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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 provisions creating the Environmental Regulation Commission; amending s. 163.3205, F.S.; requiring the department to develop best management practices for the construction of a solar facility; specifying requirements for the best management practices; requiring the department to review certain information to revise and update such best management practices annually; requiring a solar facility operator to implement specified best management practices; 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

26 wastewater treatment system; requiring a permitting
27 agency to notify a property owner of such requirement
28 if the agency, before a certain date, receives an
29 application to repair, modify, or replace a
30 conventional onsite sewage treatment and disposal
31 system on certain property; amending s. 373.807, F.S.;
32 authorizing remediation plans for certain properties
33 to have certain requirements related to existing
34 conventional onsite sewage treatment and disposal
35 systems; repealing s. 373.811, F.S., relating to
36 prohibited activities within a basin management action
37 plan; amending s. 380.502, F.S.; revising legislative
38 findings and intent for the Florida Communities Trust;
39 providing for the transfer of the administration and
40 oversight of the trust from the department to the
41 Acquisition and Restoration Council for a specified
42 purpose; amending s. 380.504, F.S.; deleting
43 provisions relating to the membership, appointments,
44 and organizational structure of the governing board of
45 the trust; providing the purpose of the trust;
46 amending s. 380.507, F.S.; deleting provisions
47 authorizing the trust to make certain loans; revising
48 the powers of the trust; repealing ss. 380.512,
49 380.513, and 380.514, F.S., relating to an annual
50 report, corporate existence, and inconsistent

provisions of other laws superseded, respectively; reenacting and amending s. 381.0065, F.S.; authorizing the department to annually review and audit certain inspection and maintenance reports for certain systems; authorizing the department to adopt rules that establish certain procedures; requiring the department to concurrently process operating permits and construction permits under certain circumstances; requiring that an operating permit be obtained before the use of an engineer-designed performance-based system; providing a timeframe for the validity of certain operating permits; requiring an operating permit modification upon certain changes or modifications; providing requirements for subsequent property owners when a property with an onsite sewage treatment and disposal system that requires an operating permit is sold or transferred; requiring certain subsequent property owners to provide notice and proof of ownership to the department within a certain timeframe; providing an exception to certain fees under certain circumstances; requiring a maintenance entity permitted by the department to submit a report to the department on a specified basis; providing requirements for fees submitted with an engineer-designed performance-based system

76 inspection report; deleting a requirement for a
77 property owner to obtain a certain permit from the
78 department for certain onsite sewage treatment and
79 disposal systems; revising the approval criteria for
80 certain onsite sewage treatment and disposal systems;
81 requiring an aerobic treatment unit maintenance entity
82 to submit an inspection report to the department under
83 certain circumstances; subjecting real estate
84 transactions for the transfer of title to properties
85 with a certain onsite sewage treatment and disposal
86 system to certain requirements; deleting a requirement
87 that the department contract with or delegate its
88 powers and duties to a county only; amending s.
89 403.067, F.S.; conforming a provision to changes made
90 by the act; providing a timeframe within which a basin
91 management action plan or plan amendment becomes
92 effective; prohibiting certain activities within a
93 basin management action plan, a reasonable assurance
94 plan, or a pollution reduction plan; making a
95 technical change; amending s. 403.0671, F.S.;
96 conforming a provision to changes made by the act;
97 amending s. 403.0872, F.S.; revising the date by which
98 major permitted sources of air pollution operating in
99 this state must pay an annual operation license fee;
100 authorizing the department to impose penalties if it

101 does not receive such fee by the specified date;
102 deleting provisions relating to costs for
103 administering air pollution construction permits;
104 amending s. 403.1838, F.S.; conforming provisions to
105 changes made by the act; repealing s. 403.804, F.S.,
106 relating to the powers and duties of the Environmental
107 Regulation Commission; amending s. 255.065, F.S.;
108 revising the definition of the term "qualifying
109 project"; creating s. 380.0934, F.S.; providing
110 definitions; providing that the department has the
111 exclusive authority to execute coastal resiliency
112 projects through public-private partnerships;
113 authorizing the department to take certain actions to
114 encourage investment from the private sector in
115 coastal resiliency projects; requiring the department
116 to publish certain information on its website;
117 amending ss. 120.81, 373.421, 403.031, 403.061,
118 403.704, 403.707, 403.7222, 403.7234, 403.803,
119 403.805, 403.8055, and 403.814, F.S.; conforming
120 provisions to changes made by the act; amending ss.
121 376.302 and 380.5105, F.S.; conforming cross-
122 references; reenacting s. 381.0066(2)(k), F.S.,
123 relating to onsite sewage treatment and disposal
124 system fees, to incorporate the amendment made to s.
125 381.0065, F.S., in a reference thereto; reenacting s.

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126 373.4595, F.S., relating to the Northern Everglades
127 and Estuaries Protection Program, to incorporate the
128 amendment made to s. 403.067, F.S., in a reference
129 thereto; reenacting s. 403.0873, F.S., relating to the
130 Florida Air-Operation License Fee Account, to
131 incorporate the amendment made to s. 403.0872, F.S.,
132 in a reference thereto; reenacting s. 403.1835(3)(d),
133 F.S., relating to water pollution control financial
134 assistance, to incorporate the amendment made to s.
135 403.1838, F.S., in a reference thereto; ratifying
136 specified rules relating to the Lower Santa Fe and
137 Ichetucknee Rivers and Priority Springs minimum flows
138 and recovery strategy for the sole and exclusive
139 purpose of satisfying any condition on effectiveness
140 pursuant to s. 120.541(3), F.S., which requires
141 ratification of any rule exceeding the specified
142 thresholds for likely adverse impact or increase in
143 regulatory costs; providing construction; providing an
144 effective date.

145
146 Be It Enacted by the Legislature of the State of Florida:
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148 **Section 1. Subsection (6) of section 20.255, Florida
149 Statutes, is amended to read:**
150 20.255 Department of Environmental Protection.—There is

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151 created a Department of Environmental Protection.

152 (6) There is created as a part of the Department of

153 Environmental Protection an Environmental Regulation Commission.

154 The commission shall be composed of seven residents of this

155 state appointed by the Governor, subject to confirmation by the

156 Senate. In making appointments, the Governor shall provide

157 reasonable representation from all sections of the state.

158 Membership shall be representative of agriculture, the

159 development industry, local government, the environmental

160 community, lay citizens, and members of the scientific and

161 technical community who have substantial expertise in the areas

162 of the fate and transport of water pollutants, toxicology,

163 epidemiology, geology, biology, environmental sciences, or

164 engineering. The Governor shall appoint the chair, and the vice

165 chair shall be elected from among the membership. All

166 appointments shall be for 4-year terms. The Governor may at any

167 time fill a vacancy for the unexpired term. The members of the

168 commission shall serve without compensation, but shall be paid

169 travel and per diem as provided in s. 112.061 while in the

170 performance of their official duties. Administrative, personnel,

171 and other support services necessary for the commission shall be

172 furnished by the department. The commission may employ

173 independent counsel and contract for the services of outside

174 technical consultants.

Section 2. Subsection (5) of section 163.3205, Florida

176 **Statutes, is renumbered as subsection (6), and a new subsection**
177 **(5) is added to that section, to read:**

178 163.3205 Solar facility approval process; construction
179 requirements.—

180 (5) CONSTRUCTION BEST MANAGEMENT PRACTICES.—

181 (a) The Department of Environmental Protection shall
182 develop best management practices for the construction of a
183 solar facility. Such best management practices must include, but
184 are not limited to, all of the following:

185 1. Requirements for percolation testing on the premises of
186 a proposed solar facility.

187 2. Requirements for stormwater runoff management during
188 the construction of a solar facility.

189 3. Requirements for construction design that would enable
190 a solar facility to withstand a 100-year storm event.

191 (b) The Department of Environmental Protection shall
192 update and revise its best management practices annually. As
193 part of the update and revision process, the department shall
194 review all settlements, consent decrees, judgments, and
195 resolutions of civil cases since 2020 which relate to the
196 construction of a solar facility.

197 (c) An operator of a solar facility or a proposed solar
198 facility shall implement all best management practices developed
199 pursuant to paragraph (a).

200 **Section 3. Paragraph (a) of subsection (1) and subsections**

201 (2), (3), and (5) of section 259.035, Florida Statutes, are
202 amended to read:

203 259.035 Acquisition and Restoration Council.—

204 (1) There is created the Acquisition and Restoration
205 Council.

206 (a) The council shall be composed of 12 ~~10~~ voting members,
207 6 ~~4~~ of whom shall be appointed by the Governor. Of these six
208 ~~four~~ appointees, three ~~must~~ three ~~shall~~ be from scientific
209 disciplines related to land, water, or environmental sciences,
210 one ~~must~~ and ~~the~~ fourth ~~shall~~ have at least 5 years of
211 experience in managing lands for both active and passive types
212 of recreation, one ~~must~~ be a former elected official of a
213 county, and one ~~must~~ be a former elected official of a
214 metropolitan municipality. As used in this paragraph, the term
215 "metropolitan" has the same meaning as in s. 380.503. They shall
216 serve 4-year terms, except that, initially, to provide for
217 staggered terms, two of the appointees shall serve 2-year terms.
218 All subsequent appointments shall be for 4-year terms. An
219 appointee may not serve more than 6 years. The Governor may at
220 any time fill a vacancy for the unexpired term of a member
221 appointed under this paragraph.

222 (2) The six ~~four~~ members of the council appointed pursuant
223 to paragraph (1)(a) ~~(a)~~ and the two members of the council
224 appointed pursuant to paragraph (1)(c) ~~(c)~~ shall receive
225 reimbursement for expenses and per diem for travel, to attend

226 council meetings, as allowed state officers and employees while
227 in the performance of their duties, pursuant to s. 112.061.

228 (3) The council shall:

229 (a) Provide assistance to the board in reviewing the
230 recommendations and plans for state-owned conservation lands
231 required under s. 253.034 and this chapter. The council shall,
232 in reviewing such plans, consider the optimization of multiple-
233 use and conservation strategies to accomplish the provisions
234 funded pursuant to former s. 259.101(3)(a), Florida Statutes
235 2014, and to s. 259.105(3)(b).

236 (b) Effective July 1, 2026, administer the Florida
237 Communities Trust established in ss. 380.501-380.515, including
238 reviewing, approving, and overseeing project applications and
239 disbursements, and implementation measures consistent with the
240 trust's purposes. The council shall coordinate with the
241 department for rulemaking and grant cycle administration for the
242 trust, ensuring alignment with the Florida Forever Act and the
243 state's conservation priorities.

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

251 **Section 4. Paragraph (i) of subsection (4) of section**
252 **259.105, Florida Statutes, is amended to read:**

253 259.105 The Florida Forever Act.—

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

259 259.035(4):

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

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

264 2. The number of acres acquired or developed to serve dual
265 functions as:

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

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

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

274 4. The percentage of the land acquired within the project
275 boundary that creates additional open spaces, natural buffer

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276 areas, and greenways within a floodplain, while precluding
277 rebuilding in areas that repeatedly flood.

278

279 Florida Forever projects and acquisitions funded pursuant to
280 paragraph (3)(c) shall be measured by goals developed by rule by
281 the Florida Communities Trust ~~Governing Board created in s.~~
282 ~~380.504.~~

283 **Section 5. Paragraph (d) of subsection (3) of section
284 373.469, Florida Statutes, is amended to read:**

285 373.469 Indian River Lagoon Protection Program.—

286 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian
287 River Lagoon Protection Program consists of the Banana River
288 Lagoon Basin Management Action Plan, Central Indian River Lagoon
289 Basin Management Action Plan, North Indian River Lagoon Basin
290 Management Action Plan, and Mosquito Lagoon Reasonable Assurance
291 Plan, and such plans are the components of the Indian River
292 Lagoon Protection Program which achieve phosphorous and nitrogen
293 load reductions for the Indian River Lagoon.

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

295 1. Beginning on January 1, 2024, unless previously
296 permitted, the installation of new onsite sewage treatment and
297 disposal systems is prohibited within the Banana River Lagoon
298 Basin Management Action Plan, Central Indian River Lagoon Basin
299 Management Action Plan, North Indian River Lagoon Basin
300 Management Action Plan, and Mosquito Lagoon Reasonable Assurance

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301 Plan areas where a publicly owned or investor-owned sewerage
302 system is available as defined in s. 381.0065(2)(a). Where
303 central sewerage is not available, only enhanced nutrient-
304 reducing onsite sewage treatment and disposal systems or other
305 wastewater treatment systems that achieve at least 65 percent
306 nitrogen reduction are authorized.

307 2. By July 1, 2030, any commercial property or any
308 residential property of 10 acres or less with an existing onsite
309 sewage treatment and disposal system located within the Banana
310 River Lagoon Basin Management Action Plan, Central Indian River
311 Lagoon Basin Management Action Plan, North Indian River Lagoon
312 Basin Management Action Plan, and Mosquito Lagoon Reasonable
313 Assurance Plan areas must connect to central sewer if available
314 or upgrade to an enhanced nutrient-reducing onsite sewage
315 treatment and disposal system or other wastewater treatment
316 system that achieves at least 65 percent nitrogen reduction. For
317 all applications submitted before July 1, 2030, to a permitting
318 agency to repair, modify, or replace a conventional onsite
319 sewage treatment and disposal system on a commercial property or
320 a residential property of 10 acres or less, the permitting
321 agency shall notify the property owner of the requirement
322 provided in this subparagraph.

323 **Section 6. Paragraph (a) of subsection (1) of section**
324 **373.807, Florida Statutes, is amended to read:**

325 373.807 Protection of water quality in Outstanding Florida

326 Springs.—By July 1, 2016, the department shall initiate
327 assessment, pursuant to s. 403.067(3), of Outstanding Florida
328 Springs or spring systems for which an impairment determination
329 has not been made under the numeric nutrient standards in effect
330 for spring vents. Assessments must be completed by July 1, 2018.

331 (1) (a) Concurrent with the adoption of a nutrient total
332 maximum daily load for an Outstanding Florida Spring, the
333 department, or the department in conjunction with a water
334 management district, shall initiate development of a basin
335 management action plan, as specified in s. 403.067. For an
336 Outstanding Florida Spring with a nutrient total maximum daily
337 load adopted before July 1, 2016, the department, or the
338 department in conjunction with a water management district,
339 shall initiate development of a basin management action plan by
340 July 1, 2016. During the development of a basin management
341 action plan, if the department identifies onsite sewage
342 treatment and disposal systems as contributors of at least 20
343 percent of nonpoint source nitrogen pollution or if the
344 department determines remediation is necessary to achieve the
345 total maximum daily load, the basin management action plan must
346 shall include an onsite sewage treatment and disposal system
347 remediation plan pursuant to subsection (3) for those systems
348 identified as requiring remediation. For properties 10 acres or
349 less located outside the boundary of an established priority
350 focus area of an Outstanding Florida Spring but within the

351 boundary of a specific springs basin management action plan,
352 such remediation plans may require existing conventional onsite
353 sewage treatment and disposal systems to upgrade to a nutrient-
354 reducing onsite sewage treatment and disposal system where
355 central sewerage is not available. Such remediation plan may
356 also require properties of any size located within the boundary
357 of an established priority focus area of an Outstanding Florida
358 Spring to upgrade existing conventional onsite sewage treatment
359 and disposal systems to a nutrient-reducing onsite sewage
360 treatment and disposal system where central sewerage is not
361 available.

362 **Section 7.** Section 373.811, Florida Statutes, is repealed.

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

365 380.502 Legislative findings and intent.—

366 (3) The Legislature further finds that the goals of land
367 conservation and community development are best served through
368 coordinated decisionmaking and streamlined oversight. It is
369 therefore the intent of the Legislature to transfer the
370 administration and oversight of the Florida Communities Trust
371 from the Department of Environmental Protection to the
372 Acquisition and Restoration Council to improve consistency and
373 effectiveness in conservation land acquisition and resource
374 stewardship. It is the intent of the Legislature to establish a
375 nonregulatory agency that will assist local governments in

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376 ~~bringing local comprehensive plans into compliance and~~
377 ~~implementing the goals, objectives, and policies of the~~
378 ~~conservation, recreation and open space, and coastal elements of~~
379 ~~local comprehensive plans, or in conserving natural resources~~
380 ~~and resolving land use conflicts by:~~

381 (a) Responding promptly and creatively to opportunities to
382 correct undesirable development patterns, restore degraded
383 natural areas, enhance resource values, restore deteriorated or
384 deteriorating urban waterfronts, preserve working waterfronts,
385 reserve lands for later purchase, participate in and promote the
386 use of innovative land acquisition methods, and provide public
387 access to surface waters.

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

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

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

396 380.504 Florida Communities Trust; creation; membership;
397 expenses.—

398 (1) There is created ~~within the Department of~~
399 ~~Environmental Protection a nonregulatory state agency and~~
400 ~~instrumentality, which shall be a public body corporate and~~

401 ~~politic, known as the "Florida Communities Trust, -" administered~~
402 ~~by the Acquisition and Restoration Council. The governing body of~~
403 ~~the trust shall consist of:~~

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

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

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408 ~~The Governor shall appoint a former elected official of a county~~
409 ~~government, a former elected official of a metropolitan~~
410 ~~municipal government, a representative of a nonprofit~~
411 ~~organization as defined in this part, and a representative of~~
412 ~~the development industry. The Secretary of Environmental~~
413 ~~Protection may appoint his or her deputy secretary, the director~~
414 ~~of the Division of State Lands, or the director of the Division~~
415 ~~of Recreation and Parks to serve in his or her absence. The~~
416 ~~Secretary of Environmental Protection shall be the chair of the~~
417 ~~governing body of the trust. The Governor shall make his or her~~
418 ~~appointments upon the expiration of any current terms or within~~
419 ~~60 days after the effective date of the resignation of any~~
420 ~~member.~~

421 (2) The purpose of the trust is to assist local
422 governments in bringing into compliance and implementing the
423 conservation, recreation and open space, and coastal elements of
424 their comprehensive plans or in conserving natural resources and
425 resolving land use conflicts by providing financial assistance

426 to local governments and nonprofit environmental organizations
427 to carry out projects and activities authorized by this part
428 ~~(2) Of the initial governing body members, two of the Governor's appointees shall serve for a term of 2 years and the remaining one shall serve for a term of 4 years from the date of appointment. Thereafter, governing body members whom the Governor appoints shall serve for terms of 4 years. The Governor may fill any vacancy for an unexpired term.~~
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434 ~~(3) Governing body members shall receive no compensation for their services, but shall be entitled to the necessary expenses, including per diem and travel expenses, incurred in the discharge of their duties pursuant to this part, as provided by law.~~
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439 **Section 10. Subsections (6), (7), (9) through (12), and (14) of section 380.507, Florida Statutes, are amended to read:**
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441 380.507 Powers of the trust.—The trust shall have all the powers necessary or convenient to carry out the purposes and provisions of this part, including:
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444 (6) To award grants ~~and make loans~~ to local governments and nonprofit organizations for the purposes listed in subsection (2) and for acquiring fee title and less than fee title, such as conservation easements or other interests in land, for the purposes of this part.
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449 (7) To provide by grant ~~or loan~~ up to the total cost of any project approved according to this part, including the local
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451 share of federally supported projects. The trust may require
452 local funding participation in projects. The trust shall
453 determine the funding it will provide by considering the total
454 amount of funding available for the project, the fiscal
455 resources of other project participants, the urgency of the
456 project relative to other eligible projects, and other factors
457 which the trust shall have prescribed by rule. The trust may
458 fund up to 100 percent of any local government land acquisition
459 costs, if part of an approved project.

460 (9) To review project recommendations and funding
461 priorities and provide acquisition decisions ~~To invest any funds~~
462 ~~held in reserves or sinking funds, or any funds not required for~~
463 ~~immediate disbursement, in such investments as may be authorized~~
464 ~~for trust funds under s. 215.47, and in any other authorized~~
465 ~~investments, if such investments are made on behalf of the trust~~
466 ~~by the State Board of Administration.~~

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

471 (11) To submit project recommendations, funding
472 priorities, and acquisition decisions to the Acquisition and
473 Restoration Council, which shall have final approval authority
474 over trust expenditures and acquisitions ~~make rules necessary to~~
475 ~~carry out the purposes of this part and to exercise any power~~

476 granted in this part, pursuant to chapter 120. The trust shall
477 adopt rules governing the acquisition of lands with proceeds
478 from the Florida Forever Trust Fund, consistent with the intent
479 expressed in the Florida Forever Act. Such rules for land
480 acquisition must include, but are not limited to, procedures for
481 appraisals and confidentiality consistent with ss. 125.355(1)(a)
482 and (b) and 166.045(1)(a) and (b), a method of determining a
483 maximum purchase price, and procedures to assure that the land
484 is acquired in a voluntarily negotiated transaction, surveyed,
485 conveyed with marketable title, and examined for hazardous
486 materials contamination. Land acquisition procedures of a local
487 land authority created pursuant to s. 380.0663 may be used for
488 the land acquisition programs described in former s.
489 259.101(3)(c), Florida Statutes 2014, and in s. 259.105 if
490 within areas of critical state concern designated pursuant to s.
491 380.05, subject to approval of the trust.

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

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

500 **Section 11.** Section 380.512, Florida Statutes, is

501 repealed.

502 **Section 12.** Section 380.513, Florida Statutes, is
503 repealed.

504 **Section 13.** Section 380.514, Florida Statutes, is
505 repealed.

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

510 381.0065 Onsite sewage treatment and disposal systems;
511 regulation.—

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

514 (n) Regulate and permit maintenance entities for
515 performance-based treatment systems and aerobic treatment unit
516 systems. To ensure systems are maintained and operated according
517 to manufacturer's specifications and designs, the department
518 shall establish by rule minimum qualifying criteria for
519 maintenance entities. The criteria shall include training,
520 access to approved spare parts and components, access to
521 manufacturer's maintenance and operation manuals, and service
522 response time. The maintenance entity shall employ a contractor
523 licensed under s. 489.105(3)(m), or part III of chapter 489, or
524 a state-licensed wastewater plant operator, who is responsible
525 for maintenance and repair of all systems under contract. The

526 department may annually review and audit up to 25 percent of all
527 inspection and maintenance reports submitted by such maintenance
528 entities for performance-based treatment systems and aerobic
529 treatment unit systems. The department may adopt rules to
530 establish procedures for such audits.

531 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
532 construct, repair, modify, abandon, or operate an onsite sewage
533 treatment and disposal system without first obtaining a permit
534 approved by the department. The department may issue permits to
535 carry out this section, except that the issuance of a permit for
536 work seaward of the coastal construction control line
537 established under s. 161.053 shall be contingent upon receipt of
538 any required coastal construction control line permit from the
539 department. A construction permit is valid for 18 months after
540 the date of issuance and may be extended by the department for
541 one 90-day period under rules adopted by the department. A
542 repair permit is valid for 90 days after the date of issuance.
543 When a person jointly applies for a construction permit and an
544 operating permit for the same onsite sewage treatment and
545 disposal system, the department shall concurrently process the
546 operating permit with the construction permit. An operating
547 permit must be obtained before the use of any aerobic treatment
548 unit or engineer-designed performance-based system, or if the
549 establishment generates commercial waste. Buildings or
550 establishments that ~~use an aerobic treatment unit or~~ generate

551 commercial waste shall be inspected by the department at least
552 annually to ensure assure compliance with the terms of the
553 operating permit. The operating permit for a commercial
554 wastewater system is valid for 1 year after the date of issuance
555 and must be renewed annually. The operating permit for a
556 residential onsite sewage treatment and disposal system, when
557 required, is valid for the lifetime of the installation;
558 however, any subsequent change in ownership of the property or
559 any modification of the residential onsite sewage treatment and
560 disposal system requires an operating permit modification upon
561 such change. When an onsite sewage treatment and disposal system
562 that requires an operating permit is sold or transferred, the
563 subsequent owner with a controlling interest shall provide
564 written notice and proof of ownership to the department to amend
565 the operating permit information within 60 days after such
566 property sale or transfer ~~an aerobic treatment unit is valid for~~
567 ~~2 years after the date of issuance and must be renewed every 2~~
568 ~~years~~. If all information pertaining to the siting, location,
569 and installation conditions or repair of an onsite sewage
570 treatment and disposal system remains the same, a construction
571 or repair permit for the onsite sewage treatment and disposal
572 system may be transferred to another person, if the transferee
573 files, within 60 days after the transfer of ownership, an
574 amended application providing all corrected information and
575 proof of ownership of the property. A fee is not associated with

576 the processing of this supplemental information if only
577 ownership information is updated to reflect a permit transfer
578 for a construction, a repair, or an operating permit. A person
579 may not contract to construct, modify, alter, repair, service,
580 abandon, or maintain any portion of an onsite sewage treatment
581 and disposal system without being registered under part III of
582 chapter 489. A property owner who personally performs
583 construction, maintenance, or repairs to a system serving his or
584 her own owner-occupied single-family residence is exempt from
585 registration requirements for performing such construction,
586 maintenance, or repairs on that residence, but is subject to all
587 permitting requirements. A municipality or political subdivision
588 of the state may not issue a building or plumbing permit for any
589 building that requires the use of an onsite sewage treatment and
590 disposal system unless the owner or builder has received a
591 construction permit for such system from the department. A
592 building or structure may not be occupied and a municipality,
593 political subdivision, or any state or federal agency may not
594 authorize occupancy until the department approves the final
595 installation of the onsite sewage treatment and disposal system.
596 A municipality or political subdivision of the state may not
597 approve any change in occupancy or tenancy of a building that
598 uses an onsite sewage treatment and disposal system until the
599 department has reviewed the use of the system with the proposed
600 change, approved the change, and amended the operating permit.

601 (a) Subdivisions and lots in which each lot has a minimum
602 area of at least one-half acre and either a minimum dimension of
603 100 feet or a mean of at least 100 feet of the side bordering
604 the street and the distance formed by a line parallel to the
605 side bordering the street drawn between the two most distant
606 points of the remainder of the lot may be developed with a water
607 system regulated under s. 381.0062 and onsite sewage treatment
608 and disposal systems, provided the projected daily sewage flow
609 does not exceed an average of 1,500 gallons per acre per day,
610 and provided satisfactory drinking water can be obtained and all
611 distance and setback, soil condition, water table elevation, and
612 other related requirements of this section and rules adopted
613 under this section can be met.

614 (b) Subdivisions and lots using a public water system as
615 defined in s. 403.852 may use onsite sewage treatment and
616 disposal systems, provided there are no more than four lots per
617 acre, provided the projected daily sewage flow does not exceed
618 an average of 2,500 gallons per acre per day, and provided that
619 all distance and setback, soil condition, water table elevation,
620 and other related requirements that are generally applicable to
621 the use of onsite sewage treatment and disposal systems are met.

622 (c) Notwithstanding paragraphs (a) and (b), for
623 subdivisions platted of record on or before October 1, 1991,
624 when a developer or other appropriate entity has previously made
625 or makes provisions, including financial assurances or other

626 commitments, acceptable to the department, that a central water
627 system will be installed by a regulated public utility based on
628 a density formula, private potable wells may be used with onsite
629 sewage treatment and disposal systems until the agreed-upon
630 densities are reached. In a subdivision regulated by this
631 paragraph, the average daily sewage flow may not exceed 2,500
632 gallons per acre per day. This section does not affect the
633 validity of existing prior agreements. After October 1, 1991,
634 the exception provided under this paragraph is not available to
635 a developer or other appropriate entity.

636 (d) Paragraphs (a) and (b) do not apply to any proposed
637 residential subdivision with more than 50 lots or to any
638 proposed commercial subdivision with more than 5 lots where a
639 publicly owned or investor-owned sewage treatment system is
640 available. This paragraph does not allow development of
641 additional proposed subdivisions in order to evade the
642 requirements of this paragraph.

643 (e) The department shall adopt rules relating to the
644 location of onsite sewage treatment and disposal systems,
645 including establishing setback distances, to prevent groundwater
646 contamination and surface water contamination and to preserve
647 the public health. The rules must consider conventional and
648 enhanced nutrient-reducing onsite sewage treatment and disposal
649 system designs, impaired or degraded water bodies, domestic
650 wastewater and drinking water infrastructure, potable water

651 sources, nonpotable wells, stormwater infrastructure, the onsite
652 sewage treatment and disposal system remediation plans developed
653 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the
654 recommendations of the onsite sewage treatment and disposal
655 systems technical advisory committee established pursuant to
656 former s. 381.00652. The rules must also allow a person to apply
657 for and receive a variance from a rule requirement upon
658 demonstration that the requirement would cause an undue hardship
659 and granting the variance would not cause or contribute to the
660 exceedance of a total maximum daily load.

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

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

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

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

670 4. Fifty feet from any nonpotable well.

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

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

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

678 8. Fifteen feet from the design high-water line of
679 retention areas, detention areas, or swales designed to contain
680 standing or flowing water for less than 72 hours after a
681 rainfall or the design high-water level of normally dry drainage
682 ditches or normally dry individual lot stormwater retention
683 areas.

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

688 1. Any residential lot that was platted and recorded on or
689 after January 1, 1972, or that is part of a residential
690 subdivision that was approved by the appropriate permitting
691 agency on or after January 1, 1972, and that was eligible for an
692 onsite sewage treatment and disposal system construction permit
693 on the date of such platting and recording or approval shall be
694 eligible for an onsite sewage treatment and disposal system
695 construction permit, regardless of when the application for a
696 permit is made. If rules in effect at the time the permit
697 application is filed cannot be met, residential lots platted and
698 recorded or approved on or after January 1, 1972, shall, to the
699 maximum extent possible, comply with the rules in effect at the
700 time the permit application is filed. At a minimum, however,

701 those residential lots platted and recorded or approved on or
702 after January 1, 1972, but before January 1, 1983, shall comply
703 with those rules in effect on January 1, 1983, and those
704 residential lots platted and recorded or approved on or after
705 January 1, 1983, shall comply with those rules in effect at the
706 time of such platting and recording or approval. In determining
707 the maximum extent of compliance with current rules that is
708 possible, the department shall allow structures and
709 appurtenances thereto which were authorized at the time such
710 lots were platted and recorded or approved.

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

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

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

720 (h)1. The department may grant variances in hardship cases
721 which may be less restrictive than the provisions specified in
722 this section. If a variance is granted and the onsite sewage
723 treatment and disposal system construction permit has been
724 issued, the variance may be transferred with the system
725 construction permit, if the transferee files, within 60 days

726 after the transfer of ownership, an amended construction permit
727 application providing all corrected information and proof of
728 ownership of the property and if the same variance would have
729 been required for the new owner of the property as was
730 originally granted to the original applicant for the variance. A
731 fee is not associated with the processing of this supplemental
732 information. A variance may not be granted under this section
733 until the department is satisfied that:

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

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

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

743

744 Where soil conditions, water table elevation, and setback
745 provisions are determined by the department to be satisfactory,
746 special consideration must be given to those lots platted before
747 1972.

748 2. The department shall appoint and staff a variance
749 review and advisory committee, which shall meet monthly to
750 recommend agency action on variance requests. The committee

751 shall make its recommendations on variance requests at the
752 meeting in which the application is scheduled for consideration,
753 except for an extraordinary change in circumstances, the receipt
754 of new information that raises new issues, or when the applicant
755 requests an extension. The committee shall consider the criteria
756 in subparagraph 1. in its recommended agency action on variance
757 requests and shall also strive to allow property owners the full
758 use of their land where possible.

759 a. The committee is composed of the following:

760 (I) The Secretary of Environmental Protection or his or
761 her designee.

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

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

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

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

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

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

774 b. Members shall be appointed for a term of 3 years, with
775 such appointments being staggered so that the terms of no more

776 than two members expire in any one year. Members shall serve
777 without remuneration, but if requested, shall be reimbursed for
778 per diem and travel expenses as provided in s. 112.061.

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

785 (i) A construction permit may not be issued for an onsite
786 sewage treatment and disposal system in any area zoned or used
787 for industrial or manufacturing purposes, or its equivalent,
788 where a publicly owned or investor-owned sewage treatment system
789 is available, or where a likelihood exists that the system will
790 receive toxic, hazardous, or industrial waste. An existing
791 onsite sewage treatment and disposal system may be repaired if a
792 publicly owned or investor-owned sewage treatment system is not
793 available within 500 feet of the building sewer stub-out and if
794 system construction and operation standards can be met. This
795 paragraph does not require publicly owned or investor-owned
796 sewage treatment systems to accept anything other than domestic
797 wastewater.

798 1. A building located in an area zoned or used for
799 industrial or manufacturing purposes, or its equivalent, when
800 such building is served by an onsite sewage treatment and

801 disposal system, must not be occupied until the owner or tenant
802 has obtained written approval from the department. The
803 department may not grant approval when the proposed use of the
804 system is to dispose of toxic, hazardous, or industrial
805 wastewater or toxic or hazardous chemicals.

806 2. Each person who owns or operates a business or facility
807 in an area zoned or used for industrial or manufacturing
808 purposes, or its equivalent, or who owns or operates a business
809 that has the potential to generate toxic, hazardous, or
810 industrial wastewater or toxic or hazardous chemicals, and uses
811 an onsite sewage treatment and disposal system that is installed
812 on or after July 5, 1989, must obtain an annual system operating
813 permit from the department. A person who owns or operates a
814 business that uses an onsite sewage treatment and disposal
815 system that was installed and approved before July 5, 1989, does
816 not need to obtain a system operating permit. However, upon
817 change of ownership or tenancy, the new owner or operator must
818 notify the department of the change, and the new owner or
819 operator must obtain an annual system operating permit,
820 regardless of the date that the system was installed or
821 approved.

822 3. The department shall periodically review and evaluate
823 the continued use of onsite sewage treatment and disposal
824 systems in areas zoned or used for industrial or manufacturing
825 purposes, or its equivalent, and may require the collection and

826 analyses of samples from within and around such systems. If the
827 department finds that toxic or hazardous chemicals or toxic,
828 hazardous, or industrial wastewater have been or are being
829 disposed of through an onsite sewage treatment and disposal
830 system, the department shall initiate enforcement actions
831 against the owner or tenant to ensure adequate cleanup,
832 treatment, and disposal.

833 (j) An onsite sewage treatment and disposal system
834 designed by a professional engineer registered in the state and
835 certified by such engineer as complying with performance
836 criteria adopted by the department must be approved by the
837 department subject to the following:

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

850 2. A person electing to use an engineer-designed system

851 shall, upon completion of the system design, submit such design,
852 certified by a registered professional engineer, to the county
853 health department. The county health department may use an
854 outside consultant to review the engineer-designed system, with
855 the actual cost of such review to be borne by the applicant.
856 Within 5 working days after receiving an engineer-designed
857 system permit application, the county health department shall
858 request additional information if the application is not
859 complete. Within 15 working days after receiving a complete
860 application for an engineer-designed system, the county health
861 department shall issue the permit or, if it determines that the
862 system does not comply with the performance criteria, shall
863 notify the applicant of that determination and refer the
864 application to the department for a determination as to whether
865 the system should be approved, disapproved, or approved with
866 modification. The department engineer's determination shall
867 prevail over the action of the county health department. The
868 applicant shall be notified in writing of the department's
869 determination and of the applicant's rights to pursue a variance
870 or seek review under the provisions of chapter 120.

871 3. The owner of an engineer-designed performance-based
872 system must maintain a current maintenance service agreement
873 with a maintenance entity permitted by the department. The
874 maintenance entity shall inspect each system at least twice each
875 year and shall submit an inspection report to the department

876 each time the system is inspected which states report quarterly
877 ~~to the department on~~ the number of systems inspected and
878 serviced. The reports may be submitted electronically.

879 4. The property owner of an owner-occupied, single-family
880 residence may be approved and permitted by the department as a
881 maintenance entity for his or her own performance-based
882 treatment system upon written certification from the system
883 manufacturer's approved representative that the property owner
884 has received training on the proper installation and service of
885 the system. The maintenance service agreement must conspicuously
886 disclose that the property owner has the right to maintain his
887 or her own system and is exempt from contractor registration
888 requirements for performing construction, maintenance, or
889 repairs on the system but is subject to all permitting
890 requirements.

891 5. ~~The property owner shall obtain a biennial system~~
892 ~~operating permit from the department for each system.~~ The
893 department may shall inspect the system at least annually, or on
894 such periodic basis as the fee collected permits, and may
895 collect system-effluent samples if appropriate to determine
896 compliance with the performance criteria. The fee for the
897 biennial operating permit must shall be collected beginning with
898 the second year of system operation.

899 6. If an engineer-designed system fails to properly
900 function or fails to meet performance standards, the system must

901 shall be re-engineered, if necessary, to bring the system into
902 compliance with the provisions of this section.

903 (k) An innovative system may be approved in conjunction
904 with an engineer-designed site-specific system that is certified
905 by the engineer to meet the performance-based criteria adopted
906 by the department.

907 (l) For the Florida Keys, the department shall adopt a
908 special rule for the construction, installation, modification,
909 operation, repair, maintenance, and performance of onsite sewage
910 treatment and disposal systems which considers the unique soil
911 conditions and water table elevations, densities, and setback
912 requirements. On lots where a setback distance of 75 feet from
913 surface waters, saltmarsh, and buttonwood association habitat
914 areas cannot be met, an injection well, approved and permitted
915 by the department, may be used for disposal of effluent from
916 onsite sewage treatment and disposal systems. The following
917 additional requirements apply to onsite sewage treatment and
918 disposal systems in Monroe County:

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

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

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

932 b. Suspended Solids of 10 mg/l.

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

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

939
940 In addition, onsite sewage treatment and disposal systems
941 discharging to an injection well must provide basic disinfection
942 as defined by department rule.

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

947 4. In areas scheduled to be served by a central sewerage
948 system by December 31, 2015, if the property owner has paid a
949 connection fee or assessment for connection to the central
950 sewerage system, the property owner may install a holding tank

951 with a high water alarm or an onsite sewage treatment and
952 disposal system that meets the following minimum standards:

953 a. The existing tanks must be pumped and inspected and
954 certified as being watertight and free of defects in accordance
955 with department rule; and

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

958 5. Onsite sewage treatment and disposal systems must be
959 monitored for total nitrogen and total phosphorus concentrations
960 as required by department rule.

961 6. The department shall enforce proper installation,
962 operation, and maintenance of onsite sewage treatment and
963 disposal systems pursuant to this chapter, including ensuring
964 that the appropriate level of treatment described in
965 subparagraph 2. is met.

966 7. The authority of a local government, including a
967 special district, to mandate connection of an onsite sewage
968 treatment and disposal system is governed by s. 4, chapter 99-
969 395, Laws of Florida.

970 8. Notwithstanding any other law, an onsite sewage
971 treatment and disposal system installed after July 1, 2010, in
972 unincorporated Monroe County, excluding special wastewater
973 districts, that complies with the standards in subparagraph 2.
974 is not required to connect to a central sewerage system until
975 December 31, 2020.

976 (m) A product sold in the state for use in onsite sewage
977 treatment and disposal systems may not contain any substance in
978 concentrations or amounts that would interfere with or prevent
979 the successful operation of such system, or that would cause
980 discharges from such systems to violate applicable water quality
981 standards. The department shall publish criteria for products
982 known or expected to meet the conditions of this paragraph. If a
983 product does not meet such criteria, such product may be sold if
984 the manufacturer satisfactorily demonstrates to the department
985 that the conditions of this paragraph are met.

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

999 (o) An application for an onsite sewage treatment and
1000 disposal system permit shall be completed in full, signed by the

1001 owner or the owner's authorized representative, or by a
1002 contractor licensed under chapter 489, and shall be accompanied
1003 by all required exhibits and fees. Specific documentation of
1004 property ownership is not required as a prerequisite to the
1005 review of an application or the issuance of a permit. The
1006 issuance of a permit does not constitute determination by the
1007 department of property ownership.

1008 (p) The department may not require any form of subdivision
1009 analysis of property by an owner, developer, or subdivider
1010 before submission of an application for an onsite sewage
1011 treatment and disposal system.

1012 (q) This section does not limit the power of a
1013 municipality or county to enforce other laws for the protection
1014 of the public health and safety.

1015 (r) In the siting of onsite sewage treatment and disposal
1016 systems, including drainfields, shoulders, and slopes, guttering
1017 may not be required on single-family residential dwelling units
1018 for systems located greater than 5 feet from the roof drip line
1019 of the house. If guttering is used on residential dwelling
1020 units, the downspouts shall be directed away from the
1021 drainfield.

1022 (s) Notwithstanding subparagraph (g)1., onsite sewage
1023 treatment and disposal systems located in floodways of the
1024 Suwannee and Aucilla Rivers must adhere to the following
1025 requirements:

1026 1. The absorption surface of the drainfield may not be
1027 subject to flooding based on 10-year flood elevations. Provided,
1028 however, for lots or parcels created by the subdivision of land
1029 in accordance with applicable local government regulations
1030 before January 17, 1990, if an applicant cannot construct a
1031 drainfield system with the absorption surface of the drainfield
1032 at an elevation equal to or above 10-year flood elevation, the
1033 department shall issue a permit for an onsite sewage treatment
1034 and disposal system within the 10-year floodplain of rivers,
1035 streams, and other bodies of flowing water if all of the
1036 following criteria are met:

1037 a. The lot is at least one-half acre in size;
1038 b. The bottom of the drainfield is at least 36 inches
1039 above the 2-year flood elevation; and
1040 c. The applicant installs a waterless, incinerating, or
1041 organic waste composting toilet and a graywater system and
1042 drainfield in accordance with department rules; an aerobic
1043 treatment unit and drainfield in accordance with department
1044 rules; a system that is capable of reducing effluent nitrate by
1045 at least 50 percent in accordance with department rules; or a
1046 system other than a system using alternative drainfield
1047 materials in accordance with department rules. The United States
1048 Department of Agriculture Soil Conservation Service soil maps,
1049 State of Florida Water Management District data, and Federal
1050 Emergency Management Agency Flood Insurance maps are resources

1051 that shall be used to identify flood-prone areas.

1052 2. The use of fill or mounding to elevate a drainfield
1053 system out of the 10-year floodplain of rivers, streams, or
1054 other bodies of flowing water may not be permitted if such a
1055 system lies within a regulatory floodway of the Suwannee and
1056 Aucilla Rivers. In cases where the 10-year flood elevation does
1057 not coincide with the boundaries of the regulatory floodway, the
1058 regulatory floodway will be considered for the purposes of this
1059 subsection to extend at a minimum to the 10-year flood
1060 elevation.

1061 (t)1. The owner of an aerobic treatment unit system shall
1062 maintain a current maintenance service agreement with an aerobic
1063 treatment unit maintenance entity permitted by the department.
1064 The maintenance entity shall inspect each aerobic treatment unit
1065 system at least twice each year and shall submit an inspection
1066 report to the department each time the system is inspected
1067 stating report quarterly to the department on the number of
1068 aerobic treatment unit systems inspected and serviced. The
1069 reports may be submitted electronically.

1070 2. The property owner of an owner-occupied, single-family
1071 residence may be approved and permitted by the department as a
1072 maintenance entity for his or her own aerobic treatment unit
1073 system upon written certification from the system manufacturer's
1074 approved representative that the property owner has received
1075 training on the proper installation and service of the system.

1076 The maintenance entity service agreement must conspicuously
1077 disclose that the property owner has the right to maintain his
1078 or her own system and is exempt from contractor registration
1079 requirements for performing construction, maintenance, or
1080 repairs on the system but is subject to all permitting
1081 requirements.

1082 3. A septic tank contractor licensed under part III of
1083 chapter 489, if approved by the manufacturer, may not be denied
1084 access by the manufacturer to aerobic treatment unit system
1085 training or spare parts for maintenance entities. After the
1086 original warranty period, component parts for an aerobic
1087 treatment unit system may be replaced with parts that meet
1088 manufacturer's specifications but are manufactured by others.
1089 The maintenance entity shall maintain documentation of the
1090 substitute part's equivalency for 2 years and shall provide such
1091 documentation to the department upon request.

1092 4. The owner of an aerobic treatment unit system shall
1093 obtain a system operating permit from the department and allow
1094 the department to inspect during reasonable hours each aerobic
1095 treatment unit system at least annually, and such inspection may
1096 include collection and analysis of system-effluent samples for
1097 performance criteria established by rule of the department.

1098 (u) The department may require the submission of detailed
1099 system construction plans that are prepared by a professional
1100 engineer registered in this state. The department shall

1101 establish by rule criteria for determining when such a
1102 submission is required.

1103 (v) Any permit issued and approved by the department for
1104 the installation, modification, or repair of an onsite sewage
1105 treatment and disposal system transfers ~~shall transfer~~ with the
1106 title to the property in a real estate transaction. For any such
1107 transfer of title to a property that has an onsite sewage
1108 treatment and disposal system that has not been abandoned in
1109 accordance with this section, or that is subject to a permit for
1110 the installation, modification, repair, or operation of such a
1111 system, the real estate transaction is subject to the following
1112 requirements:

1113 1. A title may not be encumbered at the time of transfer
1114 by new permit requirements by a governmental entity for an
1115 onsite sewage treatment and disposal system which differ from
1116 the permitting requirements in effect at the time the system was
1117 permitted, modified, or repaired.

1118 2. An inspection of a system may not be mandated by a
1119 governmental entity at the point of sale in a real estate
1120 transaction.

1121 3. At or before the time of such real estate transaction,
1122 the following notifications must be provided to the persons
1123 receiving ownership of the property:

1124 a. A disclosure statement clearly identifying that the
1125 property is subject to regulations for an onsite sewage

1126 treatment and disposal system;
1127 b. Information indicating the nature and location of any
1128 existing onsite sewage treatment and disposal system components;
1129 c. If applicable, a statement that the property is subject
1130 to an onsite sewage treatment and disposal system operating
1131 permit and that one or more of the persons receiving a
1132 controlling interest in the property are required pursuant to
1133 this subsection to provide written notice and proof of ownership
1134 to update the operating permit information within 60 days after
1135 such real estate transaction; and
1136 d. A copy of any valid permit for the installation,
1137 modification, repair, or operation of an onsite sewage treatment
1138 and disposal system which will transfer pursuant to this
1139 paragraph.

1140
1141 This paragraph does not affect a septic tank phase-out deferral
1142 program implemented by a consolidated government as defined in
1143 s. 9, Art. VIII of the State Constitution of 1885.

1144 (w) A governmental entity, including a municipality,
1145 county, or statutorily created commission, may not require an
1146 engineer-designed performance-based treatment system, excluding
1147 a passive engineer-designed performance-based treatment system,
1148 before the completion of the Florida Onsite Sewage Nitrogen
1149 Reduction Strategies Project. This paragraph does not apply to a
1150 governmental entity, including a municipality, county, or

1151 statutorily created commission, which adopted a local law,
1152 ordinance, or regulation on or before January 31, 2012.
1153 Notwithstanding this paragraph, an engineer-designed
1154 performance-based treatment system may be used to meet the
1155 requirements of the variance review and advisory committee
1156 recommendations.

1157 (x)1. An onsite sewage treatment and disposal system is
1158 not considered abandoned if the system is disconnected from a
1159 structure that was made unusable or destroyed following a
1160 disaster and if the system was properly functioning at the time
1161 of disconnection and was not adversely affected by the disaster.
1162 The onsite sewage treatment and disposal system may be
1163 reconnected to a rebuilt structure if:

1164 a. The reconnection of the system is to the same type of
1165 structure which contains the same number of bedrooms or fewer,
1166 if the square footage of the structure is less than or equal to
1167 110 percent of the original square footage of the structure that
1168 existed before the disaster;

1169 b. The system is not a sanitary nuisance; and
1170 c. The system has not been altered without prior
1171 authorization.

1172 2. An onsite sewage treatment and disposal system that
1173 serves a property that is foreclosed upon is not considered
1174 abandoned.

1175 (y) If an onsite sewage treatment and disposal system

1176 permittee receives, relies upon, and undertakes construction of
1177 a system based upon a validly issued construction permit under
1178 rules applicable at the time of construction but a change to a
1179 rule occurs within 5 years after the approval of the system for
1180 construction but before the final approval of the system, the
1181 rules applicable and in effect at the time of construction
1182 approval apply at the time of final approval if fundamental site
1183 conditions have not changed between the time of construction
1184 approval and final approval.

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

1201 the location of a system is not an inspection or evaluation and
1202 assessment of the system. The review and verification must be
1203 completed within 7 business days after receipt by the local
1204 health department of a floor plan and site plan. If the review
1205 and verification is not completed within such time, the
1206 remodeling addition or modification to the single-family home,
1207 for the purposes of this paragraph, is approved.

1208 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
1209 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a
1210 total maximum daily load, the department shall implement a fast-
1211 track approval process of no longer than 6 months for the
1212 determination of the use of American National Standards
1213 Institute 245 systems approved by NSF International before July
1214 1, 2020. The department shall also establish an enhanced
1215 nutrient-reducing onsite sewage treatment and disposal system
1216 approval program that will expeditiously evaluate and approve
1217 such systems for use in this state to comply with ss.
1218 403.067(7)(a)10. and 373.469(3)(d).

1219 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may
1220 contract with or delegate its powers and duties under this
1221 section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

1222 **Section 15. Paragraph (c) of subsection (6) and paragraph**
1223 **(a) of subsection (7) of section 403.067, Florida Statutes, are**
1224 **amended to read:**

1225 403.067 Establishment and implementation of total maximum

1226 daily loads.—

1227 (6) CALCULATION AND ALLOCATION.—

1228 (c) Adoption of rules. The total maximum daily load
1229 calculations and allocations established under this subsection
1230 for each water body or water body segment shall be adopted by
1231 rule by the secretary pursuant to ss. 120.536(1), 120.54, and
1232 403.805. Where additional data collection and analysis are
1233 needed to increase the scientific precision and accuracy of the
1234 total maximum daily load, the department is authorized to adopt
1235 phased total maximum daily loads that are subject to change as
1236 additional data becomes available. Where phased total maximum
1237 daily loads are proposed, the department shall, in the detailed
1238 statement of facts and circumstances justifying the rule,
1239 explain why the data are inadequate so as to justify a phased
1240 total maximum daily load. The rules adopted pursuant to this
1241 paragraph are not ~~subject to approval by the Environmental~~
1242 ~~Regulation Commission and are not subject to the provisions of~~
1243 s. 120.541(3). As part of the rule development process, the
1244 department shall hold at least one public workshop in the
1245 vicinity of the water body or water body segment for which the
1246 total maximum daily load is being developed. Notice of the
1247 public workshop shall be published not less than 5 days nor more
1248 than 15 days before the public workshop in a newspaper of
1249 general circulation in the county or counties containing the
1250 water bodies or water body segments for which the total maximum

1251 daily load calculation and allocation are being developed.

1252 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1253 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1254 (a) *Basin management action plans.*—

1255 1. In developing and implementing the total maximum daily
1256 load for a waterbody, the department, or the department in
1257 conjunction with a water management district, may develop a
1258 basin management action plan that addresses some or all of the
1259 watersheds and basins tributary to the waterbody. Such plan must
1260 integrate the appropriate management strategies available to the
1261 state through existing water quality protection programs to
1262 achieve the total maximum daily loads and may provide for phased
1263 implementation of these management strategies to promote timely,
1264 cost-effective actions as provided for in s. 403.151. The plan
1265 must establish a schedule implementing the management
1266 strategies, establish a basis for evaluating the plan's
1267 effectiveness, and identify feasible funding strategies for
1268 implementing the plan's management strategies. The management
1269 strategies may include regional treatment systems or other
1270 public works, when appropriate, and voluntary trading of water
1271 quality credits to achieve the needed pollutant load reductions.

1272 2. A basin management action plan must equitably allocate,
1273 pursuant to paragraph (6)(b), pollutant reductions to individual
1274 basins, as a whole to all basins, or to each identified point
1275 source or category of nonpoint sources, as appropriate. For

1276 nonpoint sources for which best management practices have been
1277 adopted, the initial requirement specified by the plan must be
1278 those practices developed pursuant to paragraph (c). When
1279 appropriate, the plan may take into account the benefits of
1280 pollutant load reduction achieved by point or nonpoint sources
1281 that have implemented management strategies to reduce pollutant
1282 loads, including best management practices, before the
1283 development of the basin management action plan. The plan must
1284 also identify the mechanisms that will address potential future
1285 increases in pollutant loading.

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

1301 extent. Notice of the public meeting must be published in a
1302 newspaper of general circulation in each county in which the
1303 watershed or basin lies at least 5 days, but not more than 15
1304 days, before the public meeting. A basin management action plan
1305 does not supplant or otherwise alter any assessment made under
1306 subsection (3) or subsection (4) or any calculation or initial
1307 allocation.

1308 4. Each new or revised basin management action plan must
1309 include all of the following:

1310 a. The appropriate management strategies available through
1311 existing water quality protection programs to achieve total
1312 maximum daily loads, which may provide for phased implementation
1313 to promote timely, cost-effective actions as provided for in s.
1314 403.151.

1315 b. A description of best management practices adopted by
1316 rule.

1317 c. For the applicable 5-year implementation milestone, a
1318 list of projects that will achieve the pollutant load reductions
1319 needed to meet the total maximum daily load or the load
1320 allocations established pursuant to subsection (6). Each project
1321 must include a planning-level cost estimate and an estimated
1322 date of completion.

1323 d. A list of projects developed pursuant to paragraph (e),
1324 if applicable.

1325 e. The source and amount of financial assistance to be

1326 made available by the department, a water management district,
1327 or other entity for each listed project, if applicable.

1328 f. A planning-level estimate of each listed project's
1329 expected load reduction, if applicable.

1330 5. The department shall adopt all or any part of a basin
1331 management action plan and any amendment to such plan by
1332 secretarial order pursuant to chapter 120 to implement this
1333 section. A basin management action plan and any amendment to
1334 such plan become effective 60 days after the date the
1335 secretarial order is filed.

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

1351 reduction that is reasonably expected to be achieved based on
1352 the best scientific information available. Revisions to the
1353 basin management action plan shall be made by the department in
1354 cooperation with basin stakeholders. Revisions to the management
1355 strategies required for nonpoint sources must follow the
1356 procedures in subparagraph (c)4. Revised basin management action
1357 plans must be adopted pursuant to subparagraph 5.

1358 7. In accordance with procedures adopted by rule under
1359 paragraph (9)(c), basin management action plans, and other
1360 pollution control programs under local, state, or federal
1361 authority as provided in subsection (4), may allow point or
1362 nonpoint sources that will achieve greater pollutant reductions
1363 than required by an adopted total maximum daily load or
1364 wasteload allocation to generate, register, and trade water
1365 quality credits for the excess reductions to enable other
1366 sources to achieve their allocation; however, the generation of
1367 water quality credits does not remove the obligation of a source
1368 or activity to meet applicable technology requirements or
1369 adopted best management practices. Such plans must allow trading
1370 between NPDES permittees, and trading that may or may not
1371 involve NPDES permittees, where the generation or use of the
1372 credits involve an entity or activity not subject to department
1373 water discharge permits whose owner voluntarily elects to obtain
1374 department authorization for the generation and sale of credits.

1375 8. The department's rule relating to the equitable

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1376 abatement of pollutants into surface waters do not apply to
1377 water bodies or waterbody segments for which a basin management
1378 plan that takes into account future new or expanded activities
1379 or discharges has been adopted under this section.

1380 9. In order to promote resilient wastewater utilities, if
1381 the department identifies domestic wastewater treatment
1382 facilities or onsite sewage treatment and disposal systems as
1383 contributors of at least 20 percent of point source or nonpoint
1384 source nutrient pollution or if the department determines
1385 remediation is necessary to achieve the total maximum daily
1386 load, a basin management action plan for a nutrient total
1387 maximum daily load must include the following:

1388 a. A domestic wastewater treatment plan developed by each
1389 local government, in cooperation with the department, the water
1390 management district, and the public and private domestic
1391 wastewater treatment facilities providing services or located
1392 within the jurisdiction of the local government, which addresses
1393 domestic wastewater. Private domestic wastewater facilities and
1394 special districts providing domestic wastewater services must
1395 provide the required wastewater facility information to the
1396 applicable local governments. The domestic wastewater treatment
1397 plan must:

1398 (I) Provide for construction, expansion, or upgrades
1399 necessary to achieve the total maximum daily load requirements
1400 applicable to the domestic wastewater treatment facility.

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1401 (II) Include the permitted capacity in average annual
1402 gallons per day for the domestic wastewater treatment facility;
1403 the average nutrient concentration and the estimated average
1404 nutrient load of the domestic wastewater; a projected timeline
1405 of the dates by which the construction of any facility
1406 improvements will begin and be completed and the date by which
1407 operations of the improved facility will begin; the estimated
1408 cost of the improvements; and the identity of responsible
1409 parties.

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

1423 b. An onsite sewage treatment and disposal system
1424 remediation plan developed by each local government in
1425 cooperation with the department, the Department of Health, water

1426 management districts, and public and private domestic wastewater
1427 treatment facilities.

1428 (I) The onsite sewage treatment and disposal system
1429 remediation plan must identify cost-effective and financially
1430 feasible projects necessary to achieve the nutrient load
1431 reductions required for onsite sewage treatment and disposal
1432 systems. To identify cost-effective and financially feasible
1433 projects for remediation of onsite sewage treatment and disposal
1434 systems, the local government shall:

1435 (A) Include an inventory of onsite sewage treatment and
1436 disposal systems based on the best information available;

1437 (B) Identify onsite sewage treatment and disposal systems
1438 that would be eliminated through connection to existing or
1439 future central domestic wastewater infrastructure in the
1440 jurisdiction or domestic wastewater service area of the local
1441 government, that would be replaced with or upgraded to enhanced
1442 nutrient-reducing onsite sewage treatment and disposal systems,
1443 or that would remain on conventional onsite sewage treatment and
1444 disposal systems;

1445 (C) Estimate the costs of potential onsite sewage
1446 treatment and disposal system connections, upgrades, or
1447 replacements; and

1448 (D) Identify deadlines and interim milestones for the
1449 planning, design, and construction of projects.

1450 (II) The department shall adopt the onsite sewage

1451 treatment and disposal system remediation plan as part of the
1452 basin management action plan no later than July 1, 2025, or as
1453 required for Outstanding Florida Springs under s. 373.807.

1454 10. The following activities are prohibited within a basin
1455 management action plan adopted under this section, a reasonable
1456 assurance plan, or a pollution reduction plan:

1457 a. The installation of new onsite sewage treatment and
1458 disposal systems constructed within a basin management action
1459 plan area adopted under this section, a reasonable assurance
1460 plan, or a pollution reduction plan is prohibited where
1461 connection to a publicly owned or investor-owned sewerage system
1462 is available as defined in s. 381.0065(2)(a). On lots of 1 acre
1463 or less within a basin management action plan adopted under this
1464 section, a reasonable assurance plan, or a pollution reduction
1465 plan where a publicly owned or investor-owned sewerage system is
1466 not available, the installation of enhanced nutrient-reducing
1467 onsite sewage treatment and disposal systems, distributed
1468 wastewater treatment systems as defined in s. 403.814(13), or
1469 other wastewater treatment systems that achieve at least 65
1470 percent nitrogen reduction is required.

1471 b. The construction or installation of new domestic
1472 wastewater disposal facilities, including rapid infiltration
1473 basins, with permitted capacities of 100,000 or more gallons per
1474 day, except for those facilities that meet an advanced
1475 wastewater treatment standard of no more than 3 mg/l total

1476 nitrogen and 1 mg/l total phosphorus on an annual permitted
1477 basis, or a more stringent treatment standard if the department
1478 determines the more stringent standard is necessary to attain a
1479 total maximum daily load.

1480 c. The construction or installation of new facilities for
1481 the disposal of hazardous waste.

1482 11. When identifying wastewater projects in a basin
1483 management action plan, the department may not require the
1484 higher cost option if it achieves the same nutrient load
1485 reduction as a lower cost option. A regulated entity may choose
1486 a different cost option if it complies with the pollutant
1487 reduction requirements of an adopted total maximum daily load
1488 and meets or exceeds the pollution reduction requirement of the
1489 original project.

1490 12. Annually, local governments subject to a basin
1491 management action plan or located within the basin of a
1492 waterbody not attaining nutrient or nutrient-related standards
1493 must provide to the department an update on the status of
1494 construction of sanitary sewers to serve such areas, in a manner
1495 prescribed by the department.

1496 **Section 16. Paragraph (e) of subsection (1) of section**
1497 **403.0671, Florida Statutes, is amended to read:**

1498 403.0671 Basin management action plan wastewater reports.—
1499 (1) By July 1, 2021, the department, in coordination with
1500 the county health departments, wastewater treatment facilities,

1501 and other governmental entities, shall submit a report to the
1502 Governor, the President of the Senate, and the Speaker of the
1503 House of Representatives evaluating the costs of wastewater
1504 projects identified in the basin management action plans
1505 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1506 sewage treatment and disposal system remediation plans and other
1507 restoration plans developed to meet the total maximum daily
1508 loads required under s. 403.067. The report must include all of
1509 the following:

1510 (e) The projected costs of installing enhanced nutrient-
1511 reducing onsite sewage treatment and disposal systems on
1512 buildable lots in priority focus areas ~~to comply with s.~~
1513 ~~373.811.~~

1514 **Section 17. Subsection (11) of section 403.0872, Florida
1515 Statutes, is amended to read:**

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

1526 request, the department shall issue a separate acid rain permit
1527 for a major source of air pollution that is an affected source
1528 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
1529 for major sources of air pollution, except general permits
1530 issued pursuant to s. 403.814, must be issued in accordance with
1531 the procedures contained in this section and in accordance with
1532 chapter 120; however, to the extent that chapter 120 is
1533 inconsistent with this section, the procedures contained in this
1534 section prevail.

1535 (11) Each major source of air pollution permitted to
1536 operate in this state must pay by June 30 ~~between January 15 and~~
1537 ~~April 1~~ of each year, upon written notice from the department,
1538 an annual operation license fee in an amount determined by
1539 department rule. The annual operation license fee shall be
1540 terminated immediately in the event the United States
1541 Environmental Protection Agency imposes annual fees solely to
1542 implement and administer the major source air-operation permit
1543 program in Florida under 40 C.F.R. s. 70.10(d).

1544 (a) The annual fee must be assessed based upon the
1545 source's previous year's emissions and must be calculated by
1546 multiplying the applicable annual operation license fee factor
1547 times the tons of each regulated air pollutant actually emitted,
1548 as calculated in accordance with the department's emissions
1549 computation and reporting rules. The annual fee shall only apply
1550 to those regulated pollutants, except carbon monoxide and

1551 greenhouse gases, for which an allowable numeric emission
1552 limiting standard is specified in the source's most recent
1553 construction or operation permit; provided, however, that:

1554 1. The license fee factor is \$25 or another amount
1555 determined by department rule which ensures that the revenue
1556 provided by each year's operation license fees is sufficient to
1557 cover all reasonable direct and indirect costs of the major
1558 stationary source air-operation permit program established by
1559 this section. The license fee factor may be increased beyond \$25
1560 only if the secretary of the department affirmatively finds that
1561 a shortage of revenue for support of the major stationary source
1562 air-operation permit program will occur in the absence of a fee
1563 factor adjustment. The annual license fee factor may never
1564 exceed \$35.

1565 2. The amount of each regulated air pollutant in excess of
1566 4,000 tons per year emitted by any source, or group of sources
1567 belonging to the same Major Group as described in the Standard
1568 Industrial Classification Manual, 1987, may not be included in
1569 the calculation of the fee. Any source, or group of sources,
1570 which does not emit any regulated air pollutant in excess of
1571 4,000 tons per year, is allowed a one-time credit not to exceed
1572 25 percent of the first annual licensing fee for the prorated
1573 portion of existing air-operation permit application fees
1574 remaining upon commencement of the annual licensing fees.

1575 3. If the department has not received the fee ~~by March 1~~

1576 of the calendar year, the permittee must be sent a written
1577 warning of the consequences for failing to pay the fee by April
1578 1. If the fee is not postmarked by June 30 ~~April 1~~ of the
1579 calendar year, the department shall impose, in addition to the
1580 fee, a penalty of 50 percent of the amount of the fee, plus
1581 interest on such amount computed in accordance with s. 220.807.
1582 The department may not impose such penalty or interest on any
1583 amount underpaid, provided that the permittee has timely
1584 remitted payment of at least 90 percent of the amount determined
1585 to be due and remits full payment within 60 days after receipt
1586 of notice of the amount underpaid. The department may waive the
1587 collection of underpayment and may not be required to refund
1588 overpayment of the fee, if the amount due is less than 1 percent
1589 of the fee, up to \$50. The department may revoke any major air
1590 pollution source operation permit if it finds that the
1591 permitholder has failed to timely pay any required annual
1592 operation license fee, penalty, or interest.

1593 4. Notwithstanding the computational provisions of this
1594 subsection, the annual operation license fee for any source
1595 subject to this section may not be less than \$250, except that
1596 the annual operation license fee for sources permitted solely
1597 through general permits issued under s. 403.814 may not exceed
1598 \$50 per year.

1599 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
1600 air pollution construction permit fees, the department may not

1601 require such fees for changes or additions to a major source of
1602 air pollution permitted pursuant to this section, unless the
1603 activity triggers permitting requirements under Title I, Part C
1604 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
1605 7514a. ~~Costs to issue and administer such permits shall be~~
1606 ~~considered direct and indirect costs of the major stationary~~
1607 ~~source air-operation permit program under s. 403.0873.~~ The
1608 department shall, however, require fees pursuant to s.
1609 403.087(7)(a)5.a. for the construction of a new major source of
1610 air pollution that will be subject to the permitting
1611 requirements of this section once constructed and for activities
1612 triggering permitting requirements under Title I, Part C or Part
1613 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

1614 (b) Annual operation license fees collected by the
1615 department must be sufficient to cover all reasonable direct and
1616 indirect costs required to develop and administer the major
1617 stationary source air-operation permit program, which shall
1618 consist of the following elements to the extent that they are
1619 reasonably related to the regulation of major stationary air
1620 pollution sources, in accordance with United States
1621 Environmental Protection Agency regulations and guidelines:

- 1622 1. Reviewing and acting upon any application for such a
1623 permit.
- 1624 2. Implementing and enforcing the terms and conditions of
1625 any such permit, excluding court costs or other costs associated

1626 with any enforcement action.

1627 3. Emissions and ambient monitoring.

1628 4. Preparing generally applicable regulations or guidance.

1629 5. Modeling, analyses, and demonstrations.

1630 6. Preparing inventories and tracking emissions.

1631 7. Implementing the Small Business Stationary Source
1632 Technical and Environmental Compliance Assistance Program.

1633 8. Any audits conducted under paragraph (c).

1634 (c) An audit of the major stationary source air-operation
1635 permit program must be conducted 2 years after the United States
1636 Environmental Protection Agency has given full approval of the
1637 program to ascertain whether the annual operation license fees
1638 collected by the department are used solely to support any
1639 reasonable direct and indirect costs as listed in paragraph (b).
1640 A program audit must be performed biennially after the first
1641 audit.

1642 **Section 18. Paragraphs (a) and (b) of subsection (3) of
1643 section 403.1838, Florida Statutes, are amended to read:**

1644 403.1838 Small Community Sewer Construction Assistance
1645 Act.—

1646 (3) (a) In accordance with rules adopted by the department
1647 ~~Environmental Regulation Commission under this section~~, the
1648 department may provide grants, from funds specifically
1649 appropriated for this purpose, to financially disadvantaged
1650 small communities for up to 100 percent of the costs of

1651 planning, designing, constructing, upgrading, or replacing
1652 wastewater collection, transmission, treatment, disposal, and
1653 reuse facilities, including necessary legal and administrative
1654 expenses.

1655 (b) The rules of the department ~~Environmental Regulation~~
1656 ~~Commission~~ must:

1657 1. Require that projects to plan, design, construct,
1658 upgrade, or replace wastewater collection, transmission,
1659 treatment, disposal, and reuse facilities be cost-effective,
1660 environmentally sound, permittable, and implementable.

1661 2. Require appropriate user charges, connection fees, and
1662 other charges sufficient to ensure the long-term operation,
1663 maintenance, and replacement of the facilities constructed under
1664 each grant.

1665 3. Require grant applications to be submitted on
1666 appropriate forms with appropriate supporting documentation, and
1667 require records to be maintained.

1668 4. Establish a system to determine eligibility of grant
1669 applications.

1670 5. Establish a system to determine the relative priority
1671 of grant applications. The system must consider public health
1672 protection and water pollution prevention or abatement and must
1673 prioritize projects that plan for the installation of wastewater
1674 transmission facilities to be constructed concurrently with
1675 other construction projects occurring within or along a

1676 transportation facility right-of-way.

1677 6. Establish requirements for competitive procurement of
1678 engineering and construction services, materials, and equipment.

1679 7. Provide for termination of grants when program
1680 requirements are not met.

1681 **Section 19.** Section 403.804, Florida Statutes, is
1682 repealed.

1683 **Section 20. Paragraph (i) of subsection (1) of section**
1684 **255.065, Florida Statutes, is amended to read:**

1685 255.065 Public-private partnerships.—

1686 (1) DEFINITIONS.—As used in this section, the term:

1687 (i) "Qualifying project" means:

1688 1. A facility or project that serves a public purpose,
1689 including, but not limited to, any ferry or mass transit
1690 facility, vehicle parking facility, airport or seaport facility,
1691 rail facility or project, fuel supply facility, oil or gas
1692 pipeline, medical or nursing care facility, recreational
1693 facility, sporting or cultural facility, or educational facility
1694 or other building or facility that is used or will be used by a
1695 public educational institution, or any other public facility or
1696 infrastructure that is used or will be used by the public at
1697 large or in support of an accepted public purpose or activity;

1698 2. An improvement, including equipment, of a building that
1699 will be principally used by a public entity or the public at
1700 large or that supports a service delivery system in the public

1701 sector;

1702 3. A water, wastewater, or surface water management

1703 facility or other related infrastructure;

1704 4. A coastal resiliency project as defined in s.

1705 380.0934(1); or

1706 5.4. Notwithstanding any provision of this section, for

1707 projects that involve a facility owned or operated by the

1708 governing board of a county, district, or municipal hospital or

1709 health care system, or projects that involve a facility owned or

1710 operated by a municipal electric utility, only those projects

1711 that the governing board designates as qualifying projects

1712 pursuant to this section.

1713 **Section 21. Section 380.0934, Florida Statutes, is created**

1714 **to read:**

1715 380.0934 Public-private partnerships for coastal

1716 resiliency projects.—

1717 (1) As used in this section, the term:

1718 (a) "Coastal resiliency project" means:

1719 1. Planning, contracting, and executing a project to

1720 address flooding and sea level rise in a coastal or inland

1721 community in this state under s. 380.093(5);

1722 2. Public infrastructure repair and upgrades to seawalls

1723 and stormwater drainage; and

1724 3. Resiliency measures designed to withstand extreme

1725 weather, mitigate flooding, and prevent coastal erosion,

1726 including:

1727 a. Acquisition of at-risk coastal and flood-prone
1728 properties;

1729 b. Acquisition of properties in areas at high risk of
1730 flooding;

1731 c. Infrastructure hardening and development of natural
1732 barriers;

1733 d. Construction of large-scale seawalls, levees, and
1734 elevated flood barriers; or

1735 e. Expansion and restoration of natural protective
1736 systems.

1737 (b) "Department" means the Department of Environmental
1738 Protection.

1739 (c) "Public-private partnership" means a coastal
1740 resiliency project entered into by the department under s.
1741 255.065.

1742 (2) The department has the exclusive authority to execute
1743 coastal resiliency projects through public-private partnerships
1744 under s. 255.065.

1745 (3) To encourage investment from the private sector in
1746 coastal resiliency projects, the department may:

1747 (a) Enter into long-term revenue-sharing agreements.

1748 (b) Provide expedited permitting for construction.

1749 (c) Seek comments from local governments and the public
1750 during project planning and execution and incorporate actions

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1751 responsive to such comments into the project.

1752 (d) Engage in-state vocational schools and apprenticeship
1753 programs to train workers in specialized resiliency
1754 construction.

1755 (4) The department shall publish on its website biennial
1756 progress reports for each coastal resiliency project funded
1757 through a public-private partnership, including project
1758 milestones, expenditures, and public benefits. The department
1759 shall also create and maintain on its website an online
1760 dashboard for real-time updates on project execution.

1761 **Section 22. Subsection (6) of section 120.81, Florida**
1762 **Statutes, is amended to read:**

1763 120.81 Exceptions and special requirements; general
1764 areas.—

1765 (6) RISK IMPACT STATEMENT.—The Department of Environmental
1766 Protection shall prepare a risk impact statement for any rule
1767 that is proposed for adoption which approval by the
1768 ~~Environmental Regulation Commission~~ and that establishes or
1769 changes standards or criteria based on impacts to or effects
1770 upon human health. The Department of Agriculture and Consumer
1771 Services shall prepare a risk impact statement for any rule that
1772 is proposed for adoption that establishes standards or criteria
1773 based on impacts to or effects upon human health.

1774 (a) This subsection does not apply to rules adopted
1775 pursuant to federally delegated or mandated programs where such

1776 rules are identical or substantially identical to the federal
1777 regulations or laws being adopted or implemented by the
1778 Department of Environmental Protection or Department of
1779 Agriculture and Consumer Services, as applicable. However, the
1780 Department of Environmental Protection and the Department of
1781 Agriculture and Consumer Services shall identify any risk
1782 analysis information available to them from the Federal
1783 Government that has formed the basis of such a rule.

1784 (b) This subsection does not apply to emergency rules
1785 adopted pursuant to this chapter.

1786 (c) The Department of Environmental Protection and the
1787 Department of Agriculture and Consumer Services shall prepare
1788 and publish notice of the availability of a clear and concise
1789 risk impact statement for all applicable rules. The risk impact
1790 statement must explain the risk to the public health addressed
1791 by the rule and shall identify and summarize the source of the
1792 scientific information used in evaluating that risk.

1793 (d) Nothing in this subsection shall be construed to
1794 create a new cause of action or basis for challenging a rule nor
1795 diminish any existing cause of action or basis for challenging a
1796 rule.

1797 **Section 23. Subsection (1) of section 373.421, Florida**
1798 **Statutes, is amended, and paragraph (b) of subsection (7) of**
1799 **that section is reenacted, to read:**

1800 373.421 Delineation methods; formal determinations.—

1801 (1) The department's Environmental Regulation Commission
1802 ~~shall adopt~~ a unified statewide methodology for the delineation
1803 of the extent of wetlands as defined in s. 373.019(27). This
1804 ~~methodology~~ shall consider regional differences in the types of
1805 soils and vegetation that may serve as indicators of the extent
1806 of wetlands. This methodology shall also include provisions for
1807 determining the extent of surface waters other than wetlands for
1808 the purposes of regulation under s. 373.414. This methodology
1809 shall not become effective until ratified by the Legislature.
1810 Subsequent to legislative ratification, the wetland definition
1811 in s. 373.019(27) and the adopted wetland methodology shall be
1812 binding on the department, the water management districts, local
1813 governments, and any other governmental entities. Upon
1814 ratification of such wetland methodology, the Legislature
1815 preempts the authority of any water management district, state
1816 or regional agency, or local government to define wetlands or
1817 develop a delineation methodology to implement the definition
1818 and determines that the exclusive definition and delineation
1819 methodology for wetlands shall be that established pursuant to
1820 s. 373.019(27) and this section. Upon such legislative
1821 ratification, any existing wetlands definition or wetland
1822 delineation methodology shall be superseded by the wetland
1823 definition and delineation methodology established pursuant to
1824 this chapter. Subsequent to legislative ratification, a
1825 delineation of the extent of a surface water or wetland by the

1826 department or a water management district, pursuant to a formal
1827 determination under subsection (2), or pursuant to a permit
1828 issued under this part in which the delineation was field-
1829 verified by the permitting agency and specifically approved in
1830 the permit, shall be binding on all other governmental entities
1831 for the duration of the formal determination or permit. All
1832 existing rules and methodologies of the department, the water
1833 management districts, and local governments, regarding surface
1834 water or wetland definition and delineation shall remain in full
1835 force and effect until the common methodology rule becomes
1836 effective. However, this shall not be construed to limit any
1837 power of the department, the water management districts, and
1838 local governments to amend or adopt a surface water or wetland
1839 definition or delineation methodology until the common
1840 methodology rule becomes effective.

1841 (7)

1842 (b) Wetlands contiguous to surface waters of the state as
1843 defined in s. 403.031(13), Florida Statutes (1991), shall be
1844 delineated pursuant to the department's rules as such rules
1845 existed prior to January 24, 1984, while wetlands not contiguous
1846 to surface waters of the state as defined in s. 403.031(13),
1847 Florida Statutes (1991), shall be delineated pursuant to the
1848 applicable methodology ratified by s. 373.4211 for any
1849 development which obtains an individual permit from the United
1850 States Army Corps of Engineers under 33 U.S.C. s. 1344:

1851 1. Where a jurisdictional determination validated by the
1852 department pursuant to rule 17-301.400(8), Florida
1853 Administrative Code, as it existed in rule 17-4.022, Florida
1854 Administrative Code, on April 1, 1985, is revalidated pursuant
1855 to s. 373.414(13) and the affected lands are part of a project
1856 for which a vested rights determination has been issued pursuant
1857 to s. 380.06, or

1858 2. Where the lands affected were grandfathered pursuant to
1859 s. 403.913(6), Florida Statutes (1991), and proof of prior
1860 notification pursuant to s. 403.913(6), Florida Statutes (1991),
1861 is submitted to the department within 180 days of the
1862 publication of a notice by the department of the existence of
1863 this provision. Failure to timely submit the proof of prior
1864 notification to the department serves as a waiver of the
1865 benefits conferred by this subsection.

1866 3. This subsection shall not be applicable to lands:

1867 a. Within the geographical area to which an individual or
1868 general permit issued prior to June 1, 1994, under rules adopted
1869 pursuant to this part applies; or

1870 b. Within the geographical area to which a conceptual
1871 permit issued prior to June 1, 1994, under rules adopted
1872 pursuant to this part applies if wetland delineations were
1873 identified and approved by the conceptual permit as set forth in
1874 s. 373.414(12)(b)1. or 2.; or

1875 c. Where no development activity as defined in s.

1876 380.01(1) or (2)(a)-(d) and (f) has occurred within the project
1877 boundaries since October 1, 1986; or

1878 d. Of a project which is not in compliance with this part
1879 or the rules adopted pursuant to ss. 403.91-403.929, 1984
1880 Supplement to the Florida Statutes 1983, as amended.

1881 4. The wetland delineation methodology required in this
1882 subsection shall only apply within the geographical area of an
1883 individual permit issued by the United States Army Corps of
1884 Engineers under 33 U.S.C. s. 1344. The requirement to obtain
1885 such individual permit to secure the benefit of this subsection
1886 shall not apply to any activities exempt or not subject to
1887 regulation under 33 U.S.C. s. 1344.

1888 5. Notwithstanding subsection (1), the wetland delineation
1889 methodology required in this subsection and any wetland
1890 delineation pursuant thereto, shall only apply to agency action
1891 under this part and shall not be binding on local governments
1892 except in their implementation of this part.

1893 **Section 24. Paragraph (b) of subsection (23) of section
1894 403.031, Florida Statutes, is amended to read:**

1895 403.031 Definitions.—In construing this chapter, or rules
1896 and regulations adopted pursuant hereto, the following words,
1897 phrases, or terms, unless the context otherwise indicates, have
1898 the following meanings:

1899 (23) "Waters" include, but are not limited to, rivers,
1900 lakes, streams, springs, impoundments, wetlands, and all other

1901 waters or bodies of water, including fresh, brackish, saline,
1902 tidal, surface, or underground waters. Waters owned entirely by
1903 one person other than the state are included only in regard to
1904 possible discharge on other property or water. Underground
1905 waters include, but are not limited to, all underground waters
1906 passing through pores of rock or soils or flowing through in
1907 channels, whether manmade or natural. Solely for purposes of s.
1908 403.0885, waters of the state also include navigable waters or
1909 waters of the contiguous zone as used in s. 502 of the Clean
1910 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in
1911 existence on January 1, 1993, except for those navigable waters
1912 seaward of the boundaries of the state set forth in s. 1, Art.
1913 II of the State Constitution. Solely for purposes of this
1914 chapter, waters of the state also include the area bounded by
1915 the following:

1916 (b) The area bounded by the line described in paragraph
1917 (a) generally includes those waters to be known as waters of the
1918 state. The landward extent of these waters shall be determined
1919 by the delineation methodology ratified in s. 373.4211. Any
1920 waters which are outside the general boundary line described in
1921 paragraph (a) but which are contiguous thereto by virtue of the
1922 presence of a wetland, watercourse, or other surface water, as
1923 determined by the delineation methodology ratified in s.
1924 373.4211, shall be a part of this waterbody. Any areas within
1925 the line described in paragraph (a) which are neither a wetland

1926 nor surface water, as determined by the delineation methodology
1927 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~
1928 ~~Florida Environmental Regulation Commission designates the~~
1929 ~~waters within the boundaries an Outstanding Florida Water,~~
1930 ~~waters outside the boundaries may not be included as part of~~
1931 ~~such designation unless a hearing is held pursuant to notice in~~
1932 ~~each appropriate county and the boundaries of such lands are~~
1933 ~~specifically considered and described for such designation.~~

1934 **Section 25. Subsections (7) and (32) of section 403.061,
1935 Florida Statutes, are amended to read:**

1936 403.061 Department; powers and duties.—The department
1937 shall have the power and the duty to control and prohibit
1938 pollution of air and water in accordance with the law and rules
1939 adopted and promulgated by it and, for this purpose, to:

1940 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1941 implement this act. Any rule adopted pursuant to this act must
1942 be consistent with the provisions of federal law, if any,
1943 relating to control of emissions from motor vehicles, effluent
1944 limitations, pretreatment requirements, or standards of
1945 performance. A county, municipality, or political subdivision
1946 may not adopt or enforce any local ordinance, special law, or
1947 local regulation requiring the installation of Stage II vapor
1948 recovery systems, as currently defined by department rule,
1949 unless such county, municipality, or political subdivision is or
1950 has been in the past designated by federal regulation as a

1951 moderate, serious, or severe ozone nonattainment area. Rules
1952 adopted pursuant to this act may not require dischargers of
1953 waste into waters of the state to improve natural background
1954 conditions. The department shall adopt rules to reasonably
1955 limit, reduce, and eliminate domestic wastewater collection and
1956 transmission system pipe leakages and inflow and infiltration.
1957 Discharges from steam electric generating plants existing or
1958 licensed under this chapter on July 1, 1984, may not be required
1959 to be treated to a greater extent than may be necessary to
1960 assure that the quality of nonthermal components of discharges
1961 from nonrecirculated cooling water systems is as high as the
1962 quality of the makeup waters; that the quality of nonthermal
1963 components of discharges from recirculated cooling water systems
1964 is no lower than is allowed for blowdown from such systems; or
1965 that the quality of noncooling system discharges which receive
1966 makeup water from a receiving body of water which does not meet
1967 applicable department water quality standards is as high as the
1968 quality of the receiving body of water. ~~The department may not~~
1969 ~~adopt standards more stringent than federal regulations, except~~
1970 ~~as provided in s. 403.804.~~

1971 (32) Adopt rules necessary to obtain approval from the
1972 United States Environmental Protection Agency to administer the
1973 Federal National Pollution Discharge Elimination System (NPDES)
1974 permitting program in Florida under ss. 318, 402, and 405 of the
1975 federal Clean Water Act, Pub. L. No. 92-500, as amended. This

1976 authority shall be implemented consistent with the provisions of
1977 part II, which shall be applicable to facilities certified
1978 thereunder. The department shall establish all rules, standards,
1979 and requirements that regulate the discharge of pollutants into
1980 waters of the United States as defined by and in a manner
1981 consistent with federal regulations; provided, however, that the
1982 department may adopt a standard that is stricter or more
1983 stringent than one set by the United States Environmental
1984 Protection Agency ~~if approved by the Governor and Cabinet in~~
1985 ~~accordance with the procedures of s. 403.804(2).~~

1986

1987 The department shall implement such programs in conjunction with
1988 its other powers and duties and shall place special emphasis on
1989 reducing and eliminating contamination that presents a threat to
1990 humans, animals or plants, or to the environment.

1991 **Section 26. Subsection (9) of section 403.704, Florida
1992 Statutes, is amended to read:**

1993 403.704 Powers and duties of the department.—The
1994 department shall have responsibility for the implementation and
1995 enforcement of this act. In addition to other powers and duties,
1996 the department shall:

1997 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1998 implement and enforce this act, including requirements for the
1999 classification, construction, operation, maintenance, and
2000 closure of solid waste management facilities and requirements

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2001 for, and conditions on, solid waste disposal in this state,
2002 whether such solid waste is generated within this state or
2003 outside this state as long as such requirements and conditions
2004 are not based on the out-of-state origin of the waste and are
2005 consistent with applicable law. When classifying solid waste
2006 management facilities, the department shall consider the
2007 hydrogeology of the site for the facility, the types of wastes
2008 to be handled by the facility, and methods used to control the
2009 types of waste to be handled by the facility and shall seek to
2010 minimize the adverse effects of solid waste management on the
2011 environment. ~~Whenever the department adopts any rule stricter or~~
2012 ~~more stringent than one that has been set by the United States~~
2013 ~~Environmental Protection Agency, the procedures set forth in s.~~
2014 ~~403.804(2) shall be followed. The department may shall not,~~
2015 ~~however,~~ adopt hazardous waste rules for solid waste for which
2016 special studies were required before prior to October 1, 1988,
2017 under s. 8002 of the Resource Conservation and Recovery Act, 42
2018 U.S.C. s. 6982, as amended, until the studies are completed by
2019 the United States Environmental Protection Agency and the
2020 information is available to the department for consideration in
2021 adopting its own rule.

2022 **Section 27. Paragraph (d) of subsection (3) and paragraph**
2023 **(h) of subsection (9) of section 403.707, Florida Statutes, are**
2024 **amended to read:**

2025 403.707 Permits.—

2026 (3)

2027 (d) The department may adopt rules to administer this
2028 subsection. ~~However, the department is not required to submit~~
2029 ~~such rules to the Environmental Regulation Commission for~~
2030 ~~approval.~~ Notwithstanding the limitations of s. 403.087(7)(a),
2031 permit fee caps for solid waste management facilities must ~~shall~~
2032 be prorated to reflect the extended permit term authorized by
2033 this subsection.

2034 (9) The department shall establish a separate category for
2035 solid waste management facilities that accept only construction
2036 and demolition debris for disposal or recycling. The department
2037 shall establish a reasonable schedule for existing facilities to
2038 comply with this section to avoid undue hardship to such
2039 facilities. However, a permitted solid waste disposal unit that
2040 receives a significant amount of waste prior to the compliance
2041 deadline established in this schedule shall not be required to
2042 be retrofitted with liners or leachate control systems.

2043 (h) The department shall ensure that the requirements of
2044 this section are applied and interpreted consistently throughout
2045 this ~~the~~ state. ~~In accordance with s. 20.255,~~ The Division of
2046 Waste Management shall direct the district offices and bureaus
2047 on matters relating to the interpretation and applicability of
2048 this section.

2049 **Section 28. Subsection (3) of section 403.7222, Florida**
2050 **Statutes, is amended to read:**

2051 403.7222 Prohibition of hazardous waste landfills.—
2052 (3) This section does not prohibit the department from
2053 banning the disposal of hazardous waste in other types of waste
2054 management units in a manner consistent with federal
2055 requirements, ~~except as provided under s. 403.804(2)~~.

2056 **Section 29. Subsection (4) of section 403.7234, Florida
2057 Statutes, is amended to read:**

2058 403.7234 Small quantity generator notification and
2059 verification program.—

2060 (4) Within 30 days of receipt of a notification, which
2061 includes a survey form, a small quantity generator shall
2062 disclose its management practices and the types and quantities
2063 of waste to the county government. Annually, each county shall
2064 verify the management practices of at least 20 percent of its
2065 small quantity generators. The procedure for verification used
2066 by the county must ~~shall~~ be developed as part of the guidance
2067 established by the department under s. 403.7226. The department
2068 may also regulate the waste management practices of small
2069 quantity generators in order to ensure proper management of
2070 hazardous waste in a manner consistent with federal
2071 requirements, ~~except as provided under s. 403.804(2)~~.

2072 **Section 30. Section 403.803, Florida Statutes, is amended
2073 to read:**

2074 403.803 Definitions.—When used in this part ~~act~~, the term,
2075 phrase, or word:

2076 (1) "Branch office" means a geographical area, the
2077 boundaries of which may be established as a part of a district.

2078 (2) "Canal" is a manmade trench, the bottom of which is
2079 normally covered by water with the upper edges of its sides
2080 normally above water.

2081 (3) "Channel" is a trench, the bottom of which is normally
2082 covered entirely by water, with the upper edges of its sides
2083 normally below water.

2084 ~~(4) "Commission" means the Environmental Regulation
2085 Commission.~~

2086 ~~(4)~~ (5) "Department" means the Department of Environmental
2087 Protection.

2088 ~~(5)~~ (6) "District" or "environmental district" means one of
2089 the geographical areas, the boundaries of which are established
2090 pursuant to this act.

2091 ~~(6)~~ (7) "Drainage ditch" or "irrigation ditch" is a manmade
2092 trench dug for the purpose of draining water from the land or
2093 for transporting water for use on the land and is not built for
2094 navigational purposes.

2095 ~~(7)~~ (8) "Environmental district center" means the
2096 facilities and personnel which are centralized in each district
2097 for the purposes of carrying out the provisions of this act.

2098 ~~(8)~~ (9) "Headquarters" means the physical location of the
2099 offices of the secretary and the division directors of the
2100 department.

2101 (9)-(10) "Insect control impoundment dikes" means
2102 artificial structures, including earthen berms, constructed and
2103 used to impound waters for the purpose of insect control.

2104 (10)-(11) "Manager" means the head of an environmental
2105 district or branch office who shall supervise all environmental
2106 functions of the department within such environmental district
2107 or branch office.

2108 (11)-(12) "Secretary" means the Secretary of Environmental
2109 Protection.

2110 (12)-(13) "Standard" means any rule of the Department of
2111 Environmental Protection relating to air and water quality,
2112 noise, solid-waste management, and electric and magnetic fields
2113 associated with electrical transmission and distribution lines
2114 and substation facilities. The term "standard" does not include
2115 rules of the department which relate exclusively to the internal
2116 management of the department, the procedural processing of
2117 applications, the administration of rulemaking or adjudicatory
2118 proceedings, the publication of notices, the conduct of
2119 hearings, or other procedural matters.

2120 (13)-(14) "Swale" means a manmade trench which:

2121 (a) Has a top width-to-depth ratio of the cross-section
2122 equal to or greater than 6:1, or side slopes equal to or greater
2123 than 3 feet horizontal to 1 foot vertical;

2124 (b) Contains contiguous areas of standing or flowing water
2125 only following a rainfall event;

2126 (c) Is planted with or has stabilized vegetation suitable
2127 for soil stabilization, stormwater treatment, and nutrient
2128 uptake; and

2129 (d) Is designed to take into account the soil erodibility,
2130 soil percolation, slope, slope length, and drainage area so as
2131 to prevent erosion and reduce pollutant concentration of any
2132 discharge.

2133 **Section 31. Subsections (1) and (3) of section 403.805,
2134 Florida Statutes, are amended to read:**

2135 403.805 Secretary; powers and duties; review of specified
2136 rules.—

2137 (1) The secretary shall have the powers and duties of
2138 heads of departments set forth in chapter 20, including the
2139 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
2140 to implement this chapter and the provisions of chapters 161,
2141 253, 258, 260, 369, 373, 376, 377, 378, and 380 ~~253, 373, and~~
2142 ~~376 and this chapter. The secretary shall have rulemaking~~
2143 ~~responsibility under chapter 120, but shall submit any proposed~~
2144 ~~rule containing standards to the Environmental Regulation~~
2145 ~~Commission for approval, modification, or disapproval pursuant~~
2146 ~~to s. 403.804, except for total maximum daily load calculations~~
2147 ~~and allocations developed pursuant to s. 403.067(6).~~ The
2148 secretary shall have responsibility for final agency action
2149 regarding total maximum daily load calculations and allocations
2150 developed pursuant to s. 403.067(6). The secretary shall employ

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2151 legal counsel to represent the department in matters affecting
2152 the department. Except for appeals on permits specifically
2153 assigned by this act to the Governor and Cabinet, and unless
2154 otherwise prohibited by law, the secretary may delegate the
2155 authority assigned to the department by this act to the
2156 assistant secretary, division directors, and district and branch
2157 office managers and to the water management districts.

2158 (3) After adoption of proposed rule 62-302.531(9), Florida
2159 Administrative Code, a nonseverability and effective date
2160 provision approved by the commission on December 8, 2011, ~~in~~
2161 ~~accordance with the commission's legislative authority under s.~~
2162 ~~403.804,~~ notice of which was published by the department on
2163 December 22, 2011, in the Florida Administrative Register, Vol.
2164 37, No. 51, page 4446, any subsequent rule or amendment altering
2165 the effect of such rule ~~must~~ shall be submitted to the President
2166 of the Senate and the Speaker of the House of Representatives no
2167 later than 30 days before the next regular legislative session,
2168 and such amendment may not take effect until it is ratified by
2169 the Legislature.

2170 **Section 32. Section 403.8055, Florida Statutes, is amended**
2171 **to read:**

2172 403.8055 Department adoption of federal standards.—
2173 Notwithstanding ~~s. 120.54 ss. 120.54 and 403.804,~~ the secretary
2174 is empowered to adopt rules substantively identical to
2175 regulations adopted in the Federal Register by the United States

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2176 Environmental Protection Agency pursuant to federal law, in
2177 accordance with the following procedures:

2178 (1) The secretary shall publish notice of intent to adopt
2179 a rule pursuant to this section in the Florida Administrative
2180 Register at least 21 days before prior to filing the rule with
2181 the Department of State. The secretary shall mail a copy of the
2182 notice of intent to adopt a rule to the Administrative
2183 Procedures Committee at least 21 days before prior to the date
2184 of filing with the Department of State. Before Prior to filing
2185 the rule with the Department of State, the secretary shall
2186 consider any written comments received within 21 days after the
2187 date of publication of the notice of intent to adopt a rule. The
2188 rule must shall be adopted upon filing with the Department of
2189 State. Substantive changes from the rules as noticed shall
2190 require republishing of notice as required in this section.

2191 (2) Any rule adopted pursuant to this section becomes
2192 ~~shall become~~ effective upon the date designated in the rule by
2193 the secretary; however, ~~no~~ such a rule may not shall become
2194 effective earlier than the effective date of the substantively
2195 identical United States Environmental Protection Agency
2196 regulation.

2197 (3) The secretary shall stay any terms or conditions of a
2198 permit implementing department rules adopted pursuant to this
2199 section if the substantively identical provisions of a United
2200 States Environmental Protection Agency regulation have been

2201 stayed under federal judicial review. A stay issued pursuant to
2202 this subsection shall terminate upon completion of federal
2203 judicial review.

2204 (4) Any domestic for-profit or nonprofit corporation or
2205 association formed, in whole or in part:

2206 (a) To promote conservation or natural beauty;

2207 (b) To protect the environment, personal health, or other
2208 biological values;

2209 (c) To preserve historical sites;

2210 (d) To promote consumer interests;

2211 (e) To represent labor, commercial, or industrial groups;

2212 or

2213 (f) To promote orderly development;

2214

2215 and any other substantially affected person may, within 14 days
2216 after the date of publication of the notice of intent to adopt a
2217 rule, file an objection to rulemaking with the department
2218 ~~Environmental Regulation Commission~~. The objection shall specify
2219 the portions of the proposed rule to which the person objects
2220 and the reasons for the objection. The secretary shall not have
2221 the authority under this section to adopt those portions of a
2222 proposed rule specified in such objection. Objections which are
2223 frivolous shall not be considered sufficient to prohibit the
2224 secretary from adopting rules under this section.

2225 (5) Whenever all or part of any rule proposed for adoption

2226 by the department is substantively identical to a regulation
2227 adopted in the Federal Register by the United States
2228 Environmental Protection Agency pursuant to federal law, such
2229 rule shall be written in a manner so that the rule specifically
2230 references such regulation whenever possible.

2231 **Section 33. Subsection (1) of section 403.814, Florida
2232 Statutes, is amended to read:**

2233 403.814 General permits; delegation.—

2234 (1) The secretary is authorized to adopt rules
2235 establishing and providing for a program of general permits
2236 under this chapter and chapter 253 ~~and this chapter~~ for
2237 projects, or categories of projects, which have, either singly
2238 or cumulatively, a minimal adverse environmental effect. Such
2239 rules must ~~shall~~ specify design or performance criteria that
2240 ~~which~~, if applied, would result in compliance with appropriate
2241 standards ~~adopted by the commission~~. Except as provided for in
2242 subsection (3), any person complying with the requirements of a
2243 general permit may use the permit 30 days after giving notice to
2244 the department without any agency action by the department.

2245 **Section 34. Paragraph (a) of subsection (1) of section
2246 376.302, Florida Statutes, is amended to read:**

2247 376.302 Prohibited acts; penalties.—

2248 (1) It shall be a violation of this chapter and it shall
2249 be prohibited for any reason:

2250 (a) To discharge pollutants or hazardous substances into

2251 or upon the surface or ground waters of the state or lands,
2252 which discharge violates any departmental "standard" as defined
2253 in s. 403.803 ~~s. 403.803(13)~~.

2254 **Section 35. Paragraph (b) of subsection (1) of section
2255 380.5105, Florida Statutes, is amended to read:**

2256 380.5105 The Stan Mayfield Working Waterfronts; Florida
2257 Forever program.—

2258 (1) Notwithstanding any other provision of this chapter,
2259 it is the intent of the Legislature that the trust shall
2260 administer the working waterfronts land acquisition program as
2261 set forth in this section.

2262 (b) For projects that will require more than the grant
2263 amount awarded for completion, the applicant must identify in
2264 their project application funding sources that will provide the
2265 difference between the grant award and the estimated project
2266 completion cost. Such rules may be incorporated into those
2267 developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

2268 **Section 36. For the purpose of incorporating the amendment
2269 made by this act to section 381.0065, Florida Statutes, in a
2270 reference thereto, paragraph (k) of subsection (2) of section
2271 381.0066, Florida Statutes, is reenacted to read:**

2272 381.0066 Onsite sewage treatment and disposal systems;
2273 fees.—

2274 (2) The minimum fees in the following fee schedule apply
2275 until changed by rule by the department within the following

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2276 limits:

2277 (k) Research: An additional \$5 fee shall be added to each
2278 new system construction permit issued to be used to fund onsite
2279 sewage treatment and disposal system research, demonstration,
2280 and training projects. Five dollars from any repair permit fee
2281 collected under this section shall be used for funding the
2282 hands-on training centers described in s. 381.0065(3)(j).

2283

2284 The funds collected pursuant to this subsection for the
2285 implementation of onsite sewage treatment and disposal system
2286 regulation and for the purposes of ss. 381.00655 and 381.0067,
2287 subsequent to any phased transfer of implementation from the
2288 Department of Health to the department within any county
2289 pursuant to s. 381.0065, must be deposited in the Florida Permit
2290 Fee Trust Fund under s. 403.0871, to be administered by the
2291 department.

2292 **Section 37. For the purpose of incorporating the amendment**
2293 **made by this act to section 403.067, Florida Statutes, in a**
2294 **reference thereto, section 373.4595, Florida Statutes, is**
2295 **reenacted to read:**

2296 373.4595 Northern Everglades and Estuaries Protection
2297 Program.—

2298 (1) FINDINGS AND INTENT.—

2299 (a) The Legislature finds that the Lake Okeechobee
2300 watershed, the Caloosahatchee River watershed, and the St. Lucie

2301 River watershed are critical water resources of the state,
2302 providing many economic, natural habitat, and biodiversity
2303 functions benefiting the public interest, including
2304 agricultural, public, and environmental water supply; flood
2305 control; fishing; navigation and recreation; and habitat to
2306 endangered and threatened species and other flora and fauna.

2307 (b) The Legislature finds that changes in land uses, the
2308 construction of the Central and Southern Florida Project, and
2309 the loss of surface water storage have resulted in adverse
2310 changes to the hydrology and water quality of Lake Okeechobee
2311 and the Caloosahatchee and St. Lucie Rivers and their estuaries.

2312 (c) The Legislature finds that improvement to the
2313 hydrology, water quality, and associated aquatic habitats within
2314 the Lake Okeechobee watershed, the Caloosahatchee River
2315 watershed, and the St. Lucie River watershed, is essential to
2316 the protection of the greater Everglades ecosystem.

2317 (d) The Legislature also finds that it is imperative for
2318 the state, local governments, and agricultural and environmental
2319 communities to commit to restoring and protecting the surface
2320 water resources of the Lake Okeechobee watershed, the
2321 Caloosahatchee River watershed, and the St. Lucie River
2322 watershed, and that a watershed-based approach to address these
2323 issues must be developed and implemented immediately.

2324 (e) The Legislature finds that phosphorus loads from the
2325 Lake Okeechobee watershed have contributed to excessive

2326 phosphorus levels throughout the Lake Okeechobee watershed and
2327 downstream receiving waters and that a reduction in levels of
2328 phosphorus will benefit the ecology of these systems. The
2329 excessive levels of phosphorus have also resulted in an
2330 accumulation of phosphorus in the sediments of Lake Okeechobee.
2331 If not removed, internal phosphorus loads from the sediments are
2332 expected to delay responses of the lake to external phosphorus
2333 reductions.

2334 (f) The Legislature finds that the Lake Okeechobee
2335 phosphorus loads set forth in the total maximum daily loads
2336 established in accordance with s. 403.067 represent an
2337 appropriate basis for restoration of the Lake Okeechobee
2338 watershed.

2339 (g) The Legislature finds that, in addition to phosphorus,
2340 other pollutants are contributing to water quality problems in
2341 the Lake Okeechobee watershed, the Caloosahatchee River
2342 watershed, and the St. Lucie River watershed, and that the total
2343 maximum daily load requirements of s. 403.067 provide a means of
2344 identifying and addressing these problems.

2345 (h) The Legislature finds that the expeditious
2346 implementation of the Lake Okeechobee Watershed Protection
2347 Program, the Caloosahatchee River Watershed Protection Program,
2348 and the St. Lucie River Watershed Protection Program is needed
2349 to improve the quality, quantity, timing, and distribution of
2350 water in the northern Everglades ecosystem and that this

2351 section, in conjunction with s. 403.067, including the
2352 implementation of the plans developed and approved pursuant to
2353 subsections (3) and (4), and any related basin management action
2354 plan developed and implemented pursuant to s. 403.067(7)(a),
2355 provide a reasonable means of achieving the total maximum daily
2356 load requirements and achieving and maintaining compliance with
2357 state water quality standards.

2358 (i) The Legislature finds that the implementation of the
2359 programs contained in this section is for the benefit of the
2360 public health, safety, and welfare and is in the public
2361 interest.

2362 (j) The Legislature finds that sufficient research has
2363 been conducted and sufficient plans developed to immediately
2364 expand and accelerate programs to address the hydrology and
2365 water quality in the Lake Okeechobee watershed, the
2366 Caloosahatchee River watershed, and the St. Lucie River
2367 watershed.

2368 (k) The Legislature finds that a continuing source of
2369 funding is needed to effectively implement the programs
2370 developed and approved under this section which are needed to
2371 address the hydrology and water quality problems within the Lake
2372 Okeechobee watershed, the Caloosahatchee River watershed, and
2373 the St. Lucie River watershed.

2374 (l) It is the intent of the Legislature to protect and
2375 restore surface water resources and achieve and maintain

2376 compliance with water quality standards in the Lake Okeechobee
2377 watershed, the Caloosahatchee River watershed, and the St. Lucie
2378 River watershed, and downstream receiving waters, through the
2379 phased, comprehensive, and innovative protection program set
2380 forth in this section which includes long-term solutions based
2381 upon the total maximum daily loads established in accordance
2382 with s. 403.067. This program shall be watershed-based, shall
2383 provide for consideration of all water quality issues needed to
2384 meet the total maximum daily load, and shall include research
2385 and monitoring, development and implementation of best
2386 management practices, refinement of existing regulations, and
2387 structural and nonstructural projects, including public works.

2388 (m) It is the intent of the Legislature that this section
2389 be implemented in coordination with the Comprehensive Everglades
2390 Restoration Plan project components and other federal programs
2391 in order to maximize opportunities for the most efficient and
2392 timely expenditures of public funds.

2393 (n) It is the intent of the Legislature that the
2394 coordinating agencies encourage and support the development of
2395 creative public-private partnerships and programs, including
2396 opportunities for water storage and quality improvement on
2397 private lands and water quality credit trading, to facilitate or
2398 further the restoration of the surface water resources of the
2399 Lake Okeechobee watershed, the Caloosahatchee River watershed,
2400 and the St. Lucie River watershed, consistent with s. 403.067.

2401 (2) DEFINITIONS.—As used in this section, the term:

2402 (a) "Best management practice" means a practice or
2403 combination of practices determined by the coordinating
2404 agencies, based on research, field-testing, and expert review,
2405 to be the most effective and practicable on-location means,
2406 including economic and technological considerations, for
2407 improving water quality in agricultural and urban discharges.
2408 Best management practices for agricultural discharges shall
2409 reflect a balance between water quality improvements and
2410 agricultural productivity.

2411 (b) "Biosolids" means the solid, semisolid, or liquid
2412 residue generated during the treatment of domestic wastewater in
2413 a domestic wastewater treatment facility, formerly known as
2414 "domestic wastewater residuals" or "residuals," and includes
2415 products and treated material from biosolids treatment
2416 facilities and septage management facilities regulated by the
2417 department. The term does not include the treated effluent or
2418 reclaimed water from a domestic wastewater treatment facility,
2419 solids removed from pump stations and lift stations, screenings
2420 and grit removed from the preliminary treatment components of
2421 domestic wastewater treatment facilities, or ash generated
2422 during the incineration of biosolids.

2423 (c) "Caloosahatchee River watershed" means the
2424 Caloosahatchee River, its tributaries, its estuary, and the area
2425 within Charlotte, Glades, Hendry, and Lee Counties from which

2426 surface water flow is directed or drains, naturally or by
2427 constructed works, to the river, its tributaries, or its
2428 estuary.

2429 (d) "Coordinating agencies" means the Department of
2430 Agriculture and Consumer Services, the Department of
2431 Environmental Protection, and the South Florida Water Management
2432 District.

2433 (e) "Corps of Engineers" means the United States Army
2434 Corps of Engineers.

2435 (f) "Department" means the Department of Environmental
2436 Protection.

2437 (g) "District" means the South Florida Water Management
2438 District.

2439 (h) "Lake Okeechobee Watershed Construction Project" means
2440 the construction project developed pursuant to this section.

2441 (i) "Lake Okeechobee Watershed Protection Plan" means the
2442 Lake Okeechobee Watershed Construction Project and the Lake
2443 Okeechobee Watershed Research and Water Quality Monitoring
2444 Program.

2445 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
2446 tributaries, and the area within which surface water flow is
2447 directed or drains, naturally or by constructed works, to the
2448 lake or its tributaries.

2449 (k) "Northern Everglades" means the Lake Okeechobee
2450 watershed, the Caloosahatchee River watershed, and the St. Lucie

2451 River watershed.

2452 (l) "Project component" means any structural or
2453 operational change, resulting from the Restudy, to the Central
2454 and Southern Florida Project as it existed and was operated as
2455 of January 1, 1999.

2456 (m) "Restudy" means the Comprehensive Review Study of the
2457 Central and Southern Florida Project, for which federal
2458 participation was authorized by the Federal Water Resources
2459 Development Acts of 1992 and 1996 together with related
2460 congressional resolutions and for which participation by the
2461 South Florida Water Management District is authorized by s.
2462 373.1501. The term includes all actions undertaken pursuant to
2463 the aforementioned authorizations which will result in
2464 recommendations for modifications or additions to the Central
2465 and Southern Florida Project.

2466 (n) "River Watershed Protection Plans" means the
2467 Caloosahatchee River Watershed Protection Plan and the St. Lucie
2468 River Watershed Protection Plan developed pursuant to this
2469 section.

2470 (o) "Soil amendment" means any substance or mixture of
2471 substances sold or offered for sale for soil enriching or
2472 corrective purposes, intended or claimed to be effective in
2473 promoting or stimulating plant growth, increasing soil or plant
2474 productivity, improving the quality of crops, or producing any
2475 chemical or physical change in the soil, except amendments,

2476 conditioners, additives, and related products that are derived
2477 solely from inorganic sources and that contain no recognized
2478 plant nutrients.

2479 (p) "St. Lucie River watershed" means the St. Lucie River,
2480 its tributaries, its estuary, and the area within Martin,
2481 Okeechobee, and St. Lucie Counties from which surface water flow
2482 is directed or drains, naturally or by constructed works, to the
2483 river, its tributaries, or its estuary.

2484 (q) "Total maximum daily load" means the sum of the
2485 individual wasteload allocations for point sources and the load
2486 allocations for nonpoint sources and natural background adopted
2487 pursuant to s. 403.067. Before determining individual wasteload
2488 allocations and load allocations, the maximum amount of a
2489 pollutant that a water body or water segment can assimilate from
2490 all sources without exceeding water quality standards must first
2491 be calculated.

2492 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
2493 Okeechobee Watershed Protection Program shall consist of the
2494 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
2495 Basin Management Action Plan adopted pursuant to s. 403.067, the
2496 Lake Okeechobee Exotic Species Control Program, and the Lake
2497 Okeechobee Internal Phosphorus Management Program. The Lake
2498 Okeechobee Basin Management Action Plan adopted pursuant to s.
2499 403.067 shall be the component of the Lake Okeechobee Watershed
2500 Protection Program that achieves phosphorus load reductions for

2501 Lake Okeechobee. The Lake Okeechobee Watershed Protection
2502 Program shall address the reduction of phosphorus loading to the
2503 lake from both internal and external sources. Phosphorus load
2504 reductions shall be achieved through a phased program of
2505 implementation. In the development and administration of the
2506 Lake Okeechobee Watershed Protection Program, the coordinating
2507 agencies shall maximize opportunities provided by federal cost-
2508 sharing programs and opportunities for partnerships with the
2509 private sector.

2510 (a) *Lake Okeechobee Watershed Protection Plan.*—To protect
2511 and restore surface water resources, the district, in
2512 cooperation with the other coordinating agencies, shall complete
2513 a Lake Okeechobee Watershed Protection Plan in accordance with
2514 this section and ss. 373.451-373.459. Beginning March 1, 2020,
2515 and every 5 years thereafter, the district shall update the Lake
2516 Okeechobee Watershed Protection Plan to ensure that it is
2517 consistent with the Lake Okeechobee Basin Management Action Plan
2518 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
2519 Protection Plan shall identify the geographic extent of the
2520 watershed, be coordinated with the plans developed pursuant to
2521 paragraphs (4) (a) and (c), and include the Lake Okeechobee
2522 Watershed Construction Project and the Lake Okeechobee Watershed
2523 Research and Water Quality Monitoring Program. The plan shall
2524 consider and build upon a review and analysis of the performance
2525 of projects constructed during Phase I and Phase II of the Lake

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2526 Okeechobee Watershed Construction Project, pursuant to
2527 subparagraph 1.; relevant information resulting from the Lake
2528 Okeechobee Basin Management Action Plan, pursuant to paragraph
2529 (b); relevant information resulting from the Lake Okeechobee
2530 Watershed Research and Water Quality Monitoring Program,
2531 pursuant to subparagraph 2.; relevant information resulting from
2532 the Lake Okeechobee Exotic Species Control Program, pursuant to
2533 paragraph (c); and relevant information resulting from the Lake
2534 Okeechobee Internal Phosphorus Management Program, pursuant to
2535 paragraph (d).

2536 1. Lake Okeechobee Watershed Construction Project.—To
2537 improve the hydrology and water quality of Lake Okeechobee and
2538 downstream receiving waters, including the Caloosahatchee and
2539 St. Lucie Rivers and their estuaries, the district, in
2540 cooperation with the other coordinating agencies, shall design
2541 and construct the Lake Okeechobee Watershed Construction
2542 Project. The project shall include:

2543 a. Phase I.—Phase I of the Lake Okeechobee Watershed
2544 Construction Project shall consist of a series of project
2545 features consistent with the recommendations of the South
2546 Florida Ecosystem Restoration Working Group's Lake Okeechobee
2547 Action Plan. Priority basins for such projects include S-191, S-
2548 154, and Pools D and E in the Lower Kissimmee River. To obtain
2549 phosphorus load reductions to Lake Okeechobee as soon as
2550 possible, the following actions shall be implemented:

2551 (I) The district shall serve as a full partner with the
2552 Corps of Engineers in the design and construction of the Grassy
2553 Island Ranch and New Palm Dairy stormwater treatment facilities
2554 as components of the Lake Okeechobee Water Retention/Phosphorus
2555 Removal Critical Project. The Corps of Engineers shall have the
2556 lead in design and construction of these facilities. Should
2557 delays be encountered in the implementation of either of these
2558 facilities, the district shall notify the department and
2559 recommend corrective actions.

2560 (II) The district shall obtain permits and complete
2561 construction of two of the isolated wetland restoration projects
2562 that are part of the Lake Okeechobee Water Retention/Phosphorus
2563 Removal Critical Project. The additional isolated wetland
2564 projects included in this critical project shall further reduce
2565 phosphorus loading to Lake Okeechobee.

2566 (III) The district shall work with the Corps of Engineers
2567 to expedite initiation of the design process for the Taylor
2568 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
2569 Area, a project component of the Comprehensive Everglades
2570 Restoration Plan. The district shall propose to the Corps of
2571 Engineers that the district take the lead in the design and
2572 construction of the Reservoir Assisted Stormwater Treatment Area
2573 and receive credit towards the local share of the total cost of
2574 the Comprehensive Everglades Restoration Plan.

2575 b. Phase II technical plan and construction.—The district,

2576 in cooperation with the other coordinating agencies, shall
2577 develop a detailed technical plan for Phase II of the Lake
2578 Okeechobee Watershed Construction Project which provides the
2579 basis for the Lake Okeechobee Basin Management Action Plan
2580 adopted by the department pursuant to s. 403.067. The detailed
2581 technical plan shall include measures for the improvement of the
2582 quality, quantity, timing, and distribution of water in the
2583 northern Everglades ecosystem, including the Lake Okeechobee
2584 watershed and the estuaries, and for facilitating the
2585 achievement of water quality standards. Use of cost-effective
2586 biologically based, hybrid wetland/chemical and other innovative
2587 nutrient control technologies shall be incorporated in the plan
2588 where appropriate. The detailed technical plan shall also
2589 include a Process Development and Engineering component to
2590 finalize the detail and design of Phase II projects and identify
2591 additional measures needed to increase the certainty that the
2592 overall objectives for improving water quality and quantity can
2593 be met. Based on information and recommendations from the
2594 Process Development and Engineering component, the Phase II
2595 detailed technical plan shall be periodically updated. Phase II
2596 shall include construction of additional facilities in the
2597 priority basins identified in sub subparagraph a., as well as
2598 facilities for other basins in the Lake Okeechobee watershed.
2599 The technical plan shall:

2600 (I) Identify Lake Okeechobee Watershed Construction

2601 Project facilities designed to contribute to achieving all
2602 applicable total maximum daily loads established pursuant to s.
2603 403.067 within the Lake Okeechobee watershed.

2604 (II) Identify the size and location of all such Lake
2605 Okeechobee Watershed Construction Project facilities.

2606 (III) Provide a construction schedule for all such Lake
2607 Okeechobee Watershed Construction Project facilities, including
2608 the sequencing and specific timeframe for construction of each
2609 Lake Okeechobee Watershed Construction Project facility.

2610 (IV) Provide a schedule for the acquisition of lands or
2611 sufficient interests necessary to achieve the construction
2612 schedule.

2613 (V) Provide a detailed schedule of costs associated with
2614 the construction schedule.

2615 (VI) Identify, to the maximum extent practicable, impacts
2616 on wetlands and state-listed species expected to be associated
2617 with construction of such facilities, including potential
2618 alternatives to minimize and mitigate such impacts, as
2619 appropriate.

2620 (VII) Provide for additional measures, including voluntary
2621 water storage and quality improvements on private land, to
2622 increase water storage and reduce excess water levels in Lake
2623 Okeechobee and to reduce excess discharges to the estuaries.

2624 (VIII) Develop the appropriate water quantity storage goal
2625 to achieve the desired Lake Okeechobee range of lake levels and

2626 inflow volumes to the Caloosahatchee and St. Lucie estuaries
2627 while meeting the other water-related needs of the region,
2628 including water supply and flood protection.

2629 (IX) Provide for additional source controls needed to
2630 enhance performance of the Lake Okeechobee Watershed
2631 Construction Project facilities. Such additional source controls
2632 shall be incorporated into the Lake Okeechobee Basin Management
2633 Action Plan pursuant to paragraph (b).

2634 c. Evaluation.—Within 5 years after the adoption of the
2635 Lake Okeechobee Basin Management Action Plan pursuant to s.
2636 403.067 and every 5 years thereafter, the department, in
2637 cooperation with the other coordinating agencies, shall conduct
2638 an evaluation of the Lake Okeechobee Watershed Construction
2639 Project and identify any further load reductions necessary to
2640 achieve compliance with the Lake Okeechobee total maximum daily
2641 loads established pursuant to s. 403.067. The district shall
2642 identify modifications to facilities of the Lake Okeechobee
2643 Watershed Construction Project as appropriate to meet the total
2644 maximum daily loads. Modifications to the Lake Okeechobee
2645 Watershed Construction Project resulting from this evaluation
2646 shall be incorporated into the Lake Okeechobee Basin Management
2647 Action Plan and included in the applicable annual progress
2648 report submitted pursuant to subsection (6).

2649 d. Coordination and review.—To ensure the timely
2650 implementation of the Lake Okeechobee Watershed Construction

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2651 Project, the design of project facilities shall be coordinated
2652 with the department and other interested parties, including
2653 affected local governments, to the maximum extent practicable.
2654 Lake Okeechobee Watershed Construction Project facilities shall
2655 be reviewed and commented upon by the department before the
2656 execution of a construction contract by the district for that
2657 facility.

2658 2. Lake Okeechobee Watershed Research and Water Quality
2659 Monitoring Program.—The coordinating agencies shall implement a
2660 Lake Okeechobee Watershed Research and Water Quality Monitoring
2661 Program. Results from the program shall be used by the
2662 department, in cooperation with the other coordinating agencies,
2663 to make modifications to the Lake Okeechobee Basin Management
2664 Action Plan adopted pursuant to s. 403.067, as appropriate. The
2665 program shall:

2666 a. Evaluate all available existing water quality data
2667 concerning total phosphorus in the Lake Okeechobee watershed,
2668 develop a water quality baseline to represent existing
2669 conditions for total phosphorus, monitor long-term ecological
2670 changes, including water quality for total phosphorus, and
2671 measure compliance with water quality standards for total
2672 phosphorus, including any applicable total maximum daily load
2673 for the Lake Okeechobee watershed as established pursuant to s.
2674 403.067. Beginning March 1, 2020, and every 5 years thereafter,
2675 the department shall reevaluate water quality and quantity data

2676 to ensure that the appropriate projects are being designated and
2677 incorporated into the Lake Okeechobee Basin Management Action
2678 Plan adopted pursuant to s. 403.067. The district shall
2679 implement a total phosphorus monitoring program at appropriate
2680 structures owned or operated by the district and within the Lake
2681 Okeechobee watershed.

2682 b. Develop a Lake Okeechobee water quality model that
2683 reasonably represents the phosphorus dynamics of Lake Okeechobee
2684 and incorporates an uncertainty analysis associated with model
2685 predictions.

2686 c. Determine the relative contribution of phosphorus from
2687 all identifiable sources and all primary and secondary land
2688 uses.

2689 d. Conduct an assessment of the sources of phosphorus from
2690 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
2691 relative contribution to the water quality of Lake Okeechobee.
2692 The results of this assessment shall be used by the coordinating
2693 agencies as part of the Lake Okeechobee Basin Management Action
2694 Plan adopted pursuant to s. 403.067 to develop interim measures,
2695 best management practices, or regulations, as applicable.

2696 e. Assess current water management practices within the
2697 Lake Okeechobee watershed and develop recommendations for
2698 structural and operational improvements. Such recommendations
2699 shall balance water supply, flood control, estuarine salinity,
2700 maintenance of a healthy lake littoral zone, and water quality

2701 considerations.

2702 f. Evaluate the feasibility of alternative nutrient
2703 reduction technologies, including sediment traps, canal and
2704 ditch maintenance, fish production or other aquaculture,
2705 bioenergy conversion processes, and algal or other biological
2706 treatment technologies and include any alternative nutrient
2707 reduction technologies determined to be feasible in the Lake
2708 Okeechobee Basin Management Action Plan adopted pursuant to s.
2709 403.067.

2710 g. Conduct an assessment of the water volumes and timing
2711 from the Lake Okeechobee watershed and their relative
2712 contribution to the water level changes in Lake Okeechobee and
2713 to the timing and volume of water delivered to the estuaries.

2714 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake
2715 Okeechobee Basin Management Action Plan adopted pursuant to s.
2716 403.067 shall be the watershed phosphorus control component for
2717 Lake Okeechobee. The Lake Okeechobee Basin Management Action
2718 Plan shall be a multifaceted approach designed to achieve the
2719 total maximum daily load by improving the management of
2720 phosphorus sources within the Lake Okeechobee watershed through
2721 implementation of regulations and best management practices,
2722 continued development and continued implementation of improved
2723 best management practices, improvement and restoration of the
2724 hydrologic function of natural and managed systems, and use of
2725 alternative technologies for nutrient reduction. As provided in

2726 s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action
2727 Plan must include milestones for implementation and water
2728 quality improvement, and an associated water quality monitoring
2729 component sufficient to evaluate whether reasonable progress in
2730 pollutant load reductions is being achieved over time. An
2731 assessment of progress toward these milestones shall be
2732 conducted every 5 years and shall be provided to the Governor,
2733 the President of the Senate, and the Speaker of the House of
2734 Representatives. Revisions to the plan shall be made, as
2735 appropriate, as a result of each 5-year review. Revisions to the
2736 basin management action plan shall be made by the department in
2737 cooperation with the basin stakeholders. Revisions to best
2738 management practices or other measures must follow the
2739 procedures set forth in s. 403.067(7)(c)4. Revised basin
2740 management action plans must be adopted pursuant to s.
2741 403.067(7)(a)5. The department shall develop an implementation
2742 schedule establishing 5-year, 10-year, and 15-year measurable
2743 milestones and targets to achieve the total maximum daily load
2744 no more than 20 years after adoption of the plan. The initial
2745 implementation schedule shall be used to provide guidance for
2746 planning and funding purposes and is exempt from chapter 120.
2747 Upon the first 5-year review, the implementation schedule shall
2748 be adopted as part of the plan. If achieving the total maximum
2749 daily load within 20 years is not practicable, the
2750 implementation schedule must contain an explanation of the

2751 constraints that prevent achievement of the total maximum daily
2752 load within 20 years, an estimate of the time needed to achieve
2753 the total maximum daily load, and additional 5-year measurable
2754 milestones, as necessary. The coordinating agencies shall
2755 develop an interagency agreement pursuant to ss. 373.046 and
2756 373.406(5) which is consistent with the department taking the
2757 lead on water quality protection measures through the Lake
2758 Okeechobee Basin Management Action Plan adopted pursuant to s.
2759 403.067; the district taking the lead on hydrologic improvements
2760 pursuant to paragraph (a); and the Department of Agriculture and
2761 Consumer Services taking the lead on agricultural interim
2762 measures, best management practices, and other measures adopted
2763 pursuant to s. 403.067. The interagency agreement must specify
2764 how best management practices for nonagricultural nonpoint
2765 sources are developed and how all best management practices are
2766 implemented and verified consistent with s. 403.067 and this
2767 section and must address measures to be taken by the
2768 coordinating agencies during any best management practice
2769 reevaluation performed pursuant to subparagraphs 5. and 10. The
2770 department shall use best professional judgment in making the
2771 initial determination of best management practice effectiveness.
2772 The coordinating agencies may develop an intergovernmental
2773 agreement with local governments to implement nonagricultural
2774 nonpoint source best management practices within their
2775 respective geographic boundaries. The coordinating agencies

2776 shall facilitate the application of federal programs that offer
2777 opportunities for water quality treatment, including
2778 preservation, restoration, or creation of wetlands on
2779 agricultural lands.

2780 1. Agricultural nonpoint source best management practices,
2781 developed in accordance with s. 403.067 and designed to achieve
2782 the objectives of the Lake Okeechobee Watershed Protection
2783 Program as part of a phased approach of management strategies
2784 within the Lake Okeechobee Basin Management Action Plan, shall
2785 be implemented on an expedited basis.

2786 2. As provided in s. 403.067, the Department of
2787 Agriculture and Consumer Services, in consultation with the
2788 department, the district, and affected parties, shall initiate
2789 rule development for interim measures, best management
2790 practices, conservation plans, nutrient management plans, or
2791 other measures necessary for Lake Okeechobee watershed total
2792 maximum daily load reduction. The rule shall include thresholds
2793 for requiring conservation and nutrient management plans and
2794 criteria for the contents of such plans. Development of
2795 agricultural nonpoint source best management practices shall
2796 initially focus on those priority basins listed in sub-
2797 subparagraph (a)1.a. The Department of Agriculture and Consumer
2798 Services, in consultation with the department, the district, and
2799 affected parties, shall conduct an ongoing program for
2800 improvement of existing and development of new agricultural

2801 nonpoint source interim measures and best management practices.
2802 The Department of Agriculture and Consumer Services shall adopt
2803 such practices by rule. The Department of Agriculture and
2804 Consumer Services shall work with the University of Florida
2805 Institute of Food and Agriculture Sciences to review and, where
2806 appropriate, develop revised nutrient application rates for all
2807 agricultural soil amendments in the watershed.

2808 3. As provided in s. 403.067, where agricultural nonpoint
2809 source best management practices or interim measures have been
2810 adopted by rule of the Department of Agriculture and Consumer
2811 Services, the owner or operator of an agricultural nonpoint
2812 source addressed by such rule shall either implement interim
2813 measures or best management practices or demonstrate compliance
2814 with state water quality standards addressed by the Lake
2815 Okeechobee Basin Management Action Plan adopted pursuant to s.
2816 403.067 by conducting monitoring prescribed by the department or
2817 the district. Owners or operators of agricultural nonpoint
2818 sources who implement interim measures or best management
2819 practices adopted by rule of the Department of Agriculture and
2820 Consumer Services shall be subject to s. 403.067.

2821 4. The district or department shall conduct monitoring at
2822 representative sites to verify the effectiveness of agricultural
2823 nonpoint source best management practices.

2824 5. Where water quality problems are detected for
2825 agricultural nonpoint sources despite the appropriate

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2826 implementation of adopted best management practices, a
2827 reevaluation of the best management practices shall be conducted
2828 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
2829 that the best management practices or other measures require
2830 modification, the rule shall be revised to require
2831 implementation of the modified practice within a reasonable
2832 period as specified in the rule.

2833 6. As provided in s. 403.067, nonagricultural nonpoint
2834 source best management practices, developed in accordance with
2835 s. 403.067 and designed to achieve the objectives of the Lake
2836 Okeechobee Watershed Protection Program as part of a phased
2837 approach of management strategies within the Lake Okeechobee
2838 Basin Management Action Plan, shall be implemented on an
2839 expedited basis.

2840 7. The department and the district are directed to work
2841 with the University of Florida Institute of Food and
2842 Agricultural Sciences to develop appropriate nutrient
2843 application rates for all nonagricultural soil amendments in the
2844 watershed. As provided in s. 403.067, the department, in
2845 consultation with the district and affected parties, shall
2846 develop nonagricultural nonpoint source interim measures, best
2847 management practices, or other measures necessary for Lake
2848 Okeechobee watershed total maximum daily load reduction.
2849 Development of nonagricultural nonpoint source best management
2850 practices shall initially focus on those priority basins listed

2851 in sub-subparagraph (a)1.a. The department, the district, and
2852 affected parties shall conduct an ongoing program for
2853 improvement of existing and development of new interim measures
2854 and best management practices. The department or the district
2855 shall adopt such practices by rule.

2856 8. Where nonagricultural nonpoint source best management
2857 practices or interim measures have been developed by the
2858 department and adopted by the district, the owner or operator of
2859 a nonagricultural nonpoint source shall implement interim
2860 measures or best management practices and be subject to s.
2861 403.067.

2862 9. As provided in s. 403.067, the district or the
2863 department shall conduct monitoring at representative sites to
2864 verify the effectiveness of nonagricultural nonpoint source best
2865 management practices.

2866 10. Where water quality problems are detected for
2867 nonagricultural nonpoint sources despite the appropriate
2868 implementation of adopted best management practices, a
2869 reevaluation of the best management practices shall be conducted
2870 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
2871 that the best management practices or other measures require
2872 modification, the rule shall be revised to require
2873 implementation of the modified practice within a reasonable time
2874 period as specified in the rule.

2875 11. Subparagraphs 2. and 7. do not preclude the department

2876 or the district from requiring compliance with water quality
2877 standards or with current best management practices requirements
2878 set forth in any applicable regulatory program authorized by law
2879 for the purpose of protecting water quality. Subparagraphs 2.
2880 and 7. are applicable only to the extent that they do not
2881 conflict with any rules adopted by the department that are
2882 necessary to maintain a federally delegated or approved program.

2883 12. The program of agricultural best management practices
2884 set forth in the Everglades Program of the district meets the
2885 requirements of this paragraph and s. 403.067(7) for the Lake
2886 Okeechobee watershed. An entity in compliance with the best
2887 management practices set forth in the Everglades Program of the
2888 district may elect to use that permit in lieu of the
2889 requirements of this paragraph. The provisions of subparagraph
2890 5. apply to this subparagraph. This subparagraph does not alter
2891 any requirement of s. 373.4592.

2892 13. The Department of Agriculture and Consumer Services,
2893 in cooperation with the department and the district, shall
2894 provide technical and financial assistance for implementation of
2895 agricultural best management practices, subject to the
2896 availability of funds. The department and district shall provide
2897 technical and financial assistance for implementation of
2898 nonagricultural nonpoint source best management practices,
2899 subject to the availability of funds.

2900 14. Projects that reduce the phosphorus load originating

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2901 from domestic wastewater systems within the Lake Okeechobee
2902 watershed shall be given funding priority in the department's
2903 revolving loan program under s. 403.1835. The department shall
2904 coordinate and provide assistance to those local governments
2905 seeking financial assistance for such priority projects.

2906 15. Projects that make use of private lands, or lands held
2907 in trust for Indian tribes, to reduce nutrient loadings or
2908 concentrations within a basin by one or more of the following
2909 methods: restoring the natural hydrology of the basin, restoring
2910 wildlife habitat or impacted wetlands, reducing peak flows after
2911 storm events, increasing aquifer recharge, or protecting range
2912 and timberland from conversion to development, are eligible for
2913 grants available under this section from the coordinating
2914 agencies. For projects of otherwise equal priority, special
2915 funding priority will be given to those projects that make best
2916 use of the methods outlined above that involve public-private
2917 partnerships or that obtain federal match money. Preference
2918 ranking above the special funding priority will be given to
2919 projects located in a rural area of opportunity designated by
2920 the Governor. Grant applications may be submitted by any person
2921 or tribal entity, and eligible projects may include, but are not
2922 limited to, the purchase of conservation and flowage easements,
2923 hydrologic restoration of wetlands, creating treatment wetlands,
2924 development of a management plan for natural resources, and
2925 financial support to implement a management plan.

2926 16. The department shall require all entities disposing of
2927 domestic wastewater biosolids within the Lake Okeechobee
2928 watershed and the remaining areas of Okeechobee, Glades, and
2929 Hendry Counties to develop and submit to the department an
2930 agricultural use plan that limits applications based upon
2931 phosphorus loading consistent with the Lake Okeechobee Basin
2932 Management Action Plan adopted pursuant to s. 403.067. The
2933 department may not authorize the disposal of domestic wastewater
2934 biosolids within the Lake Okeechobee watershed unless the
2935 applicant can affirmatively demonstrate that the phosphorus in
2936 the biosolids will not add to phosphorus loadings in Lake
2937 Okeechobee or its tributaries. This demonstration shall be based
2938 on achieving a net balance between phosphorus imports relative
2939 to exports on the permitted application site. Exports shall
2940 include only phosphorus removed from the Lake Okeechobee
2941 watershed through products generated on the permitted
2942 application site. This prohibition does not apply to Class AA
2943 biosolids that are marketed and distributed as fertilizer
2944 products in accordance with department rule.

2945 17. Private and government-owned utilities within Monroe,
2946 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
2947 River, Okeechobee, Highlands, Hendry, and Glades Counties that
2948 dispose of wastewater biosolids sludge from utility operations
2949 and septic removal by land spreading in the Lake Okeechobee
2950 watershed may use a line item on local sewer rates to cover

2951 wastewater biosolids treatment and disposal if such disposal and
2952 treatment is done by approved alternative treatment methodology
2953 at a facility located within the areas designated by the
2954 Governor as rural areas of opportunity pursuant to s. 288.0656.
2955 This additional line item is an environmental protection
2956 disposal fee above the present sewer rate and may not be
2957 considered a part of the present sewer rate to customers,
2958 notwithstanding provisions to the contrary in chapter 367. The
2959 fee shall be established by the county commission or its
2960 designated assignee in the county in which the alternative
2961 method treatment facility is located. The fee shall be
2962 calculated to be no higher than that necessary to recover the
2963 facility's prudent cost of providing the service. Upon request
2964 by an affected county commission, the Florida Public Service
2965 Commission will provide assistance in establishing the fee.
2966 Further, for utilities and utility authorities that use the
2967 additional line item environmental protection disposal fee, such
2968 fee may not be considered a rate increase under the rules of the
2969 Public Service Commission and shall be exempt from such rules.
2970 Utilities using this section may immediately include in their
2971 sewer invoicing the new environmental protection disposal fee.
2972 Proceeds from this environmental protection disposal fee shall
2973 be used for treatment and disposal of wastewater biosolids,
2974 including any treatment technology that helps reduce the volume
2975 of biosolids that require final disposal, but such proceeds may

2976 not be used for transportation or shipment costs for disposal or
2977 any costs relating to the land application of biosolids in the
2978 Lake Okeechobee watershed.

2979 18. No less frequently than once every 3 years, the
2980 Florida Public Service Commission or the county commission
2981 through the services of an independent auditor shall perform a
2982 financial audit of all facilities receiving compensation from an
2983 environmental protection disposal fee. The Florida Public
2984 Service Commission or the county commission through the services
2985 of an independent auditor shall also perform an audit of the
2986 methodology used in establishing the environmental protection
2987 disposal fee. The Florida Public Service Commission or the
2988 county commission shall, within 120 days after completion of an
2989 audit, file the audit report with the President of the Senate
2990 and the Speaker of the House of Representatives and shall
2991 provide copies to the county commissions of the counties set
2992 forth in subparagraph 17. The books and records of any
2993 facilities receiving compensation from an environmental
2994 protection disposal fee shall be open to the Florida Public
2995 Service Commission and the Auditor General for review upon
2996 request.

2997 19. The Department of Health shall require all entities
2998 disposing of septage within the Lake Okeechobee watershed to
2999 develop and submit to that agency an agricultural use plan that
3000 limits applications based upon phosphorus loading consistent

3001 with the Lake Okeechobee Basin Management Action Plan adopted
3002 pursuant to s. 403.067.

3003 20. The Department of Agriculture and Consumer Services
3004 shall initiate rulemaking requiring entities within the Lake
3005 Okeechobee watershed which land-apply animal manure to develop
3006 resource management system level conservation plans, according
3007 to United States Department of Agriculture criteria, which limit
3008 such application. Such rules must include criteria and
3009 thresholds for the requirement to develop a conservation or
3010 nutrient management plan, requirements for plan approval, site
3011 inspection requirements, and recordkeeping requirements.

3012 21. The district shall revise chapter 40E-61, Florida
3013 Administrative Code, to be consistent with this section and s.
3014 403.067; provide for a monitoring program for nonpoint source
3015 dischargers required to monitor water quality by s. 403.067; and
3016 provide for the results of such monitoring to be reported to the
3017 coordinating agencies.

3018 (c) *Lake Okeechobee Exotic Species Control Program.*—The
3019 coordinating agencies shall identify the exotic species that
3020 threaten the native flora and fauna within the Lake Okeechobee
3021 watershed and develop and implement measures to protect the
3022 native flora and fauna.

3023 (d) *Lake Okeechobee Internal Phosphorus Management
3024 Program.*—The district, in cooperation with the other
3025 coordinating agencies and interested parties, shall evaluate the

3026 feasibility of Lake Okeechobee internal phosphorus load removal
3027 projects. The evaluation shall be based on technical
3028 feasibility, as well as economic considerations, and shall
3029 consider all reasonable methods of phosphorus removal. If
3030 projects are found to be feasible, the district shall
3031 immediately pursue the design, funding, and permitting for
3032 implementing such projects.

3033 (e) *Lake Okeechobee Watershed Protection Program*
3034 *implementation.*—The coordinating agencies shall be jointly
3035 responsible for implementing the Lake Okeechobee Watershed
3036 Protection Program, consistent with the statutory authority and
3037 responsibility of each agency. Annual funding priorities shall
3038 be jointly established, and the highest priority shall be
3039 assigned to programs and projects that address sources that have
3040 the highest relative contribution to loading and the greatest
3041 potential for reductions needed to meet the total maximum daily
3042 loads. In determining funding priorities, the coordinating
3043 agencies shall also consider the need for regulatory compliance,
3044 the extent to which the program or project is ready to proceed,
3045 and the availability of federal matching funds or other nonstate
3046 funding, including public-private partnerships. Federal and
3047 other nonstate funding shall be maximized to the greatest extent
3048 practicable.

3049 (f) *Priorities and implementation schedules.*—The
3050 coordinating agencies are authorized and directed to establish

3051 priorities and implementation schedules for the achievement of
3052 total maximum daily loads, compliance with the requirements of
3053 s. 403.067, and compliance with applicable water quality
3054 standards within the waters and watersheds subject to this
3055 section.

3056 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
3057 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
3058 program shall be developed and implemented as specified in this
3059 subsection. To protect and restore surface water resources, the
3060 program shall address the reduction of pollutant loadings,
3061 restoration of natural hydrology, and compliance with applicable
3062 state water quality standards. The program shall be achieved
3063 through a phased program of implementation. In addition,
3064 pollutant load reductions based upon adopted total maximum daily
3065 loads established in accordance with s. 403.067 shall serve as a
3066 program objective. In the development and administration of the
3067 program, the coordinating agencies shall maximize opportunities
3068 provided by federal and local government cost-sharing programs
3069 and opportunities for partnerships with the private sector and
3070 local government. The program shall include a goal for salinity
3071 envelopes and freshwater inflow targets for the estuaries based
3072 upon existing research and documentation. The goal may be
3073 revised as new information is available. This goal shall seek to
3074 reduce the frequency and duration of undesirable salinity ranges
3075 while meeting the other water-related needs of the region,

3076 including water supply and flood protection, while recognizing
3077 the extent to which water inflows are within the control and
3078 jurisdiction of the district.

3079 (a) *Caloosahatchee River Watershed Protection Plan.*—The
3080 district, in cooperation with the other coordinating agencies,
3081 Lee County, and affected counties and municipalities, shall
3082 complete a River Watershed Protection Plan in accordance with
3083 this subsection. The Caloosahatchee River Watershed Protection
3084 Plan shall identify the geographic extent of the watershed, be
3085 coordinated as needed with the plans developed pursuant to
3086 paragraph (3)(a) and paragraph (c) of this subsection, and
3087 include the Caloosahatchee River Watershed Construction Project
3088 and the Caloosahatchee River Watershed Research and Water
3089 Quality Monitoring Program.

3090 1. *Caloosahatchee River Watershed Construction Project.*—To
3091 improve the hydrology, water quality, and aquatic habitats
3092 within the watershed, the district shall, no later than January
3093 1, 2012, plan, design, and construct the initial phase of the
3094 Watershed Construction Project. In doing so, the district shall:

3095 a. Develop and designate the facilities to be constructed
3096 to achieve stated goals and objectives of the Caloosahatchee
3097 River Watershed Protection Plan.

3098 b. Conduct scientific studies that are necessary to
3099 support the design of the Caloosahatchee River Watershed
3100 Construction Project facilities.

3101 c. Identify the size and location of all such facilities.

3102 d. Provide a construction schedule for all such

3103 facilities, including the sequencing and specific timeframe for

3104 construction of each facility.

3105 e. Provide a schedule for the acquisition of lands or

3106 sufficient interests necessary to achieve the construction

3107 schedule.

3108 f. Provide a schedule of costs and benefits associated

3109 with each construction project and identify funding sources.

3110 g. To ensure timely implementation, coordinate the design,

3111 scheduling, and sequencing of project facilities with the

3112 coordinating agencies, Lee County, other affected counties and

3113 municipalities, and other affected parties.

3114 2. Caloosahatchee River Watershed Research and Water

3115 Quality Monitoring Program.—The district, in cooperation with

3116 the other coordinating agencies and local governments, shall

3117 implement a Caloosahatchee River Watershed Research and Water

3118 Quality Monitoring Program that builds upon the district's

3119 existing research program and that is sufficient to carry out,

3120 comply with, or assess the plans, programs, and other

3121 responsibilities created by this subsection. The program shall

3122 also conduct an assessment of the water volumes and timing from

3123 Lake Okeechobee and the Caloosahatchee River watershed and their

3124 relative contributions to the timing and volume of water

3125 delivered to the estuary.

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3126 (b) *Caloosahatchee River Watershed Basin Management Action*
3127 *Plans.*—The basin management action plans adopted pursuant to s.
3128 403.067 for the Caloosahatchee River watershed shall be the
3129 Caloosahatchee River Watershed Pollutant Control Program. The
3130 plans shall be designed to be a multifaceted approach to
3131 reducing pollutant loads by improving the management of
3132 pollutant sources within the Caloosahatchee River watershed
3133 through implementation of regulations and best management
3134 practices, development and implementation of improved best
3135 management practices, improvement and restoration of the
3136 hydrologic function of natural and managed systems, and
3137 utilization of alternative technologies for pollutant reduction,
3138 such as cost-effective biologically based, hybrid
3139 wetland/chemical and other innovative nutrient control
3140 technologies. As provided in s. 403.067(7)(a)6., the
3141 Caloosahatchee River Watershed Basin Management Action Plans
3142 must include milestones for implementation and water quality
3143 improvement, and an associated water quality monitoring
3144 component sufficient to evaluate whether reasonable progress in
3145 pollutant load reductions is being achieved over time. An
3146 assessment of progress toward these milestones shall be
3147 conducted every 5 years and shall be provided to the Governor,
3148 the President of the Senate, and the Speaker of the House of
3149 Representatives. Revisions to the plans shall be made, as
3150 appropriate, as a result of each 5-year review. Revisions to the

3151 basin management action plans shall be made by the department in
3152 cooperation with the basin stakeholders. Revisions to best
3153 management practices or other measures must follow the
3154 procedures set forth in s. 403.067(7)(c)4. Revised basin
3155 management action plans must be adopted pursuant to s.
3156 403.067(7)(a)5. The department shall develop an implementation
3157 schedule establishing 5-year, 10-year, and 15-year measurable
3158 milestones and targets to achieve the total maximum daily load
3159 no more than 20 years after adoption of the plan. The initial
3160 implementation schedule shall be used to provide guidance for
3161 planning and funding purposes and is exempt from chapter 120.
3162 Upon the first 5-year review, the implementation schedule shall
3163 be adopted as part of the plans. If achieving the total maximum
3164 daily load within 20 years is not practicable, the
3165 implementation schedule must contain an explanation of the
3166 constraints that prevent achievement of the total maximum daily
3167 load within 20 years, an estimate of the time needed to achieve
3168 the total maximum daily load, and additional 5-year measurable
3169 milestones, as necessary. The coordinating agencies shall
3170 facilitate the use of federal programs that offer opportunities
3171 for water quality treatment, including preservation,
3172 restoration, or creation of wetlands on agricultural lands.

3173 1. Nonpoint source best management practices consistent
3174 with s. 403.067, designed to achieve the objectives of the
3175 Caloosahatchee River Watershed Protection Program, shall be

3176 implemented on an expedited basis. The coordinating agencies may
3177 develop an intergovernmental agreement with local governments to
3178 implement the nonagricultural, nonpoint source best management
3179 practices within their respective geographic boundaries.

3180 2. This subsection does not preclude the department or the
3181 district from requiring compliance with water quality standards,
3182 adopted total maximum daily loads, or current best management
3183 practices requirements set forth in any applicable regulatory
3184 program authorized by law for the purpose of protecting water
3185 quality. This subsection applies only to the extent that it does
3186 not conflict with any rules adopted by the department or
3187 district which are necessary to maintain a federally delegated
3188 or approved program.

3189 3. Projects that make use of private lands, or lands held
3190 in trust for Indian tribes, to reduce pollutant loadings or
3191 concentrations within a basin, or that reduce the volume of
3192 harmful discharges by one or more of the following methods:
3193 restoring the natural hydrology of the basin, restoring wildlife
3194 habitat or impacted wetlands, reducing peak flows after storm
3195 events, or increasing aquifer recharge, are eligible for grants
3196 available under this section from the coordinating agencies.

3197 4. The Caloosahatchee River Watershed Basin Management
3198 Action Plans shall require assessment of current water
3199 management practices within the watershed and shall require
3200 development of recommendations for structural, nonstructural,

3201 and operational improvements. Such recommendations shall
3202 consider and balance water supply, flood control, estuarine
3203 salinity, aquatic habitat, and water quality considerations.

3204 5. The department may not authorize the disposal of
3205 domestic wastewater biosolids within the Caloosahatchee River
3206 watershed unless the applicant can affirmatively demonstrate
3207 that the nutrients in the biosolids will not add to nutrient
3208 loadings in the watershed. This demonstration shall be based on
3209 achieving a net balance between nutrient imports relative to
3210 exports on the permitted application site. Exports shall include
3211 only nutrients removed from the watershed through products
3212 generated on the permitted application site. This prohibition
3213 does not apply to Class AA biosolids that are marketed and
3214 distributed as fertilizer products in accordance with department
3215 rule.

3216 6. The Department of Health shall require all entities
3217 disposing of septage within the Caloosahatchee River watershed
3218 to develop and submit to that agency an agricultural use plan
3219 that limits applications based upon nutrient loading consistent
3220 with any basin management action plan adopted pursuant to s.
3221 403.067.

3222 7. The Department of Agriculture and Consumer Services
3223 shall require entities within the Caloosahatchee River watershed
3224 which land-apply animal manure to develop a resource management
3225 system level conservation plan, according to United States

3226 Department of Agriculture criteria, which limit such
3227 application. Such rules shall include criteria and thresholds
3228 for the requirement to develop a conservation or nutrient
3229 management plan, requirements for plan approval, site inspection
3230 requirements, and recordkeeping requirements.

3231 8. The district shall initiate rulemaking to provide for a
3232 monitoring program for nonpoint source dischargers required to
3233 monitor water quality pursuant to s. 403.067(7) (b)2.g. or (c)3.
3234 The results of such monitoring must be reported to the
3235 coordinating agencies.

3236 (c) *St. Lucie River Watershed Protection Plan.*—The
3237 district, in cooperation with the other coordinating agencies,
3238 Martin County, and affected counties and municipalities shall
3239 complete a plan in accordance with this subsection. The St.
3240 Lucie River Watershed Protection Plan shall identify the
3241 geographic extent of the watershed, be coordinated as needed
3242 with the plans developed pursuant to paragraph (3)(a) and
3243 paragraph (a) of this subsection, and include the St. Lucie
3244 River Watershed Construction Project and St. Lucie River
3245 Watershed Research and Water Quality Monitoring Program.

3246 1. *St. Lucie River Watershed Construction Project.*—To
3247 improve the hydrology, water quality, and aquatic habitats
3248 within the watershed, the district shall, no later than January
3249 1, 2012, plan, design, and construct the initial phase of the
3250 Watershed Construction Project. In doing so, the district shall:

3251 a. Develop and designate the facilities to be constructed
3252 to achieve stated goals and objectives of the St. Lucie River
3253 Watershed Protection Plan.

3254 b. Identify the size and location of all such facilities.

3255 c. Provide a construction schedule for all such
3256 facilities, including the sequencing and specific timeframe for
3257 construction of each facility.

3258 d. Provide a schedule for the acquisition of lands or
3259 sufficient interests necessary to achieve the construction
3260 schedule.

3261 e. Provide a schedule of costs and benefits associated
3262 with each construction project and identify funding sources.

3263 f. To ensure timely implementation, coordinate the design,
3264 scheduling, and sequencing of project facilities with the
3265 coordinating agencies, Martin County, St. Lucie County, other
3266 interested parties, and other affected local governments.

3267 2. St. Lucie River Watershed Research and Water Quality
3268 Monitoring Program.—The district, in cooperation with the other
3269 coordinating agencies and local governments, shall establish a
3270 St. Lucie River Watershed Research and Water Quality Monitoring
3271 Program that builds upon the district's existing research
3272 program and that is sufficient to carry out, comply with, or
3273 assess the plans, programs, and other responsibilities created
3274 by this subsection. The district shall also conduct an
3275 assessment of the water volumes and timing from Lake Okeechobee

3276 and the St. Lucie River watershed and their relative
3277 contributions to the timing and volume of water delivered to the
3278 estuary.

3279 (d) *St. Lucie River Watershed Basin Management Action*
3280 *Plan.*—The basin management action plan for the St. Lucie River
3281 watershed adopted pursuant to s. 403.067 shall be the St. Lucie
3282 River Watershed Pollutant Control Program and shall be designed
3283 to be a multifaceted approach to reducing pollutant loads by
3284 improving the management of pollutant sources within the St.
3285 Lucie River watershed through implementation of regulations and
3286 best management practices, development and implementation of
3287 improved best management practices, improvement and restoration
3288 of the hydrologic function of natural and managed systems, and
3289 use of alternative technologies for pollutant reduction, such as
3290 cost-effective biologically based, hybrid wetland/chemical and
3291 other innovative nutrient control technologies. As provided in
3292 s. 403.067(7)(a)6., the St. Lucie River Watershed Basin
3293 Management Action Plan must include milestones for
3294 implementation and water quality improvement, and an associated
3295 water quality monitoring component sufficient to evaluate
3296 whether reasonable progress in pollutant load reductions is
3297 being achieved over time. An assessment of progress toward these
3298 milestones shall be conducted every 5 years and shall be
3299 provided to the Governor, the President of the Senate, and the
3300 Speaker of the House of Representatives. Revisions to the plan

3301 shall be made, as appropriate, as a result of each 5-year
3302 review. Revisions to the basin management action plan shall be
3303 made by the department in cooperation with the basin
3304 stakeholders. Revisions to best management practices or other
3305 measures must follow the procedures set forth in s.
3306 403.067(7)(c)4. Revised basin management action plans must be
3307 adopted pursuant to s. 403.067(7)(a)5. The department shall
3308 develop an implementation schedule establishing 5-year, 10-year,
3309 and 15-year measurable milestones and targets to achieve the
3310 total maximum daily load no more than 20 years after adoption of
3311 the plan. The initial implementation schedule shall be used to
3312 provide guidance for planning and funding purposes and is exempt
3313 from chapter 120. Upon the first 5-year review, the
3314 implementation schedule shall be adopted as part of the plan. If
3315 achieving the total maximum daily load within 20 years is not
3316 practicable, the implementation schedule must contain an
3317 explanation of the constraints that prevent achievement of the
3318 total maximum daily load within 20 years, an estimate of the
3319 time needed to achieve the total maximum daily load, and
3320 additional 5-year measurable milestones, as necessary. The
3321 coordinating agencies shall facilitate the use of federal
3322 programs that offer opportunities for water quality treatment,
3323 including preservation, restoration, or creation of wetlands on
3324 agricultural lands.

3325 1. Nonpoint source best management practices consistent

3326 with s. 403.067, designed to achieve the objectives of the St.
3327 Lucie River Watershed Protection Program, shall be implemented
3328 on an expedited basis. The coordinating agencies may develop an
3329 intergovernmental agreement with local governments to implement
3330 the nonagricultural nonpoint source best management practices
3331 within their respective geographic boundaries.

3332 2. This subsection does not preclude the department or the
3333 district from requiring compliance with water quality standards,
3334 adopted total maximum daily loads, or current best management
3335 practices requirements set forth in any applicable regulatory
3336 program authorized by law for the purpose of protecting water
3337 quality. This subsection applies only to the extent that it does
3338 not conflict with any rules adopted by the department or
3339 district which are necessary to maintain a federally delegated
3340 or approved program.

3341 3. Projects that make use of private lands, or lands held
3342 in trust for Indian tribes, to reduce pollutant loadings or
3343 concentrations within a basin, or that reduce the volume of
3344 harmful discharges by one or more of the following methods:
3345 restoring the natural hydrology of the basin, restoring wildlife
3346 habitat or impacted wetlands, reducing peak flows after storm
3347 events, or increasing aquifer recharge, are eligible for grants
3348 available under this section from the coordinating agencies.

3349 4. The St. Lucie River Watershed Basin Management Action
3350 Plan shall require assessment of current water management

3351 practices within the watershed and shall require development of
3352 recommendations for structural, nonstructural, and operational
3353 improvements. Such recommendations shall consider and balance
3354 water supply, flood control, estuarine salinity, aquatic
3355 habitat, and water quality considerations.

3356 5. The department may not authorize the disposal of
3357 domestic wastewater biosolids within the St. Lucie River
3358 watershed unless the applicant can affirmatively demonstrate
3359 that the nutrients in the biosolids will not add to nutrient
3360 loadings in the watershed. This demonstration shall be based on
3361 achieving a net balance between nutrient imports relative to
3362 exports on the permitted application site. Exports shall include
3363 only nutrients removed from the St. Lucie River watershed
3364 through products generated on the permitted application site.
3365 This prohibition does not apply to Class AA biosolids that are
3366 marketed and distributed as fertilizer products in accordance
3367 with department rule.

3368 6. The Department of Health shall require all entities
3369 disposing of septage within the St. Lucie River watershed to
3370 develop and submit to that agency an agricultural use plan that
3371 limits applications based upon nutrient loading consistent with
3372 any basin management action plan adopted pursuant to s. 403.067.

3373 7. The Department of Agriculture and Consumer Services
3374 shall initiate rulemaking requiring entities within the St.
3375 Lucie River watershed which land-apply animal manure to develop

3376 a resource management system level conservation plan, according
3377 to United States Department of Agriculture criteria, which limit
3378 such application. Such rules shall include criteria and
3379 thresholds for the requirement to develop a conservation or
3380 nutrient management plan, requirements for plan approval, site
3381 inspection requirements, and recordkeeping requirements.

3382 8. The district shall initiate rulemaking to provide for a
3383 monitoring program for nonpoint source dischargers required to
3384 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
3385 The results of such monitoring must be reported to the
3386 coordinating agencies.

3387 (e) *River Watershed Protection Plan implementation.*—The
3388 coordinating agencies shall be jointly responsible for
3389 implementing the River Watershed Protection Plans, consistent
3390 with the statutory authority and responsibility of each agency.
3391 Annual funding priorities shall be jointly established, and the
3392 highest priority shall be assigned to programs and projects that
3393 have the greatest potential for achieving the goals and
3394 objectives of the plans. In determining funding priorities, the
3395 coordinating agencies shall also consider the need for
3396 regulatory compliance, the extent to which the program or
3397 project is ready to proceed, and the availability of federal or
3398 local government matching funds. Federal and other nonstate
3399 funding shall be maximized to the greatest extent practicable.

3400 (f) *Evaluation.*—Beginning March 1, 2020, and every 5 years

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3401 thereafter, concurrent with the updates of the basin management
3402 action plans adopted pursuant to s. 403.067, the department, in
3403 cooperation with the other coordinating agencies, shall conduct
3404 an evaluation of any pollutant load reduction goals, as well as
3405 any other specific objectives and goals, as stated in the River
3406 Watershed Protection Programs. The district shall identify
3407 modifications to facilities of the River Watershed Construction
3408 Projects, as appropriate, or any other elements of the River
3409 Watershed Protection Programs. The evaluation shall be included
3410 in the annual progress report submitted pursuant to this
3411 section.

3412 (g) *Priorities and implementation schedules.*—The
3413 coordinating agencies are authorized and directed to establish
3414 priorities and implementation schedules for the achievement of
3415 total maximum daily loads, the requirements of s. 403.067, and
3416 compliance with applicable water quality standards within the
3417 waters and watersheds subject to this section.

3418 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
3419 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
3420 department is directed to expedite development and adoption of
3421 total maximum daily loads for the Caloosahatchee River and
3422 estuary. The department is further directed to propose for final
3423 agency action total maximum daily loads for nutrients in the
3424 tidal portions of the Caloosahatchee River and estuary. The
3425 department shall initiate development of basin management action

3426 plans for Lake Okeechobee, the Caloosahatchee River watershed
3427 and estuary, and the St. Lucie River watershed and estuary as
3428 provided in s. 403.067 as follows:

3429 (a) Basin management action plans shall be developed as
3430 soon as practicable as determined necessary by the department to
3431 achieve the total maximum daily loads established for the Lake
3432 Okeechobee watershed and the estuaries.

3433 (b) The Phase II technical plan development pursuant to
3434 paragraph (3)(a), and the River Watershed Protection Plans
3435 developed pursuant to paragraphs (4)(a) and (c), shall provide
3436 the basis for basin management action plans developed by the
3437 department.

3438 (c) As determined necessary by the department to achieve
3439 the total maximum daily loads, additional or modified projects
3440 or programs that complement those in the legislatively ratified
3441 plans may be included during the development of the basin
3442 management action plan.

3443 (d) As provided in s. 403.067, management strategies and
3444 pollution reduction requirements set forth in a basin management
3445 action plan subject to permitting by the department under
3446 subsection (7) must be completed pursuant to the schedule set
3447 forth in the basin management action plan, as amended. The
3448 implementation schedule may extend beyond the 5-year permit
3449 term.

3450 (e) As provided in s. 403.067, management strategies and

3451 pollution reduction requirements set forth in a basin management
3452 action plan for a specific pollutant of concern are not subject
3453 to challenge under chapter 120 at the time they are
3454 incorporated, in an identical form, into a department or
3455 district issued permit or a permit modification issued in
3456 accordance with subsection (7).

3457 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in
3458 cooperation with the other coordinating agencies, shall report
3459 on implementation of this section as part of the consolidated
3460 annual report required in s. 373.036(7). The annual report shall
3461 include a summary of the conditions of the hydrology, water
3462 quality, and aquatic habitat in the northern Everglades based on
3463 the results of the Research and Water Quality Monitoring
3464 Programs, the status of the Lake Okeechobee Watershed
3465 Construction Project, the status of the Caloosahatchee River
3466 Watershed Construction Project, and the status of the St. Lucie
3467 River Watershed Construction Project. In addition, the report
3468 shall contain an annual accounting of the expenditure of funds
3469 from the Save Our Everglades Trust Fund. At a minimum, the
3470 annual report shall provide detail by program and plan,
3471 including specific information concerning the amount and use of
3472 funds from federal, state, or local government sources. In
3473 detailing the use of these funds, the district shall indicate
3474 those designated to meet requirements for matching funds. The
3475 district shall prepare the report in cooperation with the other

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3476 coordinating agencies and affected local governments. The
3477 department shall report on the status of the Lake Okeechobee
3478 Basin Management Action Plan, the Caloosahatchee River Watershed
3479 Basin Management Action Plan, and the St. Lucie River Watershed
3480 Basin Management Action Plan. The Department of Agriculture and
3481 Consumer Services shall report on the status of the
3482 implementation of the agricultural nonpoint source best
3483 management practices, including an implementation assurance
3484 report summarizing survey responses and response rates, site
3485 inspections, and other methods used to verify implementation of
3486 and compliance with best management practices in the Lake
3487 Okeechobee, Caloosahatchee River, and St. Lucie River
3488 watersheds.

3489 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

3490 (a) The Legislature finds that the Lake Okeechobee
3491 Watershed Protection Program will benefit Lake Okeechobee and
3492 downstream receiving waters and is in the public interest. The
3493 Lake Okeechobee Watershed Construction Project and structures
3494 discharging into or from Lake Okeechobee shall be constructed,
3495 operated, and maintained in accordance with this section.

3496 (b) Permits obtained pursuant to this section are in lieu
3497 of all other permits under this chapter or chapter 403, except
3498 those issued under s. 403.0885, if applicable. Additional
3499 permits are not required for the Lake Okeechobee Watershed
3500 Construction Project, or structures discharging into or from

3501 Lake Okeechobee, if such project or structures are permitted
3502 under this section. Construction activities related to
3503 implementation of the Lake Okeechobee Watershed Construction
3504 Project may be initiated before final agency action, or notice
3505 of intended agency action, on any permit from the department
3506 under this section.

3507 (c)1. Owners or operators of existing structures which
3508 discharge into or from Lake Okeechobee that were subject to
3509 Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707,
3510 and RT50-205564 and that are subject to s. 373.4592(4) (a) do not
3511 require a permit under this section and shall be governed by
3512 permits issued under ss. 373.413 and 373.416 and the Lake
3513 Okeechobee Basin Management Action Plan adopted pursuant to s.
3514 403.067.

3515 2. For the purposes of this paragraph, owners and
3516 operators of existing structures which are subject to s.
3517 373.4592(4) (a) and which discharge into or from Lake Okeechobee
3518 shall be deemed in compliance with this paragraph if they are in
3519 full compliance with the conditions of permits under chapter
3520 40E-63, Florida Administrative Code.

3521 3. By January 1, 2017, the district shall submit to the
3522 department a complete application for a permit modification to
3523 the Lake Okeechobee structure permits to incorporate proposed
3524 changes necessary to ensure that discharges through the
3525 structures covered by this permit are consistent with the basin

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3526 management action plan adopted pursuant to s. 403.067.

3527 (d) The department shall require permits for district
3528 regional projects that are part of the Lake Okeechobee Watershed
3529 Construction Project. However, projects that qualify as exempt
3530 pursuant to s. 373.406 do not require permits under this
3531 section. Such permits shall be issued for a term of 5 years upon
3532 the demonstration of reasonable assurances that:

3533 1. District regional projects that are part of the Lake
3534 Okeechobee Watershed Construction Project shall achieve the
3535 design objectives for phosphorus required in subparagraph
3536 (3)(a)1.;

3537 2. For water quality standards other than phosphorus, the
3538 quality of water discharged from the facility is of equal or
3539 better quality than the inflows;

3540 3. Discharges from the facility do not pose a serious
3541 danger to public health, safety, or welfare; and

3542 4. Any impacts on wetlands or state-listed species
3543 resulting from implementation of that facility of the Lake
3544 Okeechobee Construction Project are minimized and mitigated, as
3545 appropriate.

3546 (e) At least 60 days before the expiration of any permit
3547 issued under this section, the permittee may apply for a renewal
3548 thereof for a period of 5 years.

3549 (f) Permits issued under this section may include any
3550 standard conditions provided by department rule which are

3551 appropriate and consistent with this section.

3552 (g) Permits issued under this section may be modified, as
3553 appropriate, upon review and approval by the department.

3554 (8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida
3555 Water Management District shall not divert waters to the St.
3556 Lucie River, the Indian River estuary, the Caloosahatchee River
3557 or its estuary, or the Everglades National Park, in such a way
3558 that the state water quality standards are violated, that the
3559 nutrients in such diverted waters adversely affect indigenous
3560 vegetation communities or wildlife, or that fresh waters
3561 diverted to the St. Lucie River or the Caloosahatchee or Indian
3562 River estuaries adversely affect the estuarine vegetation or
3563 wildlife, unless the receiving waters will biologically benefit
3564 by the diversion. However, diversion is permitted when an
3565 emergency is declared by the water management district, if the
3566 Secretary of Environmental Protection concurs.

3567 (9) PRESERVATION OF PROVISIONS RELATING TO THE
3568 EVERGLADES.—Nothing in this section shall be construed to modify
3569 any provision of s. 373.4592.

3570 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this
3571 section is intended to diminish or alter the governmental
3572 authority and powers of the Seminole Tribe of Florida, or
3573 diminish or alter the rights of that tribe, including, but not
3574 limited to, rights under the water rights compact among the
3575 Seminole Tribe of Florida, the state, and the South Florida

3576 Water Management District as enacted by Pub. L. No. 100-228, 101
3577 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in
3578 s. 285.165, and rights under any other agreement between the
3579 Seminole Tribe of Florida and the state or its agencies. No land
3580 of the Seminole Tribe of Florida shall be used for water storage
3581 or stormwater treatment without the consent of the tribe.

3582 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—

3583 Nothing in this section shall be construed to modify any
3584 existing state water quality standard or to modify the
3585 provisions of s. 403.067(6) and (7)(a).

3586 (12) RULES.—The governing board of the district is
3587 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
3588 to implement the provisions of this section.

3589 (13) PRESERVATION OF AUTHORITY.—Nothing in this section
3590 shall be construed to restrict the authority otherwise granted
3591 to agencies pursuant to this chapter and chapter 403, and
3592 provisions of this section shall be deemed supplemental to the
3593 authority granted to agencies pursuant to this chapter and
3594 chapter 403.

3595 **Section 38. For the purpose of incorporating the amendment**
3596 **made by this act to section 403.0872, Florida Statutes, in a**
3597 **reference thereto, section 403.0873, Florida Statutes, is**
3598 **reenacted to read:**

3599 403.0873 Florida Air-Operation License Fee Account.—The
3600 "Florida Air-Operation License Fee Account" is established as a

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3601 nonlapsing account within the Department of Environmental
3602 Protection's Air Pollution Control Trust Fund. All license fees
3603 paid pursuant to s. 403.0872(11) shall be deposited in such
3604 account and must be used solely by the department and approved
3605 local programs under the advice and consent of the Legislature
3606 to pay the direct and indirect costs required to develop and
3607 administer the major stationary source air-operation permit
3608 program. Any approved local pollution control program that
3609 accepts funds from the department as reimbursement for services
3610 it performs in the implementation of the major source air-
3611 operation permit program, receives delegation from the
3612 department or the United States Environmental Protection Agency
3613 for implementation of the major source air-operation permit
3614 program, or performs functions, duties, or activities
3615 substantially similar to or duplicative of the services
3616 performed by the department or the United States Environmental
3617 Protection Agency in the implementation of the major source air-
3618 operation permit program is prohibited from collecting
3619 additional fees attributable to such services from any source
3620 permitted under s. 403.0872.

3621 **Section 39. For the purpose of incorporating the amendment
3622 made by this act to section 403.1838, Florida Statutes, in a
3623 reference thereto, paragraph (d) of subsection (3) of section
3624 403.1835, Florida Statutes, is reenacted to read:**

3625 403.1835 Water pollution control financial assistance.—

3626 (3) The department may provide financial assistance
3627 through any program authorized under 33 U.S.C. s. 1383, as
3628 amended, including, but not limited to, making grants and loans,
3629 providing loan guarantees, purchasing loan insurance or other
3630 credit enhancements, and buying or refinancing local debt. This
3631 financial assistance must be administered in accordance with
3632 this section and applicable federal authorities.

3633 (d) The department may make grants to financially
3634 disadvantaged small communities, as defined in s. 403.1838,
3635 using funds made available from grant allocations on loans
3636 authorized under subsection (4). The grants must be administered
3637 in accordance with s. 403.1838.

3638 **Section 40.** (1) The following rules are ratified for the
3639 sole and exclusive purpose of satisfying any condition on the
3640 effectiveness imposed under s. 120.541(3), Florida Statutes:
3641 Rules 62-42.200 and 62-42.300, Florida Administrative Code,
3642 titled "Definitions" and "The Lower Santa Fe and Ichetucknee
3643 Rivers and Priority Springs," respectively, as filed for
3644 adoption with the Department of State pursuant to the
3645 certification package dated December 31, 2025.

3646 (2) This section serves no other purpose and may not be
3647 codified in the Florida Statutes. After this act becomes a law,
3648 the enactment and effective dates of this section must be noted
3649 in the Florida Administrative Code, the Florida Administrative
3650 Register, or both, as appropriate. This section does not alter

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3651 rulemaking authority delegated by prior law, does not constitute
3652 legislative preemption of or exception to any provision of law
3653 governing adoption or enforcement of the rule cited, and is
3654 intended to preserve the status of any cited rule as a rule
3655 under chapter 120, Florida Statutes. This section does not cure
3656 any rulemaking defect or preempt any challenge based on a lack
3657 of authority or a violation of the legal requirements governing
3658 the adoption of any rule cited.

3659 **Section 41.** This act shall take effect July 1, 2026.