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A bill to be entitled
An act relating to the Department of Environmental Protection; amending s. 20.255, F.S.; deleting the creation of the Environmental Regulation Commission; amending s. 259.035, F.S.; expanding the membership of the Acquisition and Restoration Council; providing requirements for membership; defining the term "metropolitan"; requiring the council to administer the Florida Communities Trust; requiring the council to coordinate with the department for rulemaking and grant cycle administration of the trust; conforming provisions to changes made by the act; amending s. 259.105, F.S.; conforming a provision to changes made by the act; amending s. 373.469, F.S.; requiring that residential properties of a specified size located in a certain area connect to a central sewer system or upgrade to a specified type of nutrient-reducing wastewater treatment system; requiring a permitting agency to notify a property owner of such requirement if the agency, before a certain date, receives an application to repair, modify, or replace a conventional onsite sewage treatment and disposal system on certain property; amending s. 373.807, F.S.; providing that remediation plans for certain 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;

101 amending s. 403.1838, F.S.; conforming provisions to
102 changes made by the act; repealing s. 403.804, F.S.,
103 relating to the powers and duties of the Environmental
104 Regulation Commission; amending s. 403.9301, F.S.;
105 revising the definition of the term "wastewater
106 services"; revising requirements for certain needs
107 analyses; amending s. 576.041, F.S.; revising the
108 requirements for inspection fees for fertilizers;
109 providing requirements for the calculation of
110 inspection fees paid for Class AA biosolids; amending
111 s. 576.045, F.S.; requiring licensees to pay a certain
112 fee for Class AA biosolids; amending ss. 120.81,
113 373.421, 403.031, 403.061, 403.704, 403.707, 403.7222,
114 403.7234, 403.803, 403.805, 403.8055, and 403.814,
115 F.S.; conforming provisions to changes made by the
116 act; amending ss. 376.302 and 380.5105, F.S.;
117 conforming cross-references; reenacting s.
118 381.0066(2)(k), F.S., relating to onsite sewage
119 treatment and disposal system fees, to incorporate the
120 amendment made to s. 381.0065, F.S., in references
121 thereto; reenacting s. 373.4595, F.S., relating to the
122 Northern Everglades and Estuaries Protection Program,
123 to incorporate the amendment made to s. 403.067, F.S.,
124 in references thereto; reenacting s. 403.0873, F.S.,
125 relating to the Florida Air-Operation License Fee

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126 Account, to incorporate the amendment made to s.
127 403.0872, F.S., in references thereto; reenacting s.
128 403.1835(3)(d), F.S., relating to water pollution
129 control financial assistance, to incorporate the
130 amendment made to s. 403.1838, F.S., in references
131 thereto; providing an effective date.
132

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

134

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

137 20.255 Department of Environmental Protection.—There is
138 created a Department of Environmental Protection.

139 ~~(6) There is created as a part of the Department of~~
140 ~~Environmental Protection an Environmental Regulation Commission.~~
141 ~~The commission shall be composed of seven residents of this~~
142 ~~state appointed by the Governor, subject to confirmation by the~~
143 ~~Senate. In making appointments, the Governor shall provide~~
144 ~~reasonable representation from all sections of the state.~~
145 ~~Membership shall be representative of agriculture, the~~
146 ~~development industry, local government, the environmental~~
147 ~~community, lay citizens, and members of the scientific and~~
148 ~~technical community who have substantial expertise in the areas~~
149 ~~of the fate and transport of water pollutants, toxicology,~~
150 ~~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

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

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

212 **Section 3. Paragraph (i) of subsection (4) of section**
213 **259.105, Florida Statutes, is amended to read:**

214 259.105 The Florida Forever Act.—

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

220 259.035(4):

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

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

225 2. The number of acres acquired or developed to serve dual

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226 functions as:

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

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

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

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

239
240 Florida Forever projects and acquisitions funded pursuant to
241 paragraph (3) (c) shall be measured by goals developed by rule by
242 the Florida Communities Trust ~~Governing Board~~ created in s.
243 ~~380.504.~~

244 **Section 4. Paragraph (d) of subsection (3) of section
245 373.469, Florida Statutes, is amended to read:**

246 373.469 Indian River Lagoon Protection Program.—

247 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian
248 River Lagoon Protection Program consists of the Banana River
249 Lagoon Basin Management Action Plan, Central Indian River Lagoon
250 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

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

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

319 **Section 7. Paragraph (e) of subsection (5) of section**
320 **380.093, Florida Statutes, is amended to read:**

321 380.093 Resilient Florida Grant Program; comprehensive
322 statewide flood vulnerability and sea level rise data set and
323 assessment; Statewide Flooding and Sea Level Rise Resilience
324 Plan; regional resilience entities.—

325 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE

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

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

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

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

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

386 380.504 Florida Communities Trust; creation; ~~membership;~~
387 ~~expenses.~~—

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

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

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

397
398 ~~The Governor shall appoint a former elected official of a county~~
399 ~~government, a former elected official of a metropolitan~~
400 ~~municipal government, a representative of a nonprofit~~

401 organization as defined in this part, and a representative of
402 the development industry. The Secretary of Environmental
403 Protection may appoint his or her deputy secretary, the director
404 of the Division of State Lands, or the director of the Division
405 of Recreation and Parks to serve in his or her absence. The
406 Secretary of Environmental Protection shall be the chair of the
407 governing body of the trust. The Governor shall make his or her
408 appointments upon the expiration of any current terms or within
409 60 days after the effective date of the resignation of any
410 member.

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

424 (3) Governing body members shall receive no compensation
425 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~~

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476 materials contamination. Land acquisition procedures of a local
477 land authority created pursuant to s. 380.0663 may be used for
478 the land acquisition programs described in former s.
479 259.101(3)(c), Florida Statutes 2014, and in s. 259.105 if
480 within areas of critical state concern designated pursuant to s.
481 380.05, subject to approval of the trust.

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

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

490 **Section 11.** Section 380.512, Florida Statutes, is
491 repealed.

492 **Section 12.** Section 380.513, Florida Statutes, is
493 repealed.

494 **Section 13.** Section 380.514, Florida Statutes, is
495 repealed.

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

500 381.0065 Onsite sewage treatment and disposal systems;

501 regulation.—

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

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

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

526 work seaward of the coastal construction control line
527 established under s. 161.053 shall be contingent upon receipt of
528 any required coastal construction control line permit from the
529 department. A construction permit is valid for 18 months after
530 the date of issuance and may be extended by the department for
531 one 90-day period under rules adopted by the department. A
532 repair permit is valid for 90 days after the date of issuance.
533 When a person jointly applies for a construction permit and an
534 operating permit for the same onsite sewage treatment and
535 disposal system, the department shall concurrently process the
536 operating permit with the construction permit. An operating
537 permit must be obtained before the use of any aerobic treatment
538 unit or engineer-designed performance-based system, or if the
539 establishment generates commercial waste. Buildings or
540 establishments that use an aerobic treatment unit or generate
541 commercial waste shall be inspected by the department at least
542 annually to ensure assure compliance with the terms of the
543 operating permit. The operating permit for a residential or
544 other non-commercial onsite sewage treatment and disposal system
545 or aerobic treatment unit is valid for the lifetime of the
546 installation; however, any subsequent change in occupancy of the
547 property or any modification of the wastewater system requires
548 an operating permit modification upon such change. When an
549 onsite sewage treatment and disposal system that requires an
550 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

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

591 (a) Subdivisions and lots in which each lot has a minimum
592 area of at least one-half acre and either a minimum dimension of
593 100 feet or a mean of at least 100 feet of the side bordering
594 the street and the distance formed by a line parallel to the
595 side bordering the street drawn between the two most distant
596 points of the remainder of the lot may be developed with a water
597 system regulated under s. 381.0062 and onsite sewage treatment
598 and disposal systems, provided the projected daily sewage flow
599 does not exceed an average of 1,500 gallons per acre per day,
600 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

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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.

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

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

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

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

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

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

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

733
734 Where soil conditions, water table elevation, and setback
735 provisions are determined by the department to be satisfactory,
736 special consideration must be given to those lots platted before
737 1972.

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

749 a. The committee is composed of the following:

750 (I) The Secretary of Environmental Protection or his or

751 her designee.

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

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

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

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

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

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

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

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

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

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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

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

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

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

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

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

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

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

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

872 4. The property owner of an owner-occupied, single-family
873 residence may be approved and permitted by the department as a
874 maintenance entity for his or her own performance-based
875 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 (l) For the Florida Keys, the department shall adopt a

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

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

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

924 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
925 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

1026 department shall issue a permit for an onsite sewage treatment
1027 and disposal system within the 10-year floodplain of rivers,
1028 streams, and other bodies of flowing water if all of the
1029 following criteria are met:

1030 a. The lot is at least one-half acre in size;
1031 b. The bottom of the drainfield is at least 36 inches
1032 above the 2-year flood elevation; and
1033 c. The applicant installs a waterless, incinerating, or
1034 organic waste composting toilet and a graywater system and
1035 drainfield in accordance with department rules; an aerobic
1036 treatment unit and drainfield in accordance with department
1037 rules; a system that is capable of reducing effluent nitrate by
1038 at least 50 percent in accordance with department rules; or a
1039 system other than a system using alternative drainfield
1040 materials in accordance with department rules. The United States
1041 Department of Agriculture Soil Conservation Service soil maps,
1042 State of Florida Water Management District data, and Federal
1043 Emergency Management Agency Flood Insurance maps are resources
1044 that shall be used to identify flood-prone areas.

1045 2. The use of fill or mounding to elevate a drainfield
1046 system out of the 10-year floodplain of rivers, streams, or
1047 other bodies of flowing water may not be permitted if such a
1048 system lies within a regulatory floodway of the Suwannee and
1049 Aucilla Rivers. In cases where the 10-year flood elevation does
1050 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

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1076 repairs on the system but is subject to all permitting
1077 requirements.

1078 3. A septic tank contractor licensed under part III of
1079 chapter 489, if approved by the manufacturer, may not be denied
1080 access by the manufacturer to aerobic treatment unit system
1081 training or spare parts for maintenance entities. After the
1082 original warranty period, component parts for an aerobic
1083 treatment unit system may be replaced with parts that meet
1084 manufacturer's specifications but are manufactured by others.
1085 The maintenance entity shall maintain documentation of the
1086 substitute part's equivalency for 2 years and shall provide such
1087 documentation to the department upon request.

1088 4. The owner of an aerobic treatment unit system shall
1089 obtain a system operating permit from the department and allow
1090 the department to inspect during reasonable hours each aerobic
1091 treatment unit system at least annually, and such inspection may
1092 include collection and analysis of system-effluent samples for
1093 performance criteria established by rule of the department.

1094 (u) The department may require the submission of detailed
1095 system construction plans that are prepared by a professional
1096 engineer registered in this state. The department shall
1097 establish by rule criteria for determining when such a
1098 submission is required.

1099 (v) Any permit issued and approved by the department for
1100 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

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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

1151 requirements of the variance review and advisory committee
1152 recommendations.

1153 (x)1. An onsite sewage treatment and disposal system is
1154 not considered abandoned if the system is disconnected from a
1155 structure that was made unusable or destroyed following a
1156 disaster and if the system was properly functioning at the time
1157 of disconnection and was not adversely affected by the disaster.
1158 The onsite sewage treatment and disposal system may be
1159 reconnected to a rebuilt structure if:

1160 a. The reconnection of the system is to the same type of
1161 structure which contains the same number of bedrooms or fewer,
1162 if the square footage of the structure is less than or equal to
1163 110 percent of the original square footage of the structure that
1164 existed before the disaster;

1165 b. The system is not a sanitary nuisance; and
1166 c. The system has not been altered without prior
1167 authorization.

1168 2. An onsite sewage treatment and disposal system that
1169 serves a property that is foreclosed upon is not considered
1170 abandoned.

1171 (y) If an onsite sewage treatment and disposal system
1172 permittee receives, relies upon, and undertakes construction of
1173 a system based upon a validly issued construction permit under
1174 rules applicable at the time of construction but a change to a
1175 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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1201 and verification is not completed within such time, the
1202 remodeling addition or modification to the single-family home,
1203 for the purposes of this paragraph, is approved.

1204 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
1205 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a
1206 total maximum daily load, the department shall implement a fast-
1207 track approval process of no longer than 6 months for the
1208 determination of the use of American National Standards
1209 Institute 245 systems approved by NSF International before July
1210 1, 2020. The department shall also establish an enhanced
1211 nutrient-reducing onsite sewage treatment and disposal system
1212 approval program that will expeditiously evaluate and approve
1213 such systems for use in this state to comply with ss.

1214 403.067(7)(a)10. and 373.469(3)(d).

1215 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may
1216 contract with or delegate its powers and duties under this
1217 section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

1218 **Section 15. Paragraph (c) of subsection (6) and paragraph**
1219 **(a) of subsection (7) of section 403.067, Florida Statutes, are**
1220 **amended to read:**

1221 403.067 Establishment and implementation of total maximum
1222 daily loads.—

1223 (6) CALCULATION AND ALLOCATION.—

1224 (c) Adoption of rules. The total maximum daily load
1225 calculations and allocations established under this subsection

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1226 for each water body or water body segment shall be adopted by
1227 rule by the secretary pursuant to ss. 120.536(1), 120.54, and
1228 403.805. Where additional data collection and analysis are
1229 needed to increase the scientific precision and accuracy of the
1230 total maximum daily load, the department is authorized to adopt
1231 phased total maximum daily loads that are subject to change as
1232 additional data becomes available. Where phased total maximum
1233 daily loads are proposed, the department shall, in the detailed
1234 statement of facts and circumstances justifying the rule,
1235 explain why the data are inadequate so as to justify a phased
1236 total maximum daily load. The rules adopted pursuant to this
1237 paragraph are not ~~subject to approval by the Environmental~~
1238 ~~Regulation Commission and are not subject to the provisions of~~
1239 s. 120.541(3). As part of the rule development process, the
1240 department shall hold at least one public workshop in the
1241 vicinity of the water body or water body segment for which the
1242 total maximum daily load is being developed. Notice of the
1243 public workshop shall be published not less than 5 days nor more
1244 than 15 days before the public workshop in a newspaper of
1245 general circulation in the county or counties containing the
1246 water bodies or water body segments for which the total maximum
1247 daily load calculation and allocation are being developed.

1248 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1249 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1250 (a) *Basin management action plans.*—

1251 1. In developing and implementing the total maximum daily
1252 load for a waterbody, the department, or the department in
1253 conjunction with a water management district, may develop a
1254 basin management action plan that addresses some or all of the
1255 watersheds and basins tributary to the waterbody. Such plan must
1256 integrate the appropriate management strategies available to the
1257 state through existing water quality protection programs to
1258 achieve the total maximum daily loads and may provide for phased
1259 implementation of these management strategies to promote timely,
1260 cost-effective actions as provided for in s. 403.151. The plan
1261 must establish a schedule implementing the management
1262 strategies, establish a basis for evaluating the plan's
1263 effectiveness, and identify feasible funding strategies for
1264 implementing the plan's management strategies. The management
1265 strategies may include regional treatment systems or other
1266 public works, when appropriate, and voluntary trading of water
1267 quality credits to achieve the needed pollutant load reductions.

1268 2. A basin management action plan must equitably allocate,
1269 pursuant to paragraph (6)(b), pollutant reductions to individual
1270 basins, as a whole to all basins, or to each identified point
1271 source or category of nonpoint sources, as appropriate. For
1272 nonpoint sources for which best management practices have been
1273 adopted, the initial requirement specified by the plan must be
1274 those practices developed pursuant to paragraph (c). When
1275 appropriate, the plan may take into account the benefits of

1276 pollutant load reduction achieved by point or nonpoint sources
1277 that have implemented management strategies to reduce pollutant
1278 loads, including best management practices, before the
1279 development of the basin management action plan. The plan must
1280 also identify the mechanisms that will address potential future
1281 increases in pollutant loading.

1282 3. The basin management action planning process is
1283 intended to involve the broadest possible range of interested
1284 parties, with the objective of encouraging the greatest amount
1285 of cooperation and consensus possible. In developing a basin
1286 management action plan, the department shall assure that key
1287 stakeholders, including, but not limited to, applicable local
1288 governments, water management districts, the Department of
1289 Agriculture and Consumer Services, other appropriate state
1290 agencies, local soil and water conservation districts,
1291 environmental groups, regulated interests, and affected
1292 pollution sources, are invited to participate in the process.
1293 The department shall hold at least one public meeting in the
1294 vicinity of the watershed or basin to discuss and receive
1295 comments during the planning process and shall otherwise
1296 encourage public participation to the greatest practicable
1297 extent. Notice of the public meeting must be published in a
1298 newspaper of general circulation in each county in which the
1299 watershed or basin lies at least 5 days, but not more than 15
1300 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

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1401 of the dates by which the construction of any facility
1402 improvements will begin and be completed and the date by which
1403 operations of the improved facility will begin; the estimated
1404 cost of the improvements; and the identity of responsible
1405 parties.

1406

1407 The domestic wastewater treatment plan must be adopted as part
1408 of the basin management action plan no later than July 1, 2025.
1409 A local government that does not have a domestic wastewater
1410 treatment facility in its jurisdiction is not required to
1411 develop a domestic wastewater treatment plan unless there is a
1412 demonstrated need to establish a domestic wastewater treatment
1413 facility within its jurisdiction to improve water quality
1414 necessary to achieve a total maximum daily load. A local
1415 government is not responsible for a private domestic wastewater
1416 facility's compliance with a basin management action plan unless
1417 such facility is operated through a public-private partnership
1418 to which the local government is a party.

1419 b. An onsite sewage treatment and disposal system
1420 remediation plan developed by each local government in
1421 cooperation with the department, the Department of Health, water
1422 management districts, and public and private domestic wastewater
1423 treatment facilities.

1424 (I) The onsite sewage treatment and disposal system
1425 remediation plan must identify cost-effective and financially

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1426 feasible projects necessary to achieve the nutrient load
1427 reductions required for onsite sewage treatment and disposal
1428 systems. To identify cost-effective and financially feasible
1429 projects for remediation of onsite sewage treatment and disposal
1430 systems, the local government shall:

1431 (A) Include an inventory of onsite sewage treatment and
1432 disposal systems based on the best information available;

1433 (B) Identify onsite sewage treatment and disposal systems
1434 that would be eliminated through connection to existing or
1435 future central domestic wastewater infrastructure in the
1436 jurisdiction or domestic wastewater service area of the local
1437 government, that would be replaced with or upgraded to enhanced
1438 nutrient-reducing onsite sewage treatment and disposal systems,
1439 or that would remain on conventional onsite sewage treatment and
1440 disposal systems;

1441 (C) Estimate the costs of potential onsite sewage
1442 treatment and disposal system connections, upgrades, or
1443 replacements; and

1444 (D) Identify deadlines and interim milestones for the
1445 planning, design, and construction of projects.

1446 (II) The department shall adopt the onsite sewage
1447 treatment and disposal system remediation plan as part of the
1448 basin management action plan no later than July 1, 2025, or as
1449 required for Outstanding Florida Springs under s. 373.807.

1450 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

1501 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1502 sewage treatment and disposal system remediation plans and other
1503 restoration plans developed to meet the total maximum daily
1504 loads required under s. 403.067. The report must include all of
1505 the following:

1506 (e) The projected costs of installing enhanced nutrient-
1507 reducing onsite sewage treatment and disposal systems on
1508 buildable lots in priority focus areas ~~to comply with s.~~
1509 ~~373.811.~~

1510 **Section 17. Subsection (11) of section 403.0872, Florida
1511 Statutes, is amended to read:**

1512 403.0872 Operation permits for major sources of air
1513 pollution; annual operation license fee.—Provided that program
1514 approval pursuant to 42 U.S.C. s. 7661a has been received from
1515 the United States Environmental Protection Agency, beginning
1516 January 2, 1995, each major source of air pollution, including
1517 electrical power plants certified under s. 403.511, must obtain
1518 from the department an operation permit for a major source of
1519 air pollution under this section. This operation permit is the
1520 only department operation permit for a major source of air
1521 pollution required for such source; provided, at the applicant's
1522 request, the department shall issue a separate acid rain permit
1523 for a major source of air pollution that is an affected source
1524 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
1525 for major sources of air pollution, except general permits

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

1551 determined by department rule which ensures that the revenue
1552 provided by each year's operation license fees is sufficient to
1553 cover all reasonable direct and indirect costs of the major
1554 stationary source air-operation permit program established by
1555 this section. The license fee factor may be increased beyond \$25
1556 only if the secretary of the department affirmatively finds that
1557 a shortage of revenue for support of the major stationary source
1558 air-operation permit program will occur in the absence of a fee
1559 factor adjustment. The annual license fee factor may never
1560 exceed \$35.

1561 2. The amount of each regulated air pollutant in excess of
1562 4,000 tons per year emitted by any source, or group of sources
1563 belonging to the same Major Group as described in the Standard
1564 Industrial Classification Manual, 1987, may not be included in
1565 the calculation of the fee. Any source, or group of sources,
1566 which does not emit any regulated air pollutant in excess of
1567 4,000 tons per year, is allowed a one-time credit not to exceed
1568 25 percent of the first annual licensing fee for the prorated
1569 portion of existing air-operation permit application fees
1570 remaining upon commencement of the annual licensing fees.

1571 3. If the department has not received the fee ~~by March 1~~
1572 ~~of the calendar year, the permittee must be sent a written~~
1573 ~~warning of the consequences for failing to pay the fee by April~~
1574 ~~1. If the fee is not postmarked by June 30 April 1 of the~~
1575 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.

1626 6. Preparing inventories and tracking emissions.

1627 7. Implementing the Small Business Stationary Source

1628 Technical and Environmental Compliance Assistance Program.

1629 8. Any audits conducted under paragraph (c).

1630 (c) An audit of the major stationary source air-operation

1631 permit program must be conducted 2 years after the United States

1632 Environmental Protection Agency has given full approval of the

1633 program to ascertain whether the annual operation license fees

1634 collected by the department are used solely to support any

1635 reasonable direct and indirect costs as listed in paragraph (b).

1636 A program audit must be performed biennially after the first

1637 audit.

1638 **Section 18. Paragraphs (a) and (b) of subsection (3) of**

1639 **section 403.1838, Florida Statutes, are amended to read:**

1640 403.1838 Small Community Sewer Construction Assistance

1641 Act.—

1642 (3) (a) In accordance with rules adopted by the department

1643 ~~Environmental Regulation Commission under this section~~, the

1644 department may provide grants, from funds specifically

1645 appropriated for this purpose, to financially disadvantaged

1646 small communities for up to 100 percent of the costs of

1647 planning, designing, constructing, upgrading, or replacing

1648 wastewater collection, transmission, treatment, disposal, and

1649 reuse facilities, including necessary legal and administrative

1650 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

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1676 requirements are not met.

1677 **Section 19.** Section 403.804, Florida Statutes, is
1678 repealed.

1679 **Section 20. Paragraph (d) of subsection (2) and paragraph**
1680 **(a) of subsection (3) of section 403.9301, Florida Statutes, are**
1681 **amended to read:**

1682 403.9301 Wastewater services projections.—

1683 (2) As used in this section, the term:

1684 (d) "Wastewater services" means service to a sewerage
1685 system, as defined in s. 403.031, or service to domestic
1686 wastewater treatment works, including services to manage
1687 domestic septage from residences and establishments served by
1688 onsite treatment and disposal systems.

1689 (3) By June 30, 2022, and every 5 years thereafter, each
1690 county, municipality, or special district providing wastewater
1691 services shall develop a needs analysis for its jurisdiction
1692 over the subsequent 20 years. In projecting such needs, each
1693 local government shall include the following:

1694 (a) A detailed description of the facilities used to
1695 provide wastewater services, including analysis of domestic
1696 biosolids and septage generation, treatment, management, use,
1697 and disposal in the corresponding service area.

1698 **Section 21. Subsection (1) of section 576.041, Florida**
1699 **Statutes, is amended to read:**

1700 576.041 Inspection fees; records.—

1701 (1) Every licensee must shall pay to the department an
1702 inspection fee in the amount of \$1 per ton for fertilizer sold
1703 in this the state, except fertilizer products containing or
1704 composed of Class AA biosolids produced by a domestic wastewater
1705 or biosolids treatment facility in this state, raw ground
1706 phosphate rock, soft phosphate, colloidal phosphate, phosphatic
1707 clays and all other untreated phosphatic materials, gypsum,
1708 hydrated lime, limestone, and dolomite when sold or used for
1709 agricultural purposes, for on which the inspection fee is shall
1710 be 30 cents per ton. The inspection fees paid for Class AA
1711 biosolids-composed fertilizers must be based on the equivalent
1712 dry tons of material sold. All fees paid to the department under
1713 this section shall be deposited into the State Treasury to be
1714 placed in the General Inspection Trust Fund to be used for the
1715 sole purpose of funding the fertilizer inspection program.

1716 **Section 22. Paragraph (a) of subsection (2) of section**
1717 **576.045, Florida Statutes, is amended to read:**

1718 576.045 Nitrogen and phosphorus; findings and intent;
1719 fees; purpose; best management practices; waiver of liability;
1720 compliance; rules; exclusions; expiration.—

1721 (2) FEES.—

1722 (a) In addition to the fees imposed under ss. 576.021 and
1723 576.041, the following supplemental fees shall be collected and
1724 paid by licensees for the sole purpose of implementing this
1725 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

1801 determination under subsection (2), or pursuant to a permit
1802 issued under this part in which the delineation was field-
1803 verified by the permitting agency and specifically approved in
1804 the permit, shall be binding on all other governmental entities
1805 for the duration of the formal determination or permit. All
1806 existing rules and methodologies of the department, the water
1807 management districts, and local governments, regarding surface
1808 water or wetland definition and delineation shall remain in full
1809 force and effect until the common methodology rule becomes
1810 effective. However, this shall not be construed to limit any
1811 power of the department, the water management districts, and
1812 local governments to amend or adopt a surface water or wetland
1813 definition or delineation methodology until the common
1814 methodology rule becomes effective.

1815 (7)

1816 (b) Wetlands contiguous to surface waters of the state as
1817 defined in s. 403.031(13), Florida Statutes (1991), shall be
1818 delineated pursuant to the department's rules as such rules
1819 existed prior to January 24, 1984, while wetlands not contiguous
1820 to surface waters of the state as defined in s. 403.031(13),
1821 Florida Statutes (1991), shall be delineated pursuant to the
1822 applicable methodology ratified by s. 373.4211 for any
1823 development which obtains an individual permit from the United
1824 States Army Corps of Engineers under 33 U.S.C. s. 1344:

1825 1. Where a jurisdictional determination validated by the

1826 department pursuant to rule 17-301.400(8), Florida
1827 Administrative Code, as it existed in rule 17-4.022, Florida
1828 Administrative Code, on April 1, 1985, is revalidated pursuant
1829 to s. 373.414(13) and the affected lands are part of a project
1830 for which a vested rights determination has been issued pursuant
1831 to s. 380.06, or

1832 2. Where the lands affected were grandfathered pursuant to
1833 s. 403.913(6), Florida Statutes (1991), and proof of prior
1834 notification pursuant to s. 403.913(6), Florida Statutes (1991),
1835 is submitted to the department within 180 days of the
1836 publication of a notice by the department of the existence of
1837 this provision. Failure to timely submit the proof of prior
1838 notification to the department serves as a waiver of the
1839 benefits conferred by this subsection.

1840 3. This subsection shall not be applicable to lands:

1841 a. Within the geographical area to which an individual or
1842 general permit issued prior to June 1, 1994, under rules adopted
1843 pursuant to this part applies; or

1844 b. Within the geographical area to which a conceptual
1845 permit issued prior to June 1, 1994, under rules adopted
1846 pursuant to this part applies if wetland delineations were
1847 identified and approved by the conceptual permit as set forth in
1848 s. 373.414(12)(b)1. or 2.; or

1849 c. Where no development activity as defined in s.
1850 380.01(1) or (2)(a)-(d) and (f) has occurred within the project

1851 boundaries since October 1, 1986; or
1852 d. Of a project which is not in compliance with this part
1853 or the rules adopted pursuant to ss. 403.91-403.929, 1984
1854 Supplement to the Florida Statutes 1983, as amended.

1855 4. The wetland delineation methodology required in this
1856 subsection shall only apply within the geographical area of an
1857 individual permit issued by the United States Army Corps of
1858 Engineers under 33 U.S.C. s. 1344. The requirement to obtain
1859 such individual permit to secure the benefit of this subsection
1860 shall not apply to any activities exempt or not subject to
1861 regulation under 33 U.S.C. s. 1344.

1862 5. Notwithstanding subsection (1), the wetland delineation
1863 methodology required in this subsection and any wetland
1864 delineation pursuant thereto, shall only apply to agency action
1865 under this part and shall not be binding on local governments
1866 except in their implementation of this part.

1867 **Section 25. Paragraph (b) of subsection (23) of section
1868 403.031, Florida Statutes, is amended to read:**

1869 403.031 Definitions.—In construing this chapter, or rules
1870 and regulations adopted pursuant hereto, the following words,
1871 phrases, or terms, unless the context otherwise indicates, have
1872 the following meanings:

1873 (23) "Waters" include, but are not limited to, rivers,
1874 lakes, streams, springs, impoundments, wetlands, and all other
1875 waters or bodies of water, including fresh, brackish, saline,

1876 tidal, surface, or underground waters. Waters owned entirely by
1877 one person other than the state are included only in regard to
1878 possible discharge on other property or water. Underground
1879 waters include, but are not limited to, all underground waters
1880 passing through pores of rock or soils or flowing through in
1881 channels, whether manmade or natural. Solely for purposes of s.
1882 403.0885, waters of the state also include navigable waters or
1883 waters of the contiguous zone as used in s. 502 of the Clean
1884 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in
1885 existence on January 1, 1993, except for those navigable waters
1886 seaward of the boundaries of the state set forth in s. 1, Art.
1887 II of the State Constitution. Solely for purposes of this
1888 chapter, waters of the state also include the area bounded by
1889 the following:

1890 (b) The area bounded by the line described in paragraph
1891 (a) generally includes those waters to be known as waters of the
1892 state. The landward extent of these waters shall be determined
1893 by the delineation methodology ratified in s. 373.4211. Any
1894 waters which are outside the general boundary line described in
1895 paragraph (a) but which are contiguous thereto by virtue of the
1896 presence of a wetland, watercourse, or other surface water, as
1897 determined by the delineation methodology ratified in s.
1898 373.4211, shall be a part of this waterbody. Any areas within
1899 the line described in paragraph (a) which are neither a wetland
1900 nor surface water, as determined by the delineation methodology

1901 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~
1902 ~~Florida Environmental Regulation Commission designates the~~
1903 ~~waters within the boundaries an Outstanding Florida Water,~~
1904 ~~waters outside the boundaries may not be included as part of~~
1905 ~~such designation unless a hearing is held pursuant to notice in~~
1906 ~~each appropriate county and the boundaries of such lands are~~
1907 ~~specifically considered and described for such designation.~~

1908 **Section 26. Subsections (7) and (32) of section 403.061,**
1909 **Florida Statutes, are amended to read:**

1910 403.061 Department; powers and duties.—The department
1911 shall have the power and the duty to control and prohibit
1912 pollution of air and water in accordance with the law and rules
1913 adopted and promulgated by it and, for this purpose, to:

1914 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1915 implement this act. Any rule adopted pursuant to this act must
1916 be consistent with the provisions of federal law, if any,
1917 relating to control of emissions from motor vehicles, effluent
1918 limitations, pretreatment requirements, or standards of
1919 performance. A county, municipality, or political subdivision
1920 may not adopt or enforce any local ordinance, special law, or
1921 local regulation requiring the installation of Stage II vapor
1922 recovery systems, as currently defined by department rule,
1923 unless such county, municipality, or political subdivision is or
1924 has been in the past designated by federal regulation as a
1925 moderate, serious, or severe ozone nonattainment area. Rules

1926 adopted pursuant to this act may not require dischargers of
1927 waste into waters of the state to improve natural background
1928 conditions. The department shall adopt rules to reasonably
1929 limit, reduce, and eliminate domestic wastewater collection and
1930 transmission system pipe leakages and inflow and infiltration.
1931 Discharges from steam electric generating plants existing or
1932 licensed under this chapter on July 1, 1984, may not be required
1933 to be treated to a greater extent than may be necessary to
1934 assure that the quality of nonthermal components of discharges
1935 from nonrecirculated cooling water systems is as high as the
1936 quality of the makeup waters; that the quality of nonthermal
1937 components of discharges from recirculated cooling water systems
1938 is no lower than is allowed for blowdown from such systems; or
1939 that the quality of noncooling system discharges which receive
1940 makeup water from a receiving body of water which does not meet
1941 applicable department water quality standards is as high as the
1942 quality of the receiving body of water. The department may not
1943 adopt standards more stringent than federal regulations, ~~except~~
1944 as provided in s. 403.804.

1945 (32) Adopt rules necessary to obtain approval from the
1946 United States Environmental Protection Agency to administer the
1947 Federal National Pollution Discharge Elimination System (NPDES)
1948 permitting program in Florida under ss. 318, 402, and 405 of the
1949 federal Clean Water Act, Pub. L. No. 92-500, as amended. This
1950 authority shall be implemented consistent with the provisions of

1951 part II, which shall be applicable to facilities certified
1952 thereunder. The department shall establish all rules, standards,
1953 and requirements that regulate the discharge of pollutants into
1954 waters of the United States as defined by and in a manner
1955 consistent with federal regulations; provided, however, that the
1956 department may adopt a standard that is stricter or more
1957 stringent than one set by the United States Environmental
1958 Protection Agency if approved by the Governor and Cabinet ~~in~~
1959 ~~accordance with the procedures of s. 403.804(2).~~

1960
1961 The department shall implement such programs in conjunction with
1962 its other powers and duties and shall place special emphasis on
1963 reducing and eliminating contamination that presents a threat to
1964 humans, animals or plants, or to the environment.

1965 **Section 27. Subsection (9) of section 403.704, Florida
1966 Statutes, is amended to read:**

1967 403.704 Powers and duties of the department.—The
1968 department shall have responsibility for the implementation and
1969 enforcement of this act. In addition to other powers and duties,
1970 the department shall:

1971 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1972 implement and enforce this act, including requirements for the
1973 classification, construction, operation, maintenance, and
1974 closure of solid waste management facilities and requirements
1975 for, and conditions on, solid waste disposal in this state,

1976 whether such solid waste is generated within this state or
1977 outside this state as long as such requirements and conditions
1978 are not based on the out-of-state origin of the waste and are
1979 consistent with applicable law. When classifying solid waste
1980 management facilities, the department shall consider the
1981 hydrogeology of the site for the facility, the types of wastes
1982 to be handled by the facility, and methods used to control the
1983 types of waste to be handled by the facility and shall seek to
1984 minimize the adverse effects of solid waste management on the
1985 environment. ~~Whenever the department adopts any rule stricter or~~
1986 ~~more stringent than one that has been set by the United States~~
1987 ~~Environmental Protection Agency, the procedures set forth in s.~~
1988 ~~403.804(2) shall be followed. The department may shall not,~~
1989 ~~however,~~ adopt hazardous waste rules for solid waste for which
1990 special studies were required before prior to October 1, 1988,
1991 under s. 8002 of the Resource Conservation and Recovery Act, 42
1992 U.S.C. s. 6982, as amended, until the studies are completed by
1993 the United States Environmental Protection Agency and the
1994 information is available to the department for consideration in
1995 adopting its own rule.

1996 **Section 28. Paragraph (d) of subsection (3) and paragraph**
1997 **(h) of subsection (9) of section 403.707, Florida Statutes, are**
1998 **amended to read:**

1999 403.707 Permits.—
2000 (3)

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2001 (d) The department may adopt rules to administer this
2002 subsection. ~~However, the department is not required to submit~~
2003 ~~such rules to the Environmental Regulation Commission for~~
2004 ~~approval.~~ Notwithstanding the limitations of s. 403.087(7)(a),
2005 permit fee caps for solid waste management facilities must shall
2006 be prorated to reflect the extended permit term authorized by
2007 this subsection.

2008 (9) The department shall establish a separate category for
2009 solid waste management facilities that accept only construction
2010 and demolition debris for disposal or recycling. The department
2011 shall establish a reasonable schedule for existing facilities to
2012 comply with this section to avoid undue hardship to such
2013 facilities. However, a permitted solid waste disposal unit that
2014 receives a significant amount of waste prior to the compliance
2015 deadline established in this schedule shall not be required to
2016 be retrofitted with liners or leachate control systems.

2017 (h) The department shall ensure that the requirements of
2018 this section are applied and interpreted consistently throughout
2019 ~~this the state. In accordance with s. 20.255,~~ The Division of
2020 Waste Management shall direct the district offices and bureaus
2021 on matters relating to the interpretation and applicability of
2022 this section.

2023 **Section 29. Subsection (3) of section 403.7222, Florida
2024 Statutes, is amended to read:**

2025 403.7222 Prohibition of hazardous waste landfills.—

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2026 (3) This section does not prohibit the department from
2027 banning the disposal of hazardous waste in other types of waste
2028 management units in a manner consistent with federal
2029 requirements, ~~except as provided under s. 403.804(2)~~.

2030 **Section 30. Subsection (4) of section 403.7234, Florida
2031 Statutes, is amended to read:**

2032 403.7234 Small quantity generator notification and
2033 verification program.—

2034 (4) Within 30 days of receipt of a notification, which
2035 includes a survey form, a small quantity generator shall
2036 disclose its management practices and the types and quantities
2037 of waste to the county government. Annually, each county shall
2038 verify the management practices of at least 20 percent of its
2039 small quantity generators. The procedure for verification used
2040 by the county must shall be developed as part of the guidance
2041 established by the department under s. 403.7226. The department
2042 may also regulate the waste management practices of small
2043 quantity generators in order to ensure proper management of
2044 hazardous waste in a manner consistent with federal
2045 requirements, ~~except as provided under s. 403.804(2)~~.

2046 **Section 31. Section 403.803, Florida Statutes, is amended
2047 to read:**

2048 403.803 Definitions.—When used in this part act, the term,
2049 phrase, or word:

2050 (1) "Branch office" means a geographical area, the

2051 boundaries of which may be established as a part of a district.

2052 (2) "Canal" is a manmade trench, the bottom of which is
2053 normally covered by water with the upper edges of its sides
2054 normally above water.

2055 (3) "Channel" is a trench, the bottom of which is normally
2056 covered entirely by water, with the upper edges of its sides
2057 normally below water.

2058 (4) ~~"Commission"~~ means the Environmental Regulation
2059 ~~Commission~~.

2060 (5) "Department" means the Department of Environmental
2061 Protection.

2062 (5)(6) "District" or "environmental district" means one of
2063 the geographical areas, the boundaries of which are established
2064 pursuant to this act.

2065 (6)(7) "Drainage ditch" or "irrigation ditch" is a manmade
2066 trench dug for the purpose of draining water from the land or
2067 for transporting water for use on the land and is not built for
2068 navigational purposes.

2069 (7)(8) "Environmental district center" means the
2070 facilities and personnel which are centralized in each district
2071 for the purposes of carrying out the provisions of this act.

2072 (8)(9) "Headquarters" means the physical location of the
2073 offices of the secretary and the division directors of the
2074 department.

2075 (9)(10) "Insect control impoundment dikes" means

2076 artificial structures, including earthen berms, constructed and
2077 used to impound waters for the purpose of insect control.

2078 (10)~~(11)~~ "Manager" means the head of an environmental
2079 district or branch office who shall supervise all environmental
2080 functions of the department within such environmental district
2081 or branch office.

2082 (11)~~(12)~~ "Secretary" means the Secretary of Environmental
2083 Protection.

2084 (12)~~(13)~~ "Standard" means any rule of the Department of
2085 Environmental Protection relating to air and water quality,
2086 noise, solid-waste management, and electric and magnetic fields
2087 associated with electrical transmission and distribution lines
2088 and substation facilities. The term "standard" does not include
2089 rules of the department which relate exclusively to the internal
2090 management of the department, the procedural processing of
2091 applications, the administration of rulemaking or adjudicatory
2092 proceedings, the publication of notices, the conduct of
2093 hearings, or other procedural matters.

2094 (13)~~(14)~~ "Swale" means a manmade trench which:

2095 (a) Has a top width-to-depth ratio of the cross-section
2096 equal to or greater than 6:1, or side slopes equal to or greater
2097 than 3 feet horizontal to 1 foot vertical;

2098 (b) Contains contiguous areas of standing or flowing water
2099 only following a rainfall event;

2100 (c) Is planted with or has stabilized vegetation suitable

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2101 for soil stabilization, stormwater treatment, and nutrient
2102 uptake; and

2103 (d) Is designed to take into account the soil erodibility,
2104 soil percolation, slope, slope length, and drainage area so as
2105 to prevent erosion and reduce pollutant concentration of any
2106 discharge.

2107 **Section 32. Subsections (1) and (3) of section 403.805,
2108 Florida Statutes, are amended to read:**

2109 403.805 Secretary; powers and duties; review of specified
2110 rules.—

2111 (1) The secretary shall have the powers and duties of
2112 heads of departments set forth in chapter 20, including the
2113 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
2114 to implement this chapter and the provisions of chapters 161,
2115 253, 258, 260, 369, 373, 376, 377, 378, and 380 ~~253, 373, and~~
2116 ~~376 and this chapter. The secretary shall have rulemaking~~
2117 ~~responsibility under chapter 120, but shall submit any proposed~~
2118 ~~rule containing standards to the Environmental Regulation~~
2119 ~~Commission for approval, modification, or disapproval pursuant~~
2120 ~~to s. 403.804, except for total maximum daily load calculations~~
2121 ~~and allocations developed pursuant to s. 403.067(6).~~ The
2122 secretary shall have responsibility for final agency action
2123 regarding total maximum daily load calculations and allocations
2124 developed pursuant to s. 403.067(6). The secretary shall employ
2125 legal counsel to represent the department in matters affecting

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2126 the department. Except for appeals on permits specifically
2127 assigned by this act to the Governor and Cabinet, and unless
2128 otherwise prohibited by law, the secretary may delegate the
2129 authority assigned to the department by this act to the
2130 assistant secretary, division directors, and district and branch
2131 office managers and to the water management districts.

2132 (3) After adoption of proposed rule 62-302.531(9), Florida
2133 Administrative Code, a nonseverability and effective date
2134 provision approved by the commission on December 8, 2011, ~~in~~
2135 ~~accordance with the commission's legislative authority under s.~~
2136 ~~403.804,~~ notice of which was published by the department on
2137 December 22, 2011, in the Florida Administrative Register, Vol.
2138 37, No. 51, page 4446, any subsequent rule or amendment altering
2139 the effect of such rule ~~must~~ shall be submitted to the President
2140 of the Senate and the Speaker of the House of Representatives no
2141 later than 30 days before the next regular legislative session,
2142 and such amendment may not take effect until it is ratified by
2143 the Legislature.

2144 **Section 33. Section 403.8055, Florida Statutes, is amended**
2145 **to read:**

2146 403.8055 Department adoption of federal standards.—
2147 Notwithstanding ~~s. 120.54 ss. 120.54 and 403.804~~, the secretary
2148 is empowered to adopt rules substantively identical to
2149 regulations adopted in the Federal Register by the United States
2150 Environmental Protection Agency pursuant to federal law, in

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

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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

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2201 adopted in the Federal Register by the United States
2202 Environmental Protection Agency pursuant to federal law, such
2203 rule shall be written in a manner so that the rule specifically
2204 references such regulation whenever possible.

2205 **Section 34. Subsection (1) of section 403.814, Florida
2206 Statutes, is amended to read:**

2207 403.814 General permits; delegation.—
2208 (1) The secretary is authorized to adopt rules
2209 establishing and providing for a program of general permits
2210 under this chapter and chapter 253 ~~and this chapter~~ for
2211 projects, or categories of projects, which have, either singly
2212 or cumulatively, a minimal adverse environmental effect. Such
2213 rules must ~~shall~~ specify design or performance criteria that
2214 ~~which~~, if applied, would result in compliance with appropriate
2215 standards ~~adopted by the commission~~. Except as provided for in
2216 subsection (3), any person complying with the requirements of a
2217 general permit may use the permit 30 days after giving notice to
2218 the department without any agency action by the department.

2219 **Section 35. Paragraph (a) of subsection (1) of section
2220 376.302, Florida Statutes, is amended to read:**

2221 376.302 Prohibited acts; penalties.—
2222 (1) It shall be a violation of this chapter and it shall
2223 be prohibited for any reason:
2224 (a) To discharge pollutants or hazardous substances into
2225 or upon the surface or ground waters of the state or lands,

2226 which discharge violates any departmental "standard" as defined
2227 in s. 403.803 ~~s. 403.803(13)~~.

2228 **Section 36. Paragraph (b) of subsection (1) of section**
2229 **380.5105, Florida Statutes, is amended to read:**

2230 380.5105 The Stan Mayfield Working Waterfronts; Florida
2231 Forever program.—

2232 (1) Notwithstanding any other provision of this chapter,
2233 it is the intent of the Legislature that the trust shall
2234 administer the working waterfronts land acquisition program as
2235 set forth in this section.

2236 (b) For projects that will require more than the grant
2237 amount awarded for completion, the applicant must identify in
2238 their project application funding sources that will provide the
2239 difference between the grant award and the estimated project
2240 completion cost. Such rules may be incorporated into those
2241 developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

2242 **Section 37. For the purpose of incorporating the amendment**
2243 **made by this act to section 381.0065, Florida Statutes, in**
2244 **references thereto, paragraph (k) of subsection (2) of section**
2245 **381.0066, Florida Statutes, is reenacted to read:**

2246 381.0066 Onsite sewage treatment and disposal systems;
2247 fees.—

2248 (2) The minimum fees in the following fee schedule apply
2249 until changed by rule by the department within the following
2250 limits:

2251 (k) Research: An additional \$5 fee shall be added to each
2252 new system construction permit issued to be used to fund onsite
2253 sewage treatment and disposal system research, demonstration,
2254 and training projects. Five dollars from any repair permit fee
2255 collected under this section shall be used for funding the
2256 hands-on training centers described in s. 381.0065(3)(j).

2257
2258 The funds collected pursuant to this subsection for the
2259 implementation of onsite sewage treatment and disposal system
2260 regulation and for the purposes of ss. 381.00655 and 381.0067,
2261 subsequent to any phased transfer of implementation from the
2262 Department of Health to the department within any county
2263 pursuant to s. 381.0065, must be deposited in the Florida Permit
2264 Fee Trust Fund under s. 403.0871, to be administered by the
2265 department.

2266 **Section 38. For the purpose of incorporating the amendment
2267 made by this act to section 403.067, Florida Statutes, in
2268 references thereto, section 373.4595, Florida Statutes, is
2269 reenacted to read:**

2270 373.4595 Northern Everglades and Estuaries Protection
2271 Program.—

2272 (1) FINDINGS AND INTENT.—

2273 (a) The Legislature finds that the Lake Okeechobee
2274 watershed, the Caloosahatchee River watershed, and the St. Lucie
2275 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

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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

2326 implementation of the plans developed and approved pursuant to
2327 subsections (3) and (4), and any related basin management action
2328 plan developed and implemented pursuant to s. 403.067(7)(a),
2329 provide a reasonable means of achieving the total maximum daily
2330 load requirements and achieving and maintaining compliance with
2331 state water quality standards.

2332 (i) The Legislature finds that the implementation of the
2333 programs contained in this section is for the benefit of the
2334 public health, safety, and welfare and is in the public
2335 interest.

2336 (j) The Legislature finds that sufficient research has
2337 been conducted and sufficient plans developed to immediately
2338 expand and accelerate programs to address the hydrology and
2339 water quality in the Lake Okeechobee watershed, the
2340 Caloosahatchee River watershed, and the St. Lucie River
2341 watershed.

2342 (k) The Legislature finds that a continuing source of
2343 funding is needed to effectively implement the programs
2344 developed and approved under this section which are needed to
2345 address the hydrology and water quality problems within the Lake
2346 Okeechobee watershed, the Caloosahatchee River watershed, and
2347 the St. Lucie River watershed.

2348 (l) It is the intent of the Legislature to protect and
2349 restore surface water resources and achieve and maintain
2350 compliance with water quality standards in the Lake Okeechobee

2351 watershed, the Caloosahatchee River watershed, and the St. Lucie
2352 River watershed, and downstream receiving waters, through the
2353 phased, comprehensive, and innovative protection program set
2354 forth in this section which includes long-term solutions based
2355 upon the total maximum daily loads established in accordance
2356 with s. 403.067. This program shall be watershed-based, shall
2357 provide for consideration of all water quality issues needed to
2358 meet the total maximum daily load, and shall include research
2359 and monitoring, development and implementation of best
2360 management practices, refinement of existing regulations, and
2361 structural and nonstructural projects, including public works.

2362 (m) It is the intent of the Legislature that this section
2363 be implemented in coordination with the Comprehensive Everglades
2364 Restoration Plan project components and other federal programs
2365 in order to maximize opportunities for the most efficient and
2366 timely expenditures of public funds.

2367 (n) It is the intent of the Legislature that the
2368 coordinating agencies encourage and support the development of
2369 creative public-private partnerships and programs, including
2370 opportunities for water storage and quality improvement on
2371 private lands and water quality credit trading, to facilitate or
2372 further the restoration of the surface water resources of the
2373 Lake Okeechobee watershed, the Caloosahatchee River watershed,
2374 and the St. Lucie River watershed, consistent with s. 403.067.

2375 (2) DEFINITIONS.—As used in this section, the term:

2376 (a) "Best management practice" means a practice or
2377 combination of practices determined by the coordinating
2378 agencies, based on research, field-testing, and expert review,
2379 to be the most effective and practicable on-location means,
2380 including economic and technological considerations, for
2381 improving water quality in agricultural and urban discharges.
2382 Best management practices for agricultural discharges shall
2383 reflect a balance between water quality improvements and
2384 agricultural productivity.

2385 (b) "Biosolids" means the solid, semisolid, or liquid
2386 residue generated during the treatment of domestic wastewater in
2387 a domestic wastewater treatment facility, formerly known as
2388 "domestic wastewater residuals" or "residuals," and includes
2389 products and treated material from biosolids treatment
2390 facilities and septage management facilities regulated by the
2391 department. The term does not include the treated effluent or
2392 reclaimed water from a domestic wastewater treatment facility,
2393 solids removed from pump stations and lift stations, screenings
2394 and grit removed from the preliminary treatment components of
2395 domestic wastewater treatment facilities, or ash generated
2396 during the incineration of biosolids.

2397 (c) "Caloosahatchee River watershed" means the
2398 Caloosahatchee River, its tributaries, its estuary, and the area
2399 within Charlotte, Glades, Hendry, and Lee Counties from which
2400 surface water flow is directed or drains, naturally or by

2401 constructed works, to the river, its tributaries, or its
2402 estuary.

2403 (d) "Coordinating agencies" means the Department of
2404 Agriculture and Consumer Services, the Department of
2405 Environmental Protection, and the South Florida Water Management
2406 District.

2407 (e) "Corps of Engineers" means the United States Army
2408 Corps of Engineers.

2409 (f) "Department" means the Department of Environmental
2410 Protection.

2411 (g) "District" means the South Florida Water Management
2412 District.

2413 (h) "Lake Okeechobee Watershed Construction Project" means
2414 the construction project developed pursuant to this section.

2415 (i) "Lake Okeechobee Watershed Protection Plan" means the
2416 Lake Okeechobee Watershed Construction Project and the Lake
2417 Okeechobee Watershed Research and Water Quality Monitoring
2418 Program.

2419 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
2420 tributaries, and the area within which surface water flow is
2421 directed or drains, naturally or by constructed works, to the
2422 lake or its tributaries.

2423 (k) "Northern Everglades" means the Lake Okeechobee
2424 watershed, the Caloosahatchee River watershed, and the St. Lucie
2425 River watershed.

2426 (l) "Project component" means any structural or
2427 operational change, resulting from the Restudy, to the Central
2428 and Southern Florida Project as it existed and was operated as
2429 of January 1, 1999.

2430 (m) "Restudy" means the Comprehensive Review Study of the
2431 Central and Southern Florida Project, for which federal
2432 participation was authorized by the Federal Water Resources
2433 Development Acts of 1992 and 1996 together with related
2434 congressional resolutions and for which participation by the
2435 South Florida Water Management District is authorized by s.
2436 373.1501. The term includes all actions undertaken pursuant to
2437 the aforementioned authorizations which will result in
2438 recommendations for modifications or additions to the Central
2439 and Southern Florida Project.

2440 (n) "River Watershed Protection Plans" means the
2441 Caloosahatchee River Watershed Protection Plan and the St. Lucie
2442 River Watershed Protection Plan developed pursuant to this
2443 section.

2444 (o) "Soil amendment" means any substance or mixture of
2445 substances sold or offered for sale for soil enriching or
2446 corrective purposes, intended or claimed to be effective in
2447 promoting or stimulating plant growth, increasing soil or plant
2448 productivity, improving the quality of crops, or producing any
2449 chemical or physical change in the soil, except amendments,
2450 conditioners, additives, and related products that are derived

2451 solely from inorganic sources and that contain no recognized
2452 plant nutrients.

2453 (p) "St. Lucie River watershed" means the St. Lucie River,
2454 its tributaries, its estuary, and the area within Martin,
2455 Okeechobee, and St. Lucie Counties from which surface water flow
2456 is directed or drains, naturally or by constructed works, to the
2457 river, its tributaries, or its estuary.

2458 (q) "Total maximum daily load" means the sum of the
2459 individual wasteload allocations for point sources and the load
2460 allocations for nonpoint sources and natural background adopted
2461 pursuant to s. 403.067. Before determining individual wasteload
2462 allocations and load allocations, the maximum amount of a
2463 pollutant that a water body or water segment can assimilate from
2464 all sources without exceeding water quality standards must first
2465 be calculated.

2466 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
2467 Okeechobee Watershed Protection Program shall consist of the
2468 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
2469 Basin Management Action Plan adopted pursuant to s. 403.067, the
2470 Lake Okeechobee Exotic Species Control Program, and the Lake
2471 Okeechobee Internal Phosphorus Management Program. The Lake
2472 Okeechobee Basin Management Action Plan adopted pursuant to s.
2473 403.067 shall be the component of the Lake Okeechobee Watershed
2474 Protection Program that achieves phosphorus load reductions for
2475 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

2501 subparagraph 1.; relevant information resulting from the Lake
2502 Okeechobee Basin Management Action Plan, pursuant to paragraph
2503 (b); relevant information resulting from the Lake Okeechobee
2504 Watershed Research and Water Quality Monitoring Program,
2505 pursuant to subparagraph 2.; relevant information resulting from
2506 the Lake Okeechobee Exotic Species Control Program, pursuant to
2507 paragraph (c); and relevant information resulting from the Lake
2508 Okeechobee Internal Phosphorus Management Program, pursuant to
2509 paragraph (d).

2510 1. Lake Okeechobee Watershed Construction Project.—To
2511 improve the hydrology and water quality of Lake Okeechobee and
2512 downstream receiving waters, including the Caloosahatchee and
2513 St. Lucie Rivers and their estuaries, the district, in
2514 cooperation with the other coordinating agencies, shall design
2515 and construct the Lake Okeechobee Watershed Construction
2516 Project. The project shall include:

2517 a. Phase I.—Phase I of the Lake Okeechobee Watershed
2518 Construction Project shall consist of a series of project
2519 features consistent with the recommendations of the South
2520 Florida Ecosystem Restoration Working Group's Lake Okeechobee
2521 Action Plan. Priority basins for such projects include S-191, S-
2522 154, and Pools D and E in the Lower Kissimmee River. To obtain
2523 phosphorus load reductions to Lake Okeechobee as soon as
2524 possible, the following actions shall be implemented:

2525 (I) The district shall serve as a full partner with the

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

2551 develop a detailed technical plan for Phase II of the Lake
2552 Okeechobee Watershed Construction Project which provides the
2553 basis for the Lake Okeechobee Basin Management Action Plan
2554 adopted by the department pursuant to s. 403.067. The detailed
2555 technical plan shall include measures for the improvement of the
2556 quality, quantity, timing, and distribution of water in the
2557 northern Everglades ecosystem, including the Lake Okeechobee
2558 watershed and the estuaries, and for facilitating the
2559 achievement of water quality standards. Use of cost-effective
2560 biologically based, hybrid wetland/chemical and other innovative
2561 nutrient control technologies shall be incorporated in the plan
2562 where appropriate. The detailed technical plan shall also
2563 include a Process Development and Engineering component to
2564 finalize the detail and design of Phase II projects and identify
2565 additional measures needed to increase the certainty that the
2566 overall objectives for improving water quality and quantity can
2567 be met. Based on information and recommendations from the
2568 Process Development and Engineering component, the Phase II
2569 detailed technical plan shall be periodically updated. Phase II
2570 shall include construction of additional facilities in the
2571 priority basins identified in sub subparagraph a., as well as
2572 facilities for other basins in the Lake Okeechobee watershed.
2573 The technical plan shall:

2574 (I) Identify Lake Okeechobee Watershed Construction
2575 Project facilities designed to contribute to achieving all

2576 applicable total maximum daily loads established pursuant to s.
2577 403.067 within the Lake Okeechobee watershed.

2578 (II) Identify the size and location of all such Lake
2579 Okeechobee Watershed Construction Project facilities.

2580 (III) Provide a construction schedule for all such Lake
2581 Okeechobee Watershed Construction Project facilities, including
2582 the sequencing and specific timeframe for construction of each
2583 Lake Okeechobee Watershed Construction Project facility.

2584 (IV) Provide a schedule for the acquisition of lands or
2585 sufficient interests necessary to achieve the construction
2586 schedule.

2587 (V) Provide a detailed schedule of costs associated with
2588 the construction schedule.

2589 (VI) Identify, to the maximum extent practicable, impacts
2590 on wetlands and state-listed species expected to be associated
2591 with construction of such facilities, including potential
2592 alternatives to minimize and mitigate such impacts, as
2593 appropriate.

2594 (VII) Provide for additional measures, including voluntary
2595 water storage and quality improvements on private land, to
2596 increase water storage and reduce excess water levels in Lake
2597 Okeechobee and to reduce excess discharges to the estuaries.

2598 (VIII) Develop the appropriate water quantity storage goal
2599 to achieve the desired Lake Okeechobee range of lake levels and
2600 inflow volumes to the Caloosahatchee and St. Lucie estuaries

2601 while meeting the other water-related needs of the region,
2602 including water supply and flood protection.

2603 (IX) Provide for additional source controls needed to
2604 enhance performance of the Lake Okeechobee Watershed
2605 Construction Project facilities. Such additional source controls
2606 shall be incorporated into the Lake Okeechobee Basin Management
2607 Action Plan pursuant to paragraph (b).

2608 c. Evaluation.—Within 5 years after the adoption of the
2609 Lake Okeechobee Basin Management Action Plan pursuant to s.
2610 403.067 and every 5 years thereafter, the department, in
2611 cooperation with the other coordinating agencies, shall conduct
2612 an evaluation of the Lake Okeechobee Watershed Construction
2613 Project and identify any further load reductions necessary to
2614 achieve compliance with the Lake Okeechobee total maximum daily
2615 loads established pursuant to s. 403.067. The district shall
2616 identify modifications to facilities of the Lake Okeechobee
2617 Watershed Construction Project as appropriate to meet the total
2618 maximum daily loads. Modifications to the Lake Okeechobee
2619 Watershed Construction Project resulting from this evaluation
2620 shall be incorporated into the Lake Okeechobee Basin Management
2621 Action Plan and included in the applicable annual progress
2622 report submitted pursuant to subsection (6).

2623 d. Coordination and review.—To ensure the timely
2624 implementation of the Lake Okeechobee Watershed Construction
2625 Project, the design of project facilities shall be coordinated

2626 with the department and other interested parties, including
2627 affected local governments, to the maximum extent practicable.
2628 Lake Okeechobee Watershed Construction Project facilities shall
2629 be reviewed and commented upon by the department before the
2630 execution of a construction contract by the district for that
2631 facility.

2632 2. Lake Okeechobee Watershed Research and Water Quality
2633 Monitoring Program.—The coordinating agencies shall implement a
2634 Lake Okeechobee Watershed Research and Water Quality Monitoring
2635 Program. Results from the program shall be used by the
2636 department, in cooperation with the other coordinating agencies,
2637 to make modifications to the Lake Okeechobee Basin Management
2638 Action Plan adopted pursuant to s. 403.067, as appropriate. The
2639 program shall:

2640 a. Evaluate all available existing water quality data
2641 concerning total phosphorus in the Lake Okeechobee watershed,
2642 develop a water quality baseline to represent existing
2643 conditions for total phosphorus, monitor long-term ecological
2644 changes, including water quality for total phosphorus, and
2645 measure compliance with water quality standards for total
2646 phosphorus, including any applicable total maximum daily load
2647 for the Lake Okeechobee watershed as established pursuant to s.
2648 403.067. Beginning March 1, 2020, and every 5 years thereafter,
2649 the department shall reevaluate water quality and quantity data
2650 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.

2676 f. Evaluate the feasibility of alternative nutrient
2677 reduction technologies, including sediment traps, canal and
2678 ditch maintenance, fish production or other aquaculture,
2679 bioenergy conversion processes, and algal or other biological
2680 treatment technologies and include any alternative nutrient
2681 reduction technologies determined to be feasible in the Lake
2682 Okeechobee Basin Management Action Plan adopted pursuant to s.
2683 403.067.

2684 g. Conduct an assessment of the water volumes and timing
2685 from the Lake Okeechobee watershed and their relative
2686 contribution to the water level changes in Lake Okeechobee and
2687 to the timing and volume of water delivered to the estuaries.

2688 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake
2689 Okeechobee Basin Management Action Plan adopted pursuant to s.
2690 403.067 shall be the watershed phosphorus control component for
2691 Lake Okeechobee. The Lake Okeechobee Basin Management Action
2692 Plan shall be a multifaceted approach designed to achieve the
2693 total maximum daily load by improving the management of
2694 phosphorus sources within the Lake Okeechobee watershed through
2695 implementation of regulations and best management practices,
2696 continued development and continued implementation of improved
2697 best management practices, improvement and restoration of the
2698 hydrologic function of natural and managed systems, and use of
2699 alternative technologies for nutrient reduction. As provided in
2700 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

2751 opportunities for water quality treatment, including
2752 preservation, restoration, or creation of wetlands on
2753 agricultural lands.

2754 1. Agricultural nonpoint source best management practices,
2755 developed in accordance with s. 403.067 and designed to achieve
2756 the objectives of the Lake Okeechobee Watershed Protection
2757 Program as part of a phased approach of management strategies
2758 within the Lake Okeechobee Basin Management Action Plan, shall
2759 be implemented on an expedited basis.

2760 2. As provided in s. 403.067, the Department of
2761 Agriculture and Consumer Services, in consultation with the
2762 department, the district, and affected parties, shall initiate
2763 rule development for interim measures, best management
2764 practices, conservation plans, nutrient management plans, or
2765 other measures necessary for Lake Okeechobee watershed total
2766 maximum daily load reduction. The rule shall include thresholds
2767 for requiring conservation and nutrient management plans and
2768 criteria for the contents of such plans. Development of
2769 agricultural nonpoint source best management practices shall
2770 initially focus on those priority basins listed in sub-
2771 subparagraph (a)1.a. The Department of Agriculture and Consumer
2772 Services, in consultation with the department, the district, and
2773 affected parties, shall conduct an ongoing program for
2774 improvement of existing and development of new agricultural
2775 nonpoint source interim measures and best management practices.

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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

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2801 reevaluation of the best management practices shall be conducted
2802 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
2803 that the best management practices or other measures require
2804 modification, the rule shall be revised to require
2805 implementation of the modified practice within a reasonable
2806 period as specified in the rule.

2807 6. As provided in s. 403.067, nonagricultural nonpoint
2808 source best management practices, developed in accordance with
2809 s. 403.067 and designed to achieve the objectives of the Lake
2810 Okeechobee Watershed Protection Program as part of a phased
2811 approach of management strategies within the Lake Okeechobee
2812 Basin Management Action Plan, shall be implemented on an
2813 expedited basis.

2814 7. The department and the district are directed to work
2815 with the University of Florida Institute of Food and
2816 Agricultural Sciences to develop appropriate nutrient
2817 application rates for all nonagricultural soil amendments in the
2818 watershed. As provided in s. 403.067, the department, in
2819 consultation with the district and affected parties, shall
2820 develop nonagricultural nonpoint source interim measures, best
2821 management practices, or other measures necessary for Lake
2822 Okeechobee watershed total maximum daily load reduction.
2823 Development of nonagricultural nonpoint source best management
2824 practices shall initially focus on those priority basins listed
2825 in sub-subparagraph (a)1.a. The department, the district, and

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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

2851 standards or with current best management practices requirements
2852 set forth in any applicable regulatory program authorized by law
2853 for the purpose of protecting water quality. Subparagraphs 2.
2854 and 7. are applicable only to the extent that they do not
2855 conflict with any rules adopted by the department that are
2856 necessary to maintain a federally delegated or approved program.

2857 12. The program of agricultural best management practices
2858 set forth in the Everglades Program of the district meets the
2859 requirements of this paragraph and s. 403.067(7) for the Lake
2860 Okeechobee watershed. An entity in compliance with the best
2861 management practices set forth in the Everglades Program of the
2862 district may elect to use that permit in lieu of the
2863 requirements of this paragraph. The provisions of subparagraph
2864 5. apply to this subparagraph. This subparagraph does not alter
2865 any requirement of s. 373.4592.

2866 13. The Department of Agriculture and Consumer Services,
2867 in cooperation with the department and the district, shall
2868 provide technical and financial assistance for implementation of
2869 agricultural best management practices, subject to the
2870 availability of funds. The department and district shall provide
2871 technical and financial assistance for implementation of
2872 nonagricultural nonpoint source best management practices,
2873 subject to the availability of funds.

2874 14. Projects that reduce the phosphorus load originating
2875 from domestic wastewater systems within the Lake Okeechobee

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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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2901 domestic wastewater biosolids within the Lake Okeechobee
2902 watershed and the remaining areas of Okeechobee, Glades, and
2903 Hendry Counties to develop and submit to the department an
2904 agricultural use plan that limits applications based upon
2905 phosphorus loading consistent with the Lake Okeechobee Basin
2906 Management Action Plan adopted pursuant to s. 403.067. The
2907 department may not authorize the disposal of domestic wastewater
2908 biosolids within the Lake Okeechobee watershed unless the
2909 applicant can affirmatively demonstrate that the phosphorus in
2910 the biosolids will not add to phosphorus loadings in Lake
2911 Okeechobee or its tributaries. This demonstration shall be based
2912 on achieving a net balance between phosphorus imports relative
2913 to exports on the permitted application site. Exports shall
2914 include only phosphorus removed from the Lake Okeechobee
2915 watershed through products generated on the permitted
2916 application site. This prohibition does not apply to Class AA
2917 biosolids that are marketed and distributed as fertilizer
2918 products in accordance with department rule.

2919 17. Private and government-owned utilities within Monroe,
2920 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
2921 River, Okeechobee, Highlands, Hendry, and Glades Counties that
2922 dispose of wastewater biosolids sludge from utility operations
2923 and septic removal by land spreading in the Lake Okeechobee
2924 watershed may use a line item on local sewer rates to cover
2925 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

2951 any costs relating to the land application of biosolids in the
2952 Lake Okeechobee watershed.

2953 18. No less frequently than once every 3 years, the
2954 Florida Public Service Commission or the county commission
2955 through the services of an independent auditor shall perform a
2956 financial audit of all facilities receiving compensation from an
2957 environmental protection disposal fee. The Florida Public
2958 Service Commission or the county commission through the services
2959 of an independent auditor shall also perform an audit of the
2960 methodology used in establishing the environmental protection
2961 disposal fee. The Florida Public Service Commission or the
2962 county commission shall, within 120 days after completion of an
2963 audit, file the audit report with the President of the Senate
2964 and the Speaker of the House of Representatives and shall
2965 provide copies to the county commissions of the counties set
2966 forth in subparagraph 17. The books and records of any
2967 facilities receiving compensation from an environmental
2968 protection disposal fee shall be open to the Florida Public
2969 Service Commission and the Auditor General for review upon
2970 request.

2971 19. The Department of Health shall require all entities
2972 disposing of septage within the Lake Okeechobee watershed to
2973 develop and submit to that agency an agricultural use plan that
2974 limits applications based upon phosphorus loading consistent
2975 with the Lake Okeechobee Basin Management Action Plan adopted

2976 pursuant to s. 403.067.

2977 20. The Department of Agriculture and Consumer Services
2978 shall initiate rulemaking requiring entities within the Lake
2979 Okeechobee watershed which land-apply animal manure to develop
2980 resource management system level conservation plans, according
2981 to United States Department of Agriculture criteria, which limit
2982 such application. Such rules must include criteria and
2983 thresholds for the requirement to develop a conservation or
2984 nutrient management plan, requirements for plan approval, site
2985 inspection requirements, and recordkeeping requirements.

2986 21. The district shall revise chapter 40E-61, Florida
2987 Administrative Code, to be consistent with this section and s.
2988 403.067; provide for a monitoring program for nonpoint source
2989 dischargers required to monitor water quality by s. 403.067; and
2990 provide for the results of such monitoring to be reported to the
2991 coordinating agencies.

2992 (c) *Lake Okeechobee Exotic Species Control Program.*—The
2993 coordinating agencies shall identify the exotic species that
2994 threaten the native flora and fauna within the Lake Okeechobee
2995 watershed and develop and implement measures to protect the
2996 native flora and fauna.

2997 (d) *Lake Okeechobee Internal Phosphorus Management
2998 Program.*—The district, in cooperation with the other
2999 coordinating agencies and interested parties, shall evaluate the
3000 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

3026 total maximum daily loads, compliance with the requirements of
3027 s. 403.067, and compliance with applicable water quality
3028 standards within the waters and watersheds subject to this
3029 section.

3030 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
3031 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
3032 program shall be developed and implemented as specified in this
3033 subsection. To protect and restore surface water resources, the
3034 program shall address the reduction of pollutant loadings,
3035 restoration of natural hydrology, and compliance with applicable
3036 state water quality standards. The program shall be achieved
3037 through a phased program of implementation. In addition,
3038 pollutant load reductions based upon adopted total maximum daily
3039 loads established in accordance with s. 403.067 shall serve as a
3040 program objective. In the development and administration of the
3041 program, the coordinating agencies shall maximize opportunities
3042 provided by federal and local government cost-sharing programs
3043 and opportunities for partnerships with the private sector and
3044 local government. The program shall include a goal for salinity
3045 envelopes and freshwater inflow targets for the estuaries based
3046 upon existing research and documentation. The goal may be
3047 revised as new information is available. This goal shall seek to
3048 reduce the frequency and duration of undesirable salinity ranges
3049 while meeting the other water-related needs of the region,
3050 including water supply and flood protection, while recognizing

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3051 the extent to which water inflows are within the control and
3052 jurisdiction of the district.

3053 (a) *Caloosahatchee River Watershed Protection Plan.*—The
3054 district, in cooperation with the other coordinating agencies,
3055 Lee County, and affected counties and municipalities, shall
3056 complete a River Watershed Protection Plan in accordance with
3057 this subsection. The Caloosahatchee River Watershed Protection
3058 Plan shall identify the geographic extent of the watershed, be
3059 coordinated as needed with the plans developed pursuant to
3060 paragraph (3) (a) and paragraph (c) of this subsection, and
3061 include the Caloosahatchee River Watershed Construction Project
3062 and the Caloosahatchee River Watershed Research and Water
3063 Quality Monitoring Program.

3064 1. Caloosahatchee River Watershed Construction Project.—To
3065 improve the hydrology, water quality, and aquatic habitats
3066 within the watershed, the district shall, no later than January
3067 1, 2012, plan, design, and construct the initial phase of the
3068 Watershed Construction Project. In doing so, the district shall:

3069 a. Develop and designate the facilities to be constructed
3070 to achieve stated goals and objectives of the Caloosahatchee
3071 River Watershed Protection Plan.

3072 b. Conduct scientific studies that are necessary to
3073 support the design of the Caloosahatchee River Watershed
3074 Construction Project facilities.

3075 c. Identify the size and location of all such facilities.

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3076 d. Provide a construction schedule for all such
3077 facilities, including the sequencing and specific timeframe for
3078 construction of each facility.

3079 e. Provide a schedule for the acquisition of lands or
3080 sufficient interests necessary to achieve the construction
3081 schedule.

3082 f. Provide a schedule of costs and benefits associated
3083 with each construction project and identify funding sources.

3084 g. To ensure timely implementation, coordinate the design,
3085 scheduling, and sequencing of project facilities with the
3086 coordinating agencies, Lee County, other affected counties and
3087 municipalities, and other affected parties.

3088 2. Caloosahatchee River Watershed Research and Water
3089 Quality Monitoring Program.—The district, in cooperation with
3090 the other coordinating agencies and local governments, shall
3091 implement a Caloosahatchee River Watershed Research and Water
3092 Quality Monitoring Program that builds upon the district's
3093 existing research program and that is sufficient to carry out,
3094 comply with, or assess the plans, programs, and other
3095 responsibilities created by this subsection. The program shall
3096 also conduct an assessment of the water volumes and timing from
3097 Lake Okeechobee and the Caloosahatchee River watershed and their
3098 relative contributions to the timing and volume of water
3099 delivered to the estuary.

3100 (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

3126 cooperation with the basin stakeholders. Revisions to best
3127 management practices or other measures must follow the
3128 procedures set forth in s. 403.067(7)(c)4. Revised basin
3129 management action plans must be adopted pursuant to s.
3130 403.067(7)(a)5. The department shall develop an implementation
3131 schedule establishing 5-year, 10-year, and 15-year measurable
3132 milestones and targets to achieve the total maximum daily load
3133 no more than 20 years after adoption of the plan. The initial
3134 implementation schedule shall be used to provide guidance for
3135 planning and funding purposes and is exempt from chapter 120.
3136 Upon the first 5-year review, the implementation schedule shall
3137 be adopted as part of the plans. If achieving the total maximum
3138 daily load within 20 years is not practicable, the
3139 implementation schedule must contain an explanation of the
3140 constraints that prevent achievement of the total maximum daily
3141 load within 20 years, an estimate of the time needed to achieve
3142 the total maximum daily load, and additional 5-year measurable
3143 milestones, as necessary. The coordinating agencies shall
3144 facilitate the use of federal programs that offer opportunities
3145 for water quality treatment, including preservation,
3146 restoration, or creation of wetlands on agricultural lands.

3147 1. Nonpoint source best management practices consistent
3148 with s. 403.067, designed to achieve the objectives of the
3149 Caloosahatchee River Watershed Protection Program, shall be
3150 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

3251 contributions to the timing and volume of water delivered to the
3252 estuary.

3253 (d) *St. Lucie River Watershed Basin Management Action*
3254 *Plan.*—The basin management action plan for the St. Lucie River
3255 watershed adopted pursuant to s. 403.067 shall be the St. Lucie
3256 River Watershed Pollutant Control Program and shall be designed
3257 to be a multifaceted approach to reducing pollutant loads by
3258 improving the management of pollutant sources within the St.
3259 Lucie River watershed through implementation of regulations and
3260 best management practices, development and implementation of
3261 improved best management practices, improvement and restoration
3262 of the hydrologic function of natural and managed systems, and
3263 use of alternative technologies for pollutant reduction, such as
3264 cost-effective biologically based, hybrid wetland/chemical and
3265 other innovative nutrient control technologies. As provided in
3266 s. 403.067(7)(a)6., the St. Lucie River Watershed Basin
3267 Management Action Plan must include milestones for
3268 implementation and water quality improvement, and an associated
3269 water quality monitoring component sufficient to evaluate
3270 whether reasonable progress in pollutant load reductions is
3271 being achieved over time. An assessment of progress toward these
3272 milestones shall be conducted every 5 years and shall be
3273 provided to the Governor, the President of the Senate, and the
3274 Speaker of the House of Representatives. Revisions to the plan
3275 shall be made, as appropriate, as a result of each 5-year

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3276 review. Revisions to the basin management action plan shall be
3277 made by the department in cooperation with the basin
3278 stakeholders. Revisions to best management practices or other
3279 measures must follow the procedures set forth in s.
3280 403.067(7)(c)4. Revised basin management action plans must be
3281 adopted pursuant to s. 403.067(7)(a)5. The department shall
3282 develop an implementation schedule establishing 5-year, 10-year,
3283 and 15-year measurable milestones and targets to achieve the
3284 total maximum daily load no more than 20 years after adoption of
3285 the plan. The initial implementation schedule shall be used to
3286 provide guidance for planning and funding purposes and is exempt
3287 from chapter 120. Upon the first 5-year review, the
3288 implementation schedule shall be adopted as part of the plan. If
3289 achieving the total maximum daily load within 20 years is not
3290 practicable, the implementation schedule must contain an
3291 explanation of the constraints that prevent achievement of the
3292 total maximum daily load within 20 years, an estimate of the
3293 time needed to achieve the total maximum daily load, and
3294 additional 5-year measurable milestones, as necessary. The
3295 coordinating agencies shall facilitate the use of federal
3296 programs that offer opportunities for water quality treatment,
3297 including preservation, restoration, or creation of wetlands on
3298 agricultural lands.

3299 1. Nonpoint source best management practices consistent
3300 with s. 403.067, designed to achieve the objectives of the St.

3301 Lucie River Watershed Protection Program, shall be implemented
3302 on an expedited basis. The coordinating agencies may develop an
3303 intergovernmental agreement with local governments to implement
3304 the nonagricultural nonpoint source best management practices
3305 within their respective geographic boundaries.

3306 2. This subsection does not preclude the department or the
3307 district from requiring compliance with water quality standards,
3308 adopted total maximum daily loads, or current best management
3309 practices requirements set forth in any applicable regulatory
3310 program authorized by law for the purpose of protecting water
3311 quality. This subsection applies only to the extent that it does
3312 not conflict with any rules adopted by the department or
3313 district which are necessary to maintain a federally delegated
3314 or approved program.

3315 3. Projects that make use of private lands, or lands held
3316 in trust for Indian tribes, to reduce pollutant loadings or
3317 concentrations within a basin, or that reduce the volume of
3318 harmful discharges by one or more of the following methods:
3319 restoring the natural hydrology of the basin, restoring wildlife
3320 habitat or impacted wetlands, reducing peak flows after storm
3321 events, or increasing aquifer recharge, are eligible for grants
3322 available under this section from the coordinating agencies.

3323 4. The St. Lucie River Watershed Basin Management Action
3324 Plan shall require assessment of current water management
3325 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

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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

3451 department shall report on the status of the Lake Okeechobee
3452 Basin Management Action Plan, the Caloosahatchee River Watershed
3453 Basin Management Action Plan, and the St. Lucie River Watershed
3454 Basin Management Action Plan. The Department of Agriculture and
3455 Consumer Services shall report on the status of the
3456 implementation of the agricultural nonpoint source best
3457 management practices, including an implementation assurance
3458 report summarizing survey responses and response rates, site
3459 inspections, and other methods used to verify implementation of
3460 and compliance with best management practices in the Lake
3461 Okeechobee, Caloosahatchee River, and St. Lucie River
3462 watersheds.

3463 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

3464 (a) The Legislature finds that the Lake Okeechobee
3465 Watershed Protection Program will benefit Lake Okeechobee and
3466 downstream receiving waters and is in the public interest. The
3467 Lake Okeechobee Watershed Construction Project and structures
3468 discharging into or from Lake Okeechobee shall be constructed,
3469 operated, and maintained in accordance with this section.

3470 (b) Permits obtained pursuant to this section are in lieu
3471 of all other permits under this chapter or chapter 403, except
3472 those issued under s. 403.0885, if applicable. Additional
3473 permits are not required for the Lake Okeechobee Watershed
3474 Construction Project, or structures discharging into or from
3475 Lake Okeechobee, if such project or structures are permitted

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3476 under this section. Construction activities related to
3477 implementation of the Lake Okeechobee Watershed Construction
3478 Project may be initiated before final agency action, or notice
3479 of intended agency action, on any permit from the department
3480 under this section.

3481 (c)1. Owners or operators of existing structures which
3482 discharge into or from Lake Okeechobee that were subject to
3483 Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707,
3484 and RT50-205564 and that are subject to s. 373.4592(4)(a) do not
3485 require a permit under this section and shall be governed by
3486 permits issued under ss. 373.413 and 373.416 and the Lake
3487 Okeechobee Basin Management Action Plan adopted pursuant to s.
3488 403.067.

3489 2. For the purposes of this paragraph, owners and
3490 operators of existing structures which are subject to s.
3491 373.4592(4)(a) and which discharge into or from Lake Okeechobee
3492 shall be deemed in compliance with this paragraph if they are in
3493 full compliance with the conditions of permits under chapter
3494 40E-63, Florida Administrative Code.

3495 3. By January 1, 2017, the district shall submit to the
3496 department a complete application for a permit modification to
3497 the Lake Okeechobee structure permits to incorporate proposed
3498 changes necessary to ensure that discharges through the
3499 structures covered by this permit are consistent with the basin
3500 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

3551 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in
3552 s. 285.165, and rights under any other agreement between the
3553 Seminole Tribe of Florida and the state or its agencies. No land
3554 of the Seminole Tribe of Florida shall be used for water storage
3555 or stormwater treatment without the consent of the tribe.

3556 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—

3557 Nothing in this section shall be construed to modify any
3558 existing state water quality standard or to modify the
3559 provisions of s. 403.067(6) and (7)(a).

3560 (12) RULES.—The governing board of the district is
3561 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
3562 to implement the provisions of this section.

3563 (13) PRESERVATION OF AUTHORITY.—Nothing in this section
3564 shall be construed to restrict the authority otherwise granted
3565 to agencies pursuant to this chapter and chapter 403, and
3566 provisions of this section shall be deemed supplemental to the
3567 authority granted to agencies pursuant to this chapter and
3568 chapter 403.

3569 **Section 39. For the purpose of incorporating the amendment**
3570 **made by this act to section 403.0872, Florida Statutes, in**
3571 **references thereto, section 403.0873, Florida Statutes, is**
3572 **reenacted to read:**

3573 403.0873 Florida Air-Operation License Fee Account.—The
3574 "Florida Air-Operation License Fee Account" is established as a
3575 nonlapsing account within the Department of Environmental

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3576 Protection's Air Pollution Control Trust Fund. All license fees
3577 paid pursuant to s. 403.0872(11) shall be deposited in such
3578 account and must be used solely by the department and approved
3579 local programs under the advice and consent of the Legislature
3580 to pay the direct and indirect costs required to develop and
3581 administer the major stationary source air-operation permit
3582 program. Any approved local pollution control program that
3583 accepts funds from the department as reimbursement for services
3584 it performs in the implementation of the major source air-
3585 operation permit program, receives delegation from the
3586 department or the United States Environmental Protection Agency
3587 for implementation of the major source air-operation permit
3588 program, or performs functions, duties, or activities
3589 substantially similar to or duplicative of the services
3590 performed by the department or the United States Environmental
3591 Protection Agency in the implementation of the major source air-
3592 operation permit program is prohibited from collecting
3593 additional fees attributable to such services from any source
3594 permitted under s. 403.0872.

3595 **Section 40. For the purpose of incorporating the amendment
3596 made by this act to section 403.1838, Florida Statutes, in
3597 references thereto, paragraph (d) of subsection (3) of section
3598 403.1835, Florida Statutes, is reenacted to read:**

3599 403.1835 Water pollution control financial assistance.—
3600 (3) The department may provide financial assistance

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3601 through any program authorized under 33 U.S.C. s. 1383, as
3602 amended, including, but not limited to, making grants and loans,
3603 providing loan guarantees, purchasing loan insurance or other
3604 credit enhancements, and buying or refinancing local debt. This
3605 financial assistance must be administered in accordance with
3606 this section and applicable federal authorities.

3607 (d) The department may make grants to financially
3608 disadvantaged small communities, as defined in s. 403.1838,
3609 using funds made available from grant allocations on loans
3610 authorized under subsection (4). The grants must be administered
3611 in accordance with s. 403.1838.

3612 **Section 41.** This act shall take effect July 1, 2026.