. Notwithstanding the computational provisions of this
1590 subsection, the annual operation license fee for any source
1591 subject to this section may not be less than \$250, except that
1592 the annual operation license fee for sources permitted solely
1593 through general permits issued under s. 403.814 may not exceed
1594 \$50 per year.

1595 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
1596 air pollution construction permit fees, the department may not
1597 require such fees for changes or additions to a major source of
1598 air pollution permitted pursuant to this section, unless the
1599 activity triggers permitting requirements under Title I, Part C
1600 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-

1601 ~~7514a. Costs to issue and administer such permits shall be~~
1602 ~~considered direct and indirect costs of the major stationary~~
1603 ~~source air-operation permit program under s. 403.0873.~~ The
1604 department shall, however, require fees pursuant to s.
1605 403.087(7)(a)5.a. for the construction of a new major source of
1606 air pollution that will be subject to the permitting
1607 requirements of this section once constructed and for activities
1608 triggering permitting requirements under Title I, Part C or Part
1609 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

1610 (b) Annual operation license fees collected by the
1611 department must be sufficient to cover all reasonable direct and
1612 indirect costs required to develop and administer the major
1613 stationary source air-operation permit program, which shall
1614 consist of the following elements to the extent that they are
1615 reasonably related to the regulation of major stationary air
1616 pollution sources, in accordance with United States
1617 Environmental Protection Agency regulations and guidelines:

1618 1. Reviewing and acting upon any application for such a
1619 permit.

1620 2. Implementing and enforcing the terms and conditions of
1621 any such permit, excluding court costs or other costs associated
1622 with any enforcement action.

1623 3. Emissions and ambient monitoring.

1624 4. Preparing generally applicable regulations or guidance.

1625 5. Modeling, analyses, and demonstrations.

6. Preparing inventories and tracking emissions.

7. Implementing the Small Business Stationary Source
Technical and Environmental Compliance Assistance Program.

8. Any audits conducted under paragraph (c).

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

Section 18. Paragraphs (a) and (b) of subsection (3) of section 403.1838, Florida Statutes, are amended to read:

403.1838 Small Community Sewer Construction Assistance Act.—

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

1651 (b) The rules of the department ~~Environmental Regulation~~
1652 ~~Commission~~ must:

1653 1. Require that projects to plan, design, construct,
1654 upgrade, or replace wastewater collection, transmission,
1655 treatment, disposal, and reuse facilities be cost-effective,
1656 environmentally sound, permittable, and implementable.

1657 2. Require appropriate user charges, connection fees, and
1658 other charges sufficient to ensure the long-term operation,
1659 maintenance, and replacement of the facilities constructed under
1660 each grant.

1661 3. Require grant applications to be submitted on
1662 appropriate forms with appropriate supporting documentation, and
1663 require records to be maintained.

1664 4. Establish a system to determine eligibility of grant
1665 applications.

1666 5. Establish a system to determine the relative priority
1667 of grant applications. The system must consider public health
1668 protection and water pollution prevention or abatement and must
1669 prioritize projects that plan for the installation of wastewater
1670 transmission facilities to be constructed concurrently with
1671 other construction projects occurring within or along a
1672 transportation facility right-of-way.

1673 6. Establish requirements for competitive procurement of
1674 engineering and construction services, materials, and equipment.

1675 7. Provide for termination of grants when program

requirements are not met.

Section 19. Section 403.804, Florida Statutes, is repealed.

Section 20. Paragraph (d) of subsection (2) and paragraph (a) of subsection (3) of section 403.9301, Florida Statutes, are amended to read:

403.9301 Wastewater services projections.—

(2) As used in this section, the term:

(d) "Wastewater services" means service to a sewerage system, as defined in s. 403.031, or service to domestic wastewater treatment works, including services to manage domestic septage from residences and establishments served by onsite treatment and disposal systems.

(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing wastewater services shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall include the following:

(a) A detailed description of the facilities used to provide wastewater services, including analysis of domestic biosolids and septage generation, treatment, management, use, and disposal in the corresponding service area.

Section 21. Subsection (1) of section 576.041, Florida Statutes, is amended to read:

576.041 Inspection fees; records.—

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(1) Every licensee must ~~shall~~ pay to the department an inspection fee in the amount of \$1 per ton for fertilizer sold in this ~~the~~ state, except fertilizer products containing or composed of Class AA biosolids produced by a domestic wastewater or biosolids treatment facility in this state, raw ground phosphate rock, soft phosphate, colloidal phosphate, phosphatic clays and all other untreated phosphatic materials, gypsum, hydrated lime, limestone, and dolomite when sold or used for agricultural purposes, for ~~on~~ which the inspection fee is ~~shall~~ be 30 cents per ton. The inspection fees paid for Class AA biosolids-composed fertilizers must be based on the equivalent dry tons of material sold. All fees paid to the department under this section shall be deposited into the State Treasury to be placed in the General Inspection Trust Fund to be used for the sole purpose of funding the fertilizer inspection program.

Section 22. Paragraph (a) of subsection (2) of section 576.045, Florida Statutes, is amended to read:

576.045 Nitrogen and phosphorus; findings and intent; fees; purpose; best management practices; waiver of liability; compliance; rules; exclusions; expiration.—

(2) FEES.—

(a) In addition to the fees imposed under ss. 576.021 and 576.041, the following supplemental fees shall be collected and paid by licensees for the sole purpose of implementing this section:

1726 1. One hundred dollars for each license to distribute
1727 fertilizer.

1728 2. One hundred dollars for each specialty fertilizer
1729 registration.

1730 3. Fifty cents per ton for all fertilizer that contains
1731 nitrogen or phosphorus and that is sold in this state.

1732 4. Twenty-five cents per ton for Class AA biosolids
1733 produced by a domestic wastewater facility, calculated based on
1734 equivalent dry tons of the Class AA biosolids-derived product.

1735 **Section 23. Subsection (6) of section 120.81, Florida**
1736 **Statutes, is amended to read:**

1737 120.81 Exceptions and special requirements; general
1738 areas.—

1739 (6) RISK IMPACT STATEMENT.—The Department of Environmental
1740 Protection shall prepare a risk impact statement for any rule
1741 that is proposed for adoption which ~~approval by the~~
1742 ~~Environmental Regulation Commission and that~~ establishes or
1743 changes standards or criteria based on impacts to or effects
1744 upon human health. The Department of Agriculture and Consumer
1745 Services shall prepare a risk impact statement for any rule that
1746 is proposed for adoption that establishes standards or criteria
1747 based on impacts to or effects upon human health.

1748 (a) This subsection does not apply to rules adopted
1749 pursuant to federally delegated or mandated programs where such
1750 rules are identical or substantially identical to the federal

1751 regulations or laws being adopted or implemented by the
1752 Department of Environmental Protection or Department of
1753 Agriculture and Consumer Services, as applicable. However, the
1754 Department of Environmental Protection and the Department of
1755 Agriculture and Consumer Services shall identify any risk
1756 analysis information available to them from the Federal
1757 Government that has formed the basis of such a rule.

1758 (b) This subsection does not apply to emergency rules
1759 adopted pursuant to this chapter.

1760 (c) The Department of Environmental Protection and the
1761 Department of Agriculture and Consumer Services shall prepare
1762 and publish notice of the availability of a clear and concise
1763 risk impact statement for all applicable rules. The risk impact
1764 statement must explain the risk to the public health addressed
1765 by the rule and shall identify and summarize the source of the
1766 scientific information used in evaluating that risk.

1767 (d) Nothing in this subsection shall be construed to
1768 create a new cause of action or basis for challenging a rule nor
1769 diminish any existing cause of action or basis for challenging a
1770 rule.

1771 **Section 24. Subsection (1) of section 373.421, Florida**
1772 **Statutes, is amended, and paragraph (b) of subsection (7) of**
1773 **that section is reenacted, to read:**

1774 373.421 Delineation methods; formal determinations.—

1775 (1) The department's ~~Environmental Regulation Commission~~

1776 ~~shall adopt a~~ unified statewide methodology for the delineation
1777 of the extent of wetlands as defined in s. 373.019(27). ~~This~~
1778 ~~methodology~~ shall consider regional differences in the types of
1779 soils and vegetation that may serve as indicators of the extent
1780 of wetlands. This methodology shall also include provisions for
1781 determining the extent of surface waters other than wetlands for
1782 the purposes of regulation under s. 373.414. This methodology
1783 shall not become effective until ratified by the Legislature.
1784 Subsequent to legislative ratification, the wetland definition
1785 in s. 373.019(27) and the adopted wetland methodology shall be
1786 binding on the department, the water management districts, local
1787 governments, and any other governmental entities. Upon
1788 ratification of such wetland methodology, the Legislature
1789 preempts the authority of any water management district, state
1790 or regional agency, or local government to define wetlands or
1791 develop a delineation methodology to implement the definition
1792 and determines that the exclusive definition and delineation
1793 methodology for wetlands shall be that established pursuant to
1794 s. 373.019(27) and this section. Upon such legislative
1795 ratification, any existing wetlands definition or wetland
1796 delineation methodology shall be superseded by the wetland
1797 definition and delineation methodology established pursuant to
1798 this chapter. Subsequent to legislative ratification, a
1799 delineation of the extent of a surface water or wetland by the
1800 department or a water management district, pursuant to a formal

determination under subsection (2), or pursuant to a permit issued under this part in which the delineation was field-verified by the permitting agency and specifically approved in the permit, shall be binding on all other governmental entities for the duration of the formal determination or permit. All existing rules and methodologies of the department, the water management districts, and local governments, regarding surface water or wetland definition and delineation shall remain in full force and effect until the common methodology rule becomes effective. However, this shall not be construed to limit any power of the department, the water management districts, and local governments to amend or adopt a surface water or wetland definition or delineation methodology until the common methodology rule becomes effective.

(7)

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

1. Where a jurisdictional determination validated by the

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

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

3. This subsection shall not be applicable to lands:

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

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

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

boundaries since October 1, 1986; or

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

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

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

Section 25. Paragraph (b) of subsection (23) of section 403.031, Florida Statutes, is amended to read:

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

(23) "Waters" include, but are not limited to, rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline,

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

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

ratified in s. 373.4211, shall be excluded therefrom. ~~If the Florida Environmental Regulation Commission designates the waters within the boundaries an Outstanding Florida Water, waters outside the boundaries may not be included as part of such designation unless a hearing is held pursuant to notice in each appropriate county and the boundaries of such lands are specifically considered and described for such designation.~~

Section 26. Subsections (7) and (32) of section 403.061, Florida Statutes, are amended to read:

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

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

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

(32) Adopt rules necessary to obtain approval from the United States Environmental Protection Agency to administer the Federal National Pollution Discharge Elimination System (NPDES) permitting program in Florida under ss. 318, 402, and 405 of the federal Clean Water Act, Pub. L. No. 92-500, as amended. This authority shall be implemented consistent with the provisions of

part II, which shall be applicable to facilities certified thereunder. The department shall establish all rules, standards, and requirements that regulate the discharge of pollutants into waters of the United States as defined by and in a manner consistent with federal regulations; provided, however, that the department may adopt a standard that is stricter or more stringent than one set by the United States Environmental Protection Agency if approved by the Governor and Cabinet ~~in accordance with the procedures of s. 403.804(2).~~

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

Section 27. Subsection (9) of section 403.704, Florida Statutes, is amended to read:

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

(9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce this act, including requirements for the classification, construction, operation, maintenance, and closure of solid waste management facilities and requirements for, and conditions on, solid waste disposal in this state,

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

Section 28. Paragraph (d) of subsection (3) and paragraph (h) of subsection (9) of section 403.707, Florida Statutes, are amended to read:

403.707 Permits.—

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

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

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

Section 29. Subsection (3) of section 403.7222, Florida Statutes, is amended to read:

403.7222 Prohibition of hazardous waste landfills.—

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

Section 30. Subsection (4) of section 403.7234, Florida Statutes, is amended to read:

403.7234 Small quantity generator notification and verification program.—

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

Section 31. Section 403.803, Florida Statutes, is amended to read:

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

(1) "Branch office" means a geographical area, the

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boundaries of which may be established as a part of a district.

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

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

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

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

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

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

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

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

(9)~~(10)~~ "Insect control impoundment dikes" means

artificial structures, including earthen berms, constructed and used to impound waters for the purpose of insect control.

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

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

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

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

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

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

(c) Is planted with or has stabilized vegetation suitable

for soil stabilization, stormwater treatment, and nutrient uptake; and

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

Section 32. Subsections (1) and (3) of section 403.805, Florida Statutes, are amended to read:

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

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

the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority assigned to the department by this act to the assistant secretary, division directors, and district and branch office managers and to the water management districts.

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

Section 33. Section 403.8055, Florida Statutes, is amended to read:

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

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2151 accordance with the following procedures:

2152 (1) The secretary shall publish notice of intent to adopt
2153 a rule pursuant to this section in the Florida Administrative
2154 Register at least 21 days before ~~prior to~~ filing the rule with
2155 the Department of State. The secretary shall mail a copy of the
2156 notice of intent to adopt a rule to the Administrative
2157 Procedures Committee at least 21 days before ~~prior to~~ the date
2158 of filing with the Department of State. Before ~~Prior to~~ filing
2159 the rule with the Department of State, the secretary shall
2160 consider any written comments received within 21 days after the
2161 date of publication of the notice of intent to adopt a rule. The
2162 rule must ~~shall~~ be adopted upon filing with the Department of
2163 State. Substantive changes from the rules as noticed ~~shall~~
2164 require republishing of notice as required in this section.

2165 (2) Any rule adopted pursuant to this section becomes
2166 ~~shall become~~ effective upon the date designated in the rule by
2167 the secretary; however, ~~no~~ such a rule may not ~~shall~~ become
2168 effective earlier than the effective date of the substantively
2169 identical United States Environmental Protection Agency
2170 regulation.

2171 (3) The secretary shall stay any terms or conditions of a
2172 permit implementing department rules adopted pursuant to this
2173 section if the substantively identical provisions of a United
2174 States Environmental Protection Agency regulation have been
2175 stayed under federal judicial review. A stay issued pursuant to

2176 this subsection shall terminate upon completion of federal
2177 judicial review.

2178 (4) Any domestic for-profit or nonprofit corporation or
2179 association formed, in whole or in part:

2180 (a) To promote conservation or natural beauty;

2181 (b) To protect the environment, personal health, or other
2182 biological values;

2183 (c) To preserve historical sites;

2184 (d) To promote consumer interests;

2185 (e) To represent labor, commercial, or industrial groups;
2186 or

2187 (f) To promote orderly development;

2188
2189 and any other substantially affected person may, within 14 days
2190 after the date of publication of the notice of intent to adopt a
2191 rule, file an objection to rulemaking with the department
2192 ~~Environmental Regulation Commission~~. The objection shall specify
2193 the portions of the proposed rule to which the person objects
2194 and the reasons for the objection. The secretary shall not have
2195 the authority under this section to adopt those portions of a
2196 proposed rule specified in such objection. Objections which are
2197 frivolous shall not be considered sufficient to prohibit the
2198 secretary from adopting rules under this section.

2199 (5) Whenever all or part of any rule proposed for adoption
2200 by the department is substantively identical to a regulation

adopted in the Federal Register by the United States Environmental Protection Agency pursuant to federal law, such rule shall be written in a manner so that the rule specifically references such regulation whenever possible.

Section 34. Subsection (1) of section 403.814, Florida Statutes, is amended to read:

403.814 General permits; delegation.—

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

Section 35. Paragraph (a) of subsection (1) of section 376.302, Florida Statutes, is amended to read:

376.302 Prohibited acts; penalties.—

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

(a) To discharge pollutants or hazardous substances into or upon the surface or ground waters of the state or lands,

which discharge violates any departmental "standard" as defined in s. 403.803 ~~s. 403.803(13)~~.

Section 36. Paragraph (b) of subsection (1) of section 380.5105, Florida Statutes, is amended to read:

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

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

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

Section 37. For the purpose of incorporating the amendment made by this act to section 381.0065, Florida Statutes, in references thereto, paragraph (k) of subsection (2) of section 381.0066, Florida Statutes, is reenacted to read:

381.0066 Onsite sewage treatment and disposal systems; fees.—

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

(k) Research: An additional \$5 fee shall be added to each new system construction permit issued to be used to fund onsite sewage treatment and disposal system research, demonstration, and training projects. Five dollars from any repair permit fee collected under this section shall be used for funding the hands-on training centers described in s. 381.0065(3)(j).

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

Section 38. For the purpose of incorporating the amendment made by this act to section 403.067, Florida Statutes, in references thereto, section 373.4595, Florida Statutes, is reenacted to read:

373.4595 Northern Everglades and Estuaries Protection Program.—

(1) FINDINGS AND INTENT.—

(a) The Legislature finds that the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed are critical water resources of the state,

2276 providing many economic, natural habitat, and biodiversity
2277 functions benefiting the public interest, including
2278 agricultural, public, and environmental water supply; flood
2279 control; fishing; navigation and recreation; and habitat to
2280 endangered and threatened species and other flora and fauna.

2281 (b) The Legislature finds that changes in land uses, the
2282 construction of the Central and Southern Florida Project, and
2283 the loss of surface water storage have resulted in adverse
2284 changes to the hydrology and water quality of Lake Okeechobee
2285 and the Caloosahatchee and St. Lucie Rivers and their estuaries.

2286 (c) The Legislature finds that improvement to the
2287 hydrology, water quality, and associated aquatic habitats within
2288 the Lake Okeechobee watershed, the Caloosahatchee River
2289 watershed, and the St. Lucie River watershed, is essential to
2290 the protection of the greater Everglades ecosystem.

2291 (d) The Legislature also finds that it is imperative for
2292 the state, local governments, and agricultural and environmental
2293 communities to commit to restoring and protecting the surface
2294 water resources of the Lake Okeechobee watershed, the
2295 Caloosahatchee River watershed, and the St. Lucie River
2296 watershed, and that a watershed-based approach to address these
2297 issues must be developed and implemented immediately.

2298 (e) The Legislature finds that phosphorus loads from the
2299 Lake Okeechobee watershed have contributed to excessive
2300 phosphorus levels throughout the Lake Okeechobee watershed and

2301 downstream receiving waters and that a reduction in levels of
2302 phosphorus will benefit the ecology of these systems. The
2303 excessive levels of phosphorus have also resulted in an
2304 accumulation of phosphorus in the sediments of Lake Okeechobee.
2305 If not removed, internal phosphorus loads from the sediments are
2306 expected to delay responses of the lake to external phosphorus
2307 reductions.

2308 (f) The Legislature finds that the Lake Okeechobee
2309 phosphorus loads set forth in the total maximum daily loads
2310 established in accordance with s. 403.067 represent an
2311 appropriate basis for restoration of the Lake Okeechobee
2312 watershed.

2313 (g) The Legislature finds that, in addition to phosphorus,
2314 other pollutants are contributing to water quality problems in
2315 the Lake Okeechobee watershed, the Caloosahatchee River
2316 watershed, and the St. Lucie River watershed, and that the total
2317 maximum daily load requirements of s. 403.067 provide a means of
2318 identifying and addressing these problems.

2319 (h) The Legislature finds that the expeditious
2320 implementation of the Lake Okeechobee Watershed Protection
2321 Program, the Caloosahatchee River Watershed Protection Program,
2322 and the St. Lucie River Watershed Protection Program is needed
2323 to improve the quality, quantity, timing, and distribution of
2324 water in the northern Everglades ecosystem and that this
2325 section, in conjunction with s. 403.067, including the

implementation of the plans developed and approved pursuant to subsections (3) and (4), and any related basin management action plan developed and implemented pursuant to s. 403.067(7)(a), provide a reasonable means of achieving the total maximum daily load requirements and achieving and maintaining compliance with state water quality standards.

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

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

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

(l) It is the intent of the Legislature to protect and restore surface water resources and achieve and maintain compliance with water quality standards in the Lake Okeechobee

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watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, and downstream receiving waters, through the phased, comprehensive, and innovative protection program set forth in this section which includes long-term solutions based upon the total maximum daily loads established in accordance with s. 403.067. This program shall be watershed-based, shall provide for consideration of all water quality issues needed to meet the total maximum daily load, and shall include research and monitoring, development and implementation of best management practices, refinement of existing regulations, and structural and nonstructural projects, including public works.

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

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

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

(a) "Best management practice" means a practice or combination of practices determined by the coordinating agencies, based on research, field-testing, and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges. Best management practices for agricultural discharges shall reflect a balance between water quality improvements and agricultural productivity.

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

(c) "Caloosahatchee River watershed" means the Caloosahatchee River, its tributaries, its estuary, and the area within Charlotte, Glades, Hendry, and Lee Counties from which surface water flow is directed or drains, naturally or by

constructed works, to the river, its tributaries, or its estuary.

(d) "Coordinating agencies" means the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District.

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

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

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

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

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

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

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

(l) "Project component" means any structural or operational change, resulting from the Restudy, to the Central and Southern Florida Project as it existed and was operated as of January 1, 1999.

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

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

(o) "Soil amendment" means any substance or mixture of substances sold or offered for sale for soil enriching or corrective purposes, intended or claimed to be effective in promoting or stimulating plant growth, increasing soil or plant productivity, improving the quality of crops, or producing any chemical or physical change in the soil, except amendments, conditioners, additives, and related products that are derived

solely from inorganic sources and that contain no recognized plant nutrients.

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

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

(3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake Okeechobee Watershed Protection Program shall consist of the Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067, the Lake Okeechobee Exotic Species Control Program, and the Lake Okeechobee Internal Phosphorus Management Program. The Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 shall be the component of the Lake Okeechobee Watershed Protection Program that achieves phosphorus load reductions for Lake Okeechobee. The Lake Okeechobee Watershed Protection

2476 Program shall address the reduction of phosphorus loading to the
2477 lake from both internal and external sources. Phosphorus load
2478 reductions shall be achieved through a phased program of
2479 implementation. In the development and administration of the
2480 Lake Okeechobee Watershed Protection Program, the coordinating
2481 agencies shall maximize opportunities provided by federal cost-
2482 sharing programs and opportunities for partnerships with the
2483 private sector.

2484 (a) *Lake Okeechobee Watershed Protection Plan.*—To protect
2485 and restore surface water resources, the district, in
2486 cooperation with the other coordinating agencies, shall complete
2487 a Lake Okeechobee Watershed Protection Plan in accordance with
2488 this section and ss. 373.451–373.459. Beginning March 1, 2020,
2489 and every 5 years thereafter, the district shall update the Lake
2490 Okeechobee Watershed Protection Plan to ensure that it is
2491 consistent with the Lake Okeechobee Basin Management Action Plan
2492 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
2493 Protection Plan shall identify the geographic extent of the
2494 watershed, be coordinated with the plans developed pursuant to
2495 paragraphs (4)(a) and (c), and include the Lake Okeechobee
2496 Watershed Construction Project and the Lake Okeechobee Watershed
2497 Research and Water Quality Monitoring Program. The plan shall
2498 consider and build upon a review and analysis of the performance
2499 of projects constructed during Phase I and Phase II of the Lake
2500 Okeechobee Watershed Construction Project, pursuant to

subparagraph 1.; relevant information resulting from the Lake Okeechobee Basin Management Action Plan, pursuant to paragraph (b); relevant information resulting from the Lake Okeechobee Watershed Research and Water Quality Monitoring Program, pursuant to subparagraph 2.; relevant information resulting from the Lake Okeechobee Exotic Species Control Program, pursuant to paragraph (c); and relevant information resulting from the Lake Okeechobee Internal Phosphorus Management Program, pursuant to paragraph (d).

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

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

(I) The district shall serve as a full partner with the

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2526 Corps of Engineers in the design and construction of the Grassy
2527 Island Ranch and New Palm Dairy stormwater treatment facilities
2528 as components of the Lake Okeechobee Water Retention/Phosphorus
2529 Removal Critical Project. The Corps of Engineers shall have the
2530 lead in design and construction of these facilities. Should
2531 delays be encountered in the implementation of either of these
2532 facilities, the district shall notify the department and
2533 recommend corrective actions.

2534 (II) The district shall obtain permits and complete
2535 construction of two of the isolated wetland restoration projects
2536 that are part of the Lake Okeechobee Water Retention/Phosphorus
2537 Removal Critical Project. The additional isolated wetland
2538 projects included in this critical project shall further reduce
2539 phosphorus loading to Lake Okeechobee.

2540 (III) The district shall work with the Corps of Engineers
2541 to expedite initiation of the design process for the Taylor
2542 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
2543 Area, a project component of the Comprehensive Everglades
2544 Restoration Plan. The district shall propose to the Corps of
2545 Engineers that the district take the lead in the design and
2546 construction of the Reservoir Assisted Stormwater Treatment Area
2547 and receive credit towards the local share of the total cost of
2548 the Comprehensive Everglades Restoration Plan.

2549 b. Phase II technical plan and construction.—The district,
2550 in cooperation with the other coordinating agencies, shall

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

(I) Identify Lake Okeechobee Watershed Construction Project facilities designed to contribute to achieving all

applicable total maximum daily loads established pursuant to s.
403.067 within the Lake Okeechobee watershed.

(II) Identify the size and location of all such Lake
Okeechobee Watershed Construction Project facilities.

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

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

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

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

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

(VIII) Develop the appropriate water quantity storage goal
to achieve the desired Lake Okeechobee range of lake levels and
inflow volumes to the Caloosahatchee and St. Lucie estuaries

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while meeting the other water-related needs of the region,
including water supply and flood protection.

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

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

d. Coordination and review.—To ensure the timely
implementation of the Lake Okeechobee Watershed Construction
Project, the design of project facilities shall be coordinated

with the department and other interested parties, including affected local governments, to the maximum extent practicable. Lake Okeechobee Watershed Construction Project facilities shall be reviewed and commented upon by the department before the execution of a construction contract by the district for that facility.

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

a. Evaluate all available existing water quality data concerning total phosphorus in the Lake Okeechobee watershed, develop a water quality baseline to represent existing conditions for total phosphorus, monitor long-term ecological changes, including water quality for total phosphorus, and measure compliance with water quality standards for total phosphorus, including any applicable total maximum daily load for the Lake Okeechobee watershed as established pursuant to s. 403.067. Beginning March 1, 2020, and every 5 years thereafter, the department shall reevaluate water quality and quantity data to ensure that the appropriate projects are being designated and

2651 incorporated into the Lake Okeechobee Basin Management Action
2652 Plan adopted pursuant to s. 403.067. The district shall
2653 implement a total phosphorus monitoring program at appropriate
2654 structures owned or operated by the district and within the Lake
2655 Okeechobee watershed.

2656 b. Develop a Lake Okeechobee water quality model that
2657 reasonably represents the phosphorus dynamics of Lake Okeechobee
2658 and incorporates an uncertainty analysis associated with model
2659 predictions.

2660 c. Determine the relative contribution of phosphorus from
2661 all identifiable sources and all primary and secondary land
2662 uses.

2663 d. Conduct an assessment of the sources of phosphorus from
2664 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
2665 relative contribution to the water quality of Lake Okeechobee.
2666 The results of this assessment shall be used by the coordinating
2667 agencies as part of the Lake Okeechobee Basin Management Action
2668 Plan adopted pursuant to s. 403.067 to develop interim measures,
2669 best management practices, or regulations, as applicable.

2670 e. Assess current water management practices within the
2671 Lake Okeechobee watershed and develop recommendations for
2672 structural and operational improvements. Such recommendations
2673 shall balance water supply, flood control, estuarine salinity,
2674 maintenance of a healthy lake littoral zone, and water quality
2675 considerations.

f. Evaluate the feasibility of alternative nutrient reduction technologies, including sediment traps, canal and ditch maintenance, fish production or other aquaculture, bioenergy conversion processes, and algal or other biological treatment technologies and include any alternative nutrient reduction technologies determined to be feasible in the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067.

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

(b) *Lake Okeechobee Basin Management Action Plan.*—The Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 shall be the watershed phosphorus control component for Lake Okeechobee. The Lake Okeechobee Basin Management Action Plan shall be a multifaceted approach designed to achieve the total maximum daily load by improving the management of phosphorus sources within the Lake Okeechobee watershed through implementation of regulations and best management practices, continued development and continued implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and use of alternative technologies for nutrient reduction. As provided in s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action

2701 Plan must include milestones for implementation and water
2702 quality improvement, and an associated water quality monitoring
2703 component sufficient to evaluate whether reasonable progress in
2704 pollutant load reductions is being achieved over time. An
2705 assessment of progress toward these milestones shall be
2706 conducted every 5 years and shall be provided to the Governor,
2707 the President of the Senate, and the Speaker of the House of
2708 Representatives. Revisions to the plan shall be made, as
2709 appropriate, as a result of each 5-year review. Revisions to the
2710 basin management action plan shall be made by the department in
2711 cooperation with the basin stakeholders. Revisions to best
2712 management practices or other measures must follow the
2713 procedures set forth in s. 403.067(7)(c)4. Revised basin
2714 management action plans must be adopted pursuant to s.
2715 403.067(7)(a)5. The department shall develop an implementation
2716 schedule establishing 5-year, 10-year, and 15-year measurable
2717 milestones and targets to achieve the total maximum daily load
2718 no more than 20 years after adoption of the plan. The initial
2719 implementation schedule shall be used to provide guidance for
2720 planning and funding purposes and is exempt from chapter 120.
2721 Upon the first 5-year review, the implementation schedule shall
2722 be adopted as part of the plan. If achieving the total maximum
2723 daily load within 20 years is not practicable, the
2724 implementation schedule must contain an explanation of the
2725 constraints that prevent achievement of the total maximum daily

2726 load within 20 years, an estimate of the time needed to achieve
2727 the total maximum daily load, and additional 5-year measurable
2728 milestones, as necessary. The coordinating agencies shall
2729 develop an interagency agreement pursuant to ss. 373.046 and
2730 373.406(5) which is consistent with the department taking the
2731 lead on water quality protection measures through the Lake
2732 Okeechobee Basin Management Action Plan adopted pursuant to s.
2733 403.067; the district taking the lead on hydrologic improvements
2734 pursuant to paragraph (a); and the Department of Agriculture and
2735 Consumer Services taking the lead on agricultural interim
2736 measures, best management practices, and other measures adopted
2737 pursuant to s. 403.067. The interagency agreement must specify
2738 how best management practices for nonagricultural nonpoint
2739 sources are developed and how all best management practices are
2740 implemented and verified consistent with s. 403.067 and this
2741 section and must address measures to be taken by the
2742 coordinating agencies during any best management practice
2743 reevaluation performed pursuant to subparagraphs 5. and 10. The
2744 department shall use best professional judgment in making the
2745 initial determination of best management practice effectiveness.
2746 The coordinating agencies may develop an intergovernmental
2747 agreement with local governments to implement nonagricultural
2748 nonpoint source best management practices within their
2749 respective geographic boundaries. The coordinating agencies
2750 shall facilitate the application of federal programs that offer

opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

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

2. As provided in s. 403.067, the Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall initiate rule development for interim measures, best management practices, conservation plans, nutrient management plans, or other measures necessary for Lake Okeechobee watershed total maximum daily load reduction. The rule shall include thresholds for requiring conservation and nutrient management plans and criteria for the contents of such plans. Development of agricultural nonpoint source best management practices shall initially focus on those priority basins listed in sub-subparagraph (a)1.a. The Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall conduct an ongoing program for improvement of existing and development of new agricultural nonpoint source interim measures and best management practices.

2776 The Department of Agriculture and Consumer Services shall adopt
2777 such practices by rule. The Department of Agriculture and
2778 Consumer Services shall work with the University of Florida
2779 Institute of Food and Agriculture Sciences to review and, where
2780 appropriate, develop revised nutrient application rates for all
2781 agricultural soil amendments in the watershed.

2782 3. As provided in s. 403.067, where agricultural nonpoint
2783 source best management practices or interim measures have been
2784 adopted by rule of the Department of Agriculture and Consumer
2785 Services, the owner or operator of an agricultural nonpoint
2786 source addressed by such rule shall either implement interim
2787 measures or best management practices or demonstrate compliance
2788 with state water quality standards addressed by the Lake
2789 Okeechobee Basin Management Action Plan adopted pursuant to s.
2790 403.067 by conducting monitoring prescribed by the department or
2791 the district. Owners or operators of agricultural nonpoint
2792 sources who implement interim measures or best management
2793 practices adopted by rule of the Department of Agriculture and
2794 Consumer Services shall be subject to s. 403.067.

2795 4. The district or department shall conduct monitoring at
2796 representative sites to verify the effectiveness of agricultural
2797 nonpoint source best management practices.

2798 5. Where water quality problems are detected for
2799 agricultural nonpoint sources despite the appropriate
2800 implementation of adopted best management practices, a

reevaluation of the best management practices shall be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation determines that the best management practices or other measures require modification, the rule shall be revised to require implementation of the modified practice within a reasonable period as specified in the rule.

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

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

2826 affected parties shall conduct an ongoing program for
2827 improvement of existing and development of new interim measures
2828 and best management practices. The department or the district
2829 shall adopt such practices by rule.

2830 8. Where nonagricultural nonpoint source best management
2831 practices or interim measures have been developed by the
2832 department and adopted by the district, the owner or operator of
2833 a nonagricultural nonpoint source shall implement interim
2834 measures or best management practices and be subject to s.
2835 403.067.

2836 9. As provided in s. 403.067, the district or the
2837 department shall conduct monitoring at representative sites to
2838 verify the effectiveness of nonagricultural nonpoint source best
2839 management practices.

2840 10. Where water quality problems are detected for
2841 nonagricultural nonpoint sources despite the appropriate
2842 implementation of adopted best management practices, a
2843 reevaluation of the best management practices shall be conducted
2844 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
2845 that the best management practices or other measures require
2846 modification, the rule shall be revised to require
2847 implementation of the modified practice within a reasonable time
2848 period as specified in the rule.

2849 11. Subparagraphs 2. and 7. do not preclude the department
2850 or the district from requiring compliance with water quality

standards or with current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Subparagraphs 2. and 7. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

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

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

14. Projects that reduce the phosphorus load originating from domestic wastewater systems within the Lake Okeechobee

2876 watershed shall be given funding priority in the department's
2877 revolving loan program under s. 403.1835. The department shall
2878 coordinate and provide assistance to those local governments
2879 seeking financial assistance for such priority projects.

2880 15. Projects that make use of private lands, or lands held
2881 in trust for Indian tribes, to reduce nutrient loadings or
2882 concentrations within a basin by one or more of the following
2883 methods: restoring the natural hydrology of the basin, restoring
2884 wildlife habitat or impacted wetlands, reducing peak flows after
2885 storm events, increasing aquifer recharge, or protecting range
2886 and timberland from conversion to development, are eligible for
2887 grants available under this section from the coordinating
2888 agencies. For projects of otherwise equal priority, special
2889 funding priority will be given to those projects that make best
2890 use of the methods outlined above that involve public-private
2891 partnerships or that obtain federal match money. Preference
2892 ranking above the special funding priority will be given to
2893 projects located in a rural area of opportunity designated by
2894 the Governor. Grant applications may be submitted by any person
2895 or tribal entity, and eligible projects may include, but are not
2896 limited to, the purchase of conservation and flowage easements,
2897 hydrologic restoration of wetlands, creating treatment wetlands,
2898 development of a management plan for natural resources, and
2899 financial support to implement a management plan.

2900 16. The department shall require all entities disposing of

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

17. Private and government-owned utilities within Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, Highlands, Hendry, and Glades Counties that dispose of wastewater biosolids sludge from utility operations and septic removal by land spreading in the Lake Okeechobee watershed may use a line item on local sewer rates to cover wastewater biosolids treatment and disposal if such disposal and

2926 treatment is done by approved alternative treatment methodology
2927 at a facility located within the areas designated by the
2928 Governor as rural areas of opportunity pursuant to s. 288.0656.
2929 This additional line item is an environmental protection
2930 disposal fee above the present sewer rate and may not be
2931 considered a part of the present sewer rate to customers,
2932 notwithstanding provisions to the contrary in chapter 367. The
2933 fee shall be established by the county commission or its
2934 designated assignee in the county in which the alternative
2935 method treatment facility is located. The fee shall be
2936 calculated to be no higher than that necessary to recover the
2937 facility's prudent cost of providing the service. Upon request
2938 by an affected county commission, the Florida Public Service
2939 Commission will provide assistance in establishing the fee.
2940 Further, for utilities and utility authorities that use the
2941 additional line item environmental protection disposal fee, such
2942 fee may not be considered a rate increase under the rules of the
2943 Public Service Commission and shall be exempt from such rules.
2944 Utilities using this section may immediately include in their
2945 sewer invoicing the new environmental protection disposal fee.
2946 Proceeds from this environmental protection disposal fee shall
2947 be used for treatment and disposal of wastewater biosolids,
2948 including any treatment technology that helps reduce the volume
2949 of biosolids that require final disposal, but such proceeds may
2950 not be used for transportation or shipment costs for disposal or

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any costs relating to the land application of biosolids in the Lake Okeechobee watershed.

18. No less frequently than once every 3 years, the Florida Public Service Commission or the county commission through the services of an independent auditor shall perform a financial audit of all facilities receiving compensation from an environmental protection disposal fee. The Florida Public Service Commission or the county commission through the services of an independent auditor shall also perform an audit of the methodology used in establishing the environmental protection disposal fee. The Florida Public Service Commission or the county commission shall, within 120 days after completion of an audit, file the audit report with the President of the Senate and the Speaker of the House of Representatives and shall provide copies to the county commissions of the counties set forth in subparagraph 17. The books and records of any facilities receiving compensation from an environmental protection disposal fee shall be open to the Florida Public Service Commission and the Auditor General for review upon request.

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

pursuant to s. 403.067.

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

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

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

(d) *Lake Okeechobee Internal Phosphorus Management Program.*—The district, in cooperation with the other coordinating agencies and interested parties, shall evaluate the feasibility of Lake Okeechobee internal phosphorus load removal

3001 projects. The evaluation shall be based on technical
3002 feasibility, as well as economic considerations, and shall
3003 consider all reasonable methods of phosphorus removal. If
3004 projects are found to be feasible, the district shall
3005 immediately pursue the design, funding, and permitting for
3006 implementing such projects.

3007 (e) *Lake Okeechobee Watershed Protection Program*
3008 *implementation.*—The coordinating agencies shall be jointly
3009 responsible for implementing the Lake Okeechobee Watershed
3010 Protection Program, consistent with the statutory authority and
3011 responsibility of each agency. Annual funding priorities shall
3012 be jointly established, and the highest priority shall be
3013 assigned to programs and projects that address sources that have
3014 the highest relative contribution to loading and the greatest
3015 potential for reductions needed to meet the total maximum daily
3016 loads. In determining funding priorities, the coordinating
3017 agencies shall also consider the need for regulatory compliance,
3018 the extent to which the program or project is ready to proceed,
3019 and the availability of federal matching funds or other nonstate
3020 funding, including public-private partnerships. Federal and
3021 other nonstate funding shall be maximized to the greatest extent
3022 practicable.

3023 (f) *Priorities and implementation schedules.*—The
3024 coordinating agencies are authorized and directed to establish
3025 priorities and implementation schedules for the achievement of

total maximum daily loads, compliance with the requirements of s. 403.067, and compliance with applicable water quality standards within the waters and watersheds subject to this section.

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

the extent to which water inflows are within the control and jurisdiction of the district.

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

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

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

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

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

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

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

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

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

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

(b) *Caloosahatchee River Watershed Basin Management Action*

3101 *Plans.*—The basin management action plans adopted pursuant to s.
3102 403.067 for the Caloosahatchee River watershed shall be the
3103 Caloosahatchee River Watershed Pollutant Control Program. The
3104 plans shall be designed to be a multifaceted approach to
3105 reducing pollutant loads by improving the management of
3106 pollutant sources within the Caloosahatchee River watershed
3107 through implementation of regulations and best management
3108 practices, development and implementation of improved best
3109 management practices, improvement and restoration of the
3110 hydrologic function of natural and managed systems, and
3111 utilization of alternative technologies for pollutant reduction,
3112 such as cost-effective biologically based, hybrid
3113 wetland/chemical and other innovative nutrient control
3114 technologies. As provided in s. 403.067(7)(a)6., the
3115 Caloosahatchee River Watershed Basin Management Action Plans
3116 must include milestones for implementation and water quality
3117 improvement, and an associated water quality monitoring
3118 component sufficient to evaluate whether reasonable progress in
3119 pollutant load reductions is being achieved over time. An
3120 assessment of progress toward these milestones shall be
3121 conducted every 5 years and shall be provided to the Governor,
3122 the President of the Senate, and the Speaker of the House of
3123 Representatives. Revisions to the plans shall be made, as
3124 appropriate, as a result of each 5-year review. Revisions to the
3125 basin management action plans shall be made by the department in

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

1. Nonpoint source best management practices consistent with s. 403.067, designed to achieve the objectives of the Caloosahatchee River Watershed Protection Program, shall be implemented on an expedited basis. The coordinating agencies may

3151 develop an intergovernmental agreement with local governments to
3152 implement the nonagricultural, nonpoint source best management
3153 practices within their respective geographic boundaries.

3154 2. This subsection does not preclude the department or the
3155 district from requiring compliance with water quality standards,
3156 adopted total maximum daily loads, or current best management
3157 practices requirements set forth in any applicable regulatory
3158 program authorized by law for the purpose of protecting water
3159 quality. This subsection applies only to the extent that it does
3160 not conflict with any rules adopted by the department or
3161 district which are necessary to maintain a federally delegated
3162 or approved program.

3163 3. Projects that make use of private lands, or lands held
3164 in trust for Indian tribes, to reduce pollutant loadings or
3165 concentrations within a basin, or that reduce the volume of
3166 harmful discharges by one or more of the following methods:
3167 restoring the natural hydrology of the basin, restoring wildlife
3168 habitat or impacted wetlands, reducing peak flows after storm
3169 events, or increasing aquifer recharge, are eligible for grants
3170 available under this section from the coordinating agencies.

3171 4. The Caloosahatchee River Watershed Basin Management
3172 Action Plans shall require assessment of current water
3173 management practices within the watershed and shall require
3174 development of recommendations for structural, nonstructural,
3175 and operational improvements. Such recommendations shall

3176 consider and balance water supply, flood control, estuarine
3177 salinity, aquatic habitat, and water quality considerations.

3178 5. The department may not authorize the disposal of
3179 domestic wastewater biosolids within the Caloosahatchee River
3180 watershed unless the applicant can affirmatively demonstrate
3181 that the nutrients in the biosolids will not add to nutrient
3182 loadings in the watershed. This demonstration shall be based on
3183 achieving a net balance between nutrient imports relative to
3184 exports on the permitted application site. Exports shall include
3185 only nutrients removed from the watershed through products
3186 generated on the permitted application site. This prohibition
3187 does not apply to Class AA biosolids that are marketed and
3188 distributed as fertilizer products in accordance with department
3189 rule.

3190 6. The Department of Health shall require all entities
3191 disposing of septage within the Caloosahatchee River watershed
3192 to develop and submit to that agency an agricultural use plan
3193 that limits applications based upon nutrient loading consistent
3194 with any basin management action plan adopted pursuant to s.
3195 403.067.

3196 7. The Department of Agriculture and Consumer Services
3197 shall require entities within the Caloosahatchee River watershed
3198 which land-apply animal manure to develop a resource management
3199 system level conservation plan, according to United States
3200 Department of Agriculture criteria, which limit such

3201 application. Such rules shall include criteria and thresholds
3202 for the requirement to develop a conservation or nutrient
3203 management plan, requirements for plan approval, site inspection
3204 requirements, and recordkeeping requirements.

3205 8. The district shall initiate rulemaking to provide for a
3206 monitoring program for nonpoint source dischargers required to
3207 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
3208 The results of such monitoring must be reported to the
3209 coordinating agencies.

3210 (c) *St. Lucie River Watershed Protection Plan.*—The
3211 district, in cooperation with the other coordinating agencies,
3212 Martin County, and affected counties and municipalities shall
3213 complete a plan in accordance with this subsection. The St.
3214 Lucie River Watershed Protection Plan shall identify the
3215 geographic extent of the watershed, be coordinated as needed
3216 with the plans developed pursuant to paragraph (3)(a) and
3217 paragraph (a) of this subsection, and include the St. Lucie
3218 River Watershed Construction Project and St. Lucie River
3219 Watershed Research and Water Quality Monitoring Program.

3220 1. *St. Lucie River Watershed Construction Project.*—To
3221 improve the hydrology, water quality, and aquatic habitats
3222 within the watershed, the district shall, no later than January
3223 1, 2012, plan, design, and construct the initial phase of the
3224 Watershed Construction Project. In doing so, the district shall:

3225 a. Develop and designate the facilities to be constructed

3226 to achieve stated goals and objectives of the St. Lucie River
3227 Watershed Protection Plan.

3228 b. Identify the size and location of all such facilities.

3229 c. Provide a construction schedule for all such
3230 facilities, including the sequencing and specific timeframe for
3231 construction of each facility.

3232 d. Provide a schedule for the acquisition of lands or
3233 sufficient interests necessary to achieve the construction
3234 schedule.

3235 e. Provide a schedule of costs and benefits associated
3236 with each construction project and identify funding sources.

3237 f. To ensure timely implementation, coordinate the design,
3238 scheduling, and sequencing of project facilities with the
3239 coordinating agencies, Martin County, St. Lucie County, other
3240 interested parties, and other affected local governments.

3241 2. St. Lucie River Watershed Research and Water Quality
3242 Monitoring Program.—The district, in cooperation with the other
3243 coordinating agencies and local governments, shall establish a
3244 St. Lucie River Watershed Research and Water Quality Monitoring
3245 Program that builds upon the district's existing research
3246 program and that is sufficient to carry out, comply with, or
3247 assess the plans, programs, and other responsibilities created
3248 by this subsection. The district shall also conduct an
3249 assessment of the water volumes and timing from Lake Okeechobee
3250 and the St. Lucie River watershed and their relative

contributions to the timing and volume of water delivered to the estuary.

(d) *St. Lucie River Watershed Basin Management Action Plan.*—The basin management action plan for the St. Lucie River watershed adopted pursuant to s. 403.067 shall be the St. Lucie River Watershed Pollutant Control Program and shall be designed to be a multifaceted approach to reducing pollutant loads by improving the management of pollutant sources within the St. Lucie River watershed through implementation of regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and use of alternative technologies for pollutant reduction, such as cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies. As provided in s. 403.067(7)(a)6., the St. Lucie River Watershed Basin Management Action Plan must include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years and shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Revisions to the plan shall be made, as appropriate, as a result of each 5-year

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

1. Nonpoint source best management practices consistent with s. 403.067, designed to achieve the objectives of the St.

Lucie River Watershed Protection Program, shall be implemented on an expedited basis. The coordinating agencies may develop an intergovernmental agreement with local governments to implement the nonagricultural nonpoint source best management practices within their respective geographic boundaries.

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

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

4. The St. Lucie River Watershed Basin Management Action Plan shall require assessment of current water management practices within the watershed and shall require development of

3326 recommendations for structural, nonstructural, and operational
3327 improvements. Such recommendations shall consider and balance
3328 water supply, flood control, estuarine salinity, aquatic
3329 habitat, and water quality considerations.

3330 5. The department may not authorize the disposal of
3331 domestic wastewater biosolids within the St. Lucie River
3332 watershed unless the applicant can affirmatively demonstrate
3333 that the nutrients in the biosolids will not add to nutrient
3334 loadings in the watershed. This demonstration shall be based on
3335 achieving a net balance between nutrient imports relative to
3336 exports on the permitted application site. Exports shall include
3337 only nutrients removed from the St. Lucie River watershed
3338 through products generated on the permitted application site.
3339 This prohibition does not apply to Class AA biosolids that are
3340 marketed and distributed as fertilizer products in accordance
3341 with department rule.

3342 6. The Department of Health shall require all entities
3343 disposing of septage within the St. Lucie River watershed to
3344 develop and submit to that agency an agricultural use plan that
3345 limits applications based upon nutrient loading consistent with
3346 any basin management action plan adopted pursuant to s. 403.067.

3347 7. The Department of Agriculture and Consumer Services
3348 shall initiate rulemaking requiring entities within the St.
3349 Lucie River watershed which land-apply animal manure to develop
3350 a resource management system level conservation plan, according

3351 to United States Department of Agriculture criteria, which limit
3352 such application. Such rules shall include criteria and
3353 thresholds for the requirement to develop a conservation or
3354 nutrient management plan, requirements for plan approval, site
3355 inspection requirements, and recordkeeping requirements.

3356 8. The district shall initiate rulemaking to provide for a
3357 monitoring program for nonpoint source dischargers required to
3358 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
3359 The results of such monitoring must be reported to the
3360 coordinating agencies.

3361 (e) *River Watershed Protection Plan implementation.*—The
3362 coordinating agencies shall be jointly responsible for
3363 implementing the River Watershed Protection Plans, consistent
3364 with the statutory authority and responsibility of each agency.
3365 Annual funding priorities shall be jointly established, and the
3366 highest priority shall be assigned to programs and projects that
3367 have the greatest potential for achieving the goals and
3368 objectives of the plans. In determining funding priorities, the
3369 coordinating agencies shall also consider the need for
3370 regulatory compliance, the extent to which the program or
3371 project is ready to proceed, and the availability of federal or
3372 local government matching funds. Federal and other nonstate
3373 funding shall be maximized to the greatest extent practicable.

3374 (f) *Evaluation.*—Beginning March 1, 2020, and every 5 years
3375 thereafter, concurrent with the updates of the basin management

3376 action plans adopted pursuant to s. 403.067, the department, in
3377 cooperation with the other coordinating agencies, shall conduct
3378 an evaluation of any pollutant load reduction goals, as well as
3379 any other specific objectives and goals, as stated in the River
3380 Watershed Protection Programs. The district shall identify
3381 modifications to facilities of the River Watershed Construction
3382 Projects, as appropriate, or any other elements of the River
3383 Watershed Protection Programs. The evaluation shall be included
3384 in the annual progress report submitted pursuant to this
3385 section.

3386 (g) *Priorities and implementation schedules.*—The
3387 coordinating agencies are authorized and directed to establish
3388 priorities and implementation schedules for the achievement of
3389 total maximum daily loads, the requirements of s. 403.067, and
3390 compliance with applicable water quality standards within the
3391 waters and watersheds subject to this section.

3392 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
3393 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
3394 department is directed to expedite development and adoption of
3395 total maximum daily loads for the Caloosahatchee River and
3396 estuary. The department is further directed to propose for final
3397 agency action total maximum daily loads for nutrients in the
3398 tidal portions of the Caloosahatchee River and estuary. The
3399 department shall initiate development of basin management action
3400 plans for Lake Okeechobee, the Caloosahatchee River watershed

3401 and estuary, and the St. Lucie River watershed and estuary as
3402 provided in s. 403.067 as follows:

3403 (a) Basin management action plans shall be developed as
3404 soon as practicable as determined necessary by the department to
3405 achieve the total maximum daily loads established for the Lake
3406 Okeechobee watershed and the estuaries.

3407 (b) The Phase II technical plan development pursuant to
3408 paragraph (3)(a), and the River Watershed Protection Plans
3409 developed pursuant to paragraphs (4)(a) and (c), shall provide
3410 the basis for basin management action plans developed by the
3411 department.

3412 (c) As determined necessary by the department to achieve
3413 the total maximum daily loads, additional or modified projects
3414 or programs that complement those in the legislatively ratified
3415 plans may be included during the development of the basin
3416 management action plan.

3417 (d) As provided in s. 403.067, management strategies and
3418 pollution reduction requirements set forth in a basin management
3419 action plan subject to permitting by the department under
3420 subsection (7) must be completed pursuant to the schedule set
3421 forth in the basin management action plan, as amended. The
3422 implementation schedule may extend beyond the 5-year permit
3423 term.

3424 (e) As provided in s. 403.067, management strategies and
3425 pollution reduction requirements set forth in a basin management

3426 action plan for a specific pollutant of concern are not subject
3427 to challenge under chapter 120 at the time they are
3428 incorporated, in an identical form, into a department or
3429 district issued permit or a permit modification issued in
3430 accordance with subsection (7).

3431 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in
3432 cooperation with the other coordinating agencies, shall report
3433 on implementation of this section as part of the consolidated
3434 annual report required in s. 373.036(7). The annual report shall
3435 include a summary of the conditions of the hydrology, water
3436 quality, and aquatic habitat in the northern Everglades based on
3437 the results of the Research and Water Quality Monitoring
3438 Programs, the status of the Lake Okeechobee Watershed
3439 Construction Project, the status of the Caloosahatchee River
3440 Watershed Construction Project, and the status of the St. Lucie
3441 River Watershed Construction Project. In addition, the report
3442 shall contain an annual accounting of the expenditure of funds
3443 from the Save Our Everglades Trust Fund. At a minimum, the
3444 annual report shall provide detail by program and plan,
3445 including specific information concerning the amount and use of
3446 funds from federal, state, or local government sources. In
3447 detailing the use of these funds, the district shall indicate
3448 those designated to meet requirements for matching funds. The
3449 district shall prepare the report in cooperation with the other
3450 coordinating agencies and affected local governments. The

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

(7) LAKE OKEECHOBEE PROTECTION PERMITS.—

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

(b) Permits obtained pursuant to this section are in lieu of all other permits under this chapter or chapter 403, except those issued under s. 403.0885, if applicable. Additional permits are not required for the Lake Okeechobee Watershed Construction Project, or structures discharging into or from Lake Okeechobee, if such project or structures are permitted

under this section. Construction activities related to implementation of the Lake Okeechobee Watershed Construction Project may be initiated before final agency action, or notice of intended agency action, on any permit from the department under this section.

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

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

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

3501 (d) The department shall require permits for district
3502 regional projects that are part of the Lake Okeechobee Watershed
3503 Construction Project. However, projects that qualify as exempt
3504 pursuant to s. 373.406 do not require permits under this
3505 section. Such permits shall be issued for a term of 5 years upon
3506 the demonstration of reasonable assurances that:

3507 1. District regional projects that are part of the Lake
3508 Okeechobee Watershed Construction Project shall achieve the
3509 design objectives for phosphorus required in subparagraph
3510 (3) (a)1.;

3511 2. For water quality standards other than phosphorus, the
3512 quality of water discharged from the facility is of equal or
3513 better quality than the inflows;

3514 3. Discharges from the facility do not pose a serious
3515 danger to public health, safety, or welfare; and

3516 4. Any impacts on wetlands or state-listed species
3517 resulting from implementation of that facility of the Lake
3518 Okeechobee Construction Project are minimized and mitigated, as
3519 appropriate.

3520 (e) At least 60 days before the expiration of any permit
3521 issued under this section, the permittee may apply for a renewal
3522 thereof for a period of 5 years.

3523 (f) Permits issued under this section may include any
3524 standard conditions provided by department rule which are
3525 appropriate and consistent with this section.

3526 (g) Permits issued under this section may be modified, as
3527 appropriate, upon review and approval by the department.

3528 (8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida
3529 Water Management District shall not divert waters to the St.
3530 Lucie River, the Indian River estuary, the Caloosahatchee River
3531 or its estuary, or the Everglades National Park, in such a way
3532 that the state water quality standards are violated, that the
3533 nutrients in such diverted waters adversely affect indigenous
3534 vegetation communities or wildlife, or that fresh waters
3535 diverted to the St. Lucie River or the Caloosahatchee or Indian
3536 River estuaries adversely affect the estuarine vegetation or
3537 wildlife, unless the receiving waters will biologically benefit
3538 by the diversion. However, diversion is permitted when an
3539 emergency is declared by the water management district, if the
3540 Secretary of Environmental Protection concurs.

3541 (9) PRESERVATION OF PROVISIONS RELATING TO THE
3542 EVERGLADES.—Nothing in this section shall be construed to modify
3543 any provision of s. 373.4592.

3544 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this
3545 section is intended to diminish or alter the governmental
3546 authority and powers of the Seminole Tribe of Florida, or
3547 diminish or alter the rights of that tribe, including, but not
3548 limited to, rights under the water rights compact among the
3549 Seminole Tribe of Florida, the state, and the South Florida
3550 Water Management District as enacted by Pub. L. No. 100-228, 101

Stat. 1556, and chapter 87-292, Laws of Florida, and codified in s. 285.165, and rights under any other agreement between the Seminole Tribe of Florida and the state or its agencies. No land of the Seminole Tribe of Florida shall be used for water storage or stormwater treatment without the consent of the tribe.

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

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

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

Section 39. For the purpose of incorporating the amendment made by this act to section 403.0872, Florida Statutes, in references thereto, section 403.0873, Florida Statutes, is reenacted to read:

403.0873 Florida Air-Operation License Fee Account.—The "Florida Air-Operation License Fee Account" is established as a nonlapsing account within the Department of Environmental

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Protection's Air Pollution Control Trust Fund. All license fees paid pursuant to s. 403.0872(11) shall be deposited in such account and must be used solely by the department and approved local programs under the advice and consent of the Legislature to pay the direct and indirect costs required to develop and administer the major stationary source air-operation permit program. Any approved local pollution control program that accepts funds from the department as reimbursement for services it performs in the implementation of the major source air-operation permit program, receives delegation from the department or the United States Environmental Protection Agency for implementation of the major source air-operation permit program, or performs functions, duties, or activities substantially similar to or duplicative of the services performed by the department or the United States Environmental Protection Agency in the implementation of the major source air-operation permit program is prohibited from collecting additional fees attributable to such services from any source permitted under s. 403.0872.

Section 40. For the purpose of incorporating the amendment made by this act to section 403.1838, Florida Statutes, in references thereto, paragraph (d) of subsection (3) of section 403.1835, Florida Statutes, is reenacted to read:

403.1835 Water pollution control financial assistance.—

(3) The department may provide financial assistance

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through any program authorized under 33 U.S.C. s. 1383, as amended, including, but not limited to, making grants and loans, providing loan guarantees, purchasing loan insurance or other credit enhancements, and buying or refinancing local debt. This financial assistance must be administered in accordance with this section and applicable federal authorities.

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

Section 41. This act shall take effect July 1, 2026.