

1                               A bill to be entitled  
2       An act relating to the Department of Environmental  
3       Protection; amending s. 20.255, F.S.; deleting  
4       provisions creating the Environmental Regulation  
5       Commission; amending s. 163.3205, F.S.; requiring the  
6       department to develop best management practices for  
7       the construction of a solar facility; specifying  
8       requirements for the best management practices;  
9       requiring the department to review certain information  
10      to revise and update such best management practices  
11      annually; requiring a solar facility operator to  
12      implement specified best management practices;  
13      amending s. 259.035, F.S.; expanding the membership of  
14      the Acquisition and Restoration Council; providing  
15      requirements for membership; defining the term  
16      "metropolitan"; requiring the council to administer  
17      the Florida Communities Trust; requiring the council  
18      to coordinate with the department for rulemaking and  
19      grant cycle administration of the trust; conforming  
20      provisions to changes made by the act; amending s.  
21      259.105, F.S.; conforming a provision to changes made  
22      by the act; amending s. 373.469, F.S.; requiring that  
23      residential properties of a specified size located in  
24      a certain area connect to a central sewer system or  
25      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

51 provisions of other laws superseded, respectively;  
52 reenacting and amending s. 381.0065, F.S.; authorizing  
53 the department to annually review and audit certain  
54 inspection and maintenance reports for certain  
55 systems; authorizing the department to adopt rules  
56 that establish certain procedures; requiring the  
57 department to concurrently process operating permits  
58 and construction permits under certain circumstances;  
59 requiring that an operating permit be obtained before  
60 the use of an engineer-designed performance-based  
61 system; providing a timeframe for the validity of  
62 certain operating permits; requiring an operating  
63 permit modification upon certain changes or  
64 modifications; providing requirements for subsequent  
65 property owners when a property with an onsite sewage  
66 treatment and disposal system that requires an  
67 operating permit is sold or transferred; requiring  
68 certain subsequent property owners to provide notice  
69 and proof of ownership to the department within a  
70 certain timeframe; providing an exception to certain  
71 fees under certain circumstances; requiring a  
72 maintenance entity permitted by the department to  
73 submit a report to the department on a specified  
74 basis; providing requirements for fees submitted with  
75 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

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

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

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

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

20.255 Department of Environmental Protection.—There is

created a Department of Environmental Protection.

~~(6) There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission. The commission shall be composed of seven residents of this state appointed by the Governor, subject to confirmation by the Senate. In making appointments, the Governor shall provide reasonable representation from all sections of the state. Membership shall be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering. The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. All appointments shall be for 4-year terms. The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department. The commission may employ independent counsel and contract for the services of outside technical consultants.~~

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

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

163.3205 Solar facility approval process; construction requirements.—

(5) CONSTRUCTION BEST MANAGEMENT PRACTICES.—

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

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

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

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

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

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

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



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

259.035 Acquisition and Restoration Council.—

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

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

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

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

(3) The council shall:

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

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

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

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

259.105 The Florida Forever Act.—

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

259.035(4):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

380.502 Legislative findings and intent.—

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

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~~



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

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

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

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

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

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~~  
429 ~~Governor's appointees shall serve for a term of 2 years and the~~  
430 ~~remaining one shall serve for a term of 4 years from the date of~~  
431 ~~appointment. Thereafter, governing body members whom the~~  
432 ~~Governor appoints shall serve for terms of 4 years. The Governor~~  
433 ~~may fill any vacancy for an unexpired term.~~

434 ~~(3) Governing body members shall receive no compensation~~  
435 ~~for their services, but shall be entitled to the necessary~~  
436 ~~expenses, including per diem and travel expenses, incurred in~~  
437 ~~the discharge of their duties pursuant to this part, as provided~~  
438 ~~by law.~~

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

441 380.507 Powers of the trust.—The trust shall have all the  
442 powers necessary or convenient to carry out the purposes and  
443 provisions of this part, including:

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

449 (7) To provide by grant ~~or loan~~ up to the total cost of  
450 any project approved according to this part, including the local

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~~

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

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

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

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

repealed.

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

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

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

381.0065 Onsite sewage treatment and disposal systems;  
regulation.—

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

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

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

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

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

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



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

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

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

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.
5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.
6. Seventy-five feet from the mean high-water line of a 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,

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

403.067 Establishment and implementation of total maximum

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

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.



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

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

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

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,

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

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

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

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

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

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

(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant actually emitted, as calculated in accordance with the department's emissions computation and reporting rules. The annual fee shall only apply 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~~

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

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

5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes  
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

with any enforcement action.

3. Emissions and ambient monitoring.

4. Preparing generally applicable regulations or guidance.

5. Modeling, analyses, and demonstrations.

6. Preparing inventories and tracking emissions.

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

8. Any audits conducted under paragraph (c).

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

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

403.1838 Small Community Sewer Construction Assistance Act.—

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

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

CS/HB 1417

2026

sector;

3. A water, wastewater, or surface water management facility or other related infrastructure;

4. A coastal resiliency project as defined in s. 380.0934(1); or

~~5.4.~~ Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section.

**Section 21. Section 380.0934, Florida Statutes, is created to read:**

380.0934 Public-private partnerships for coastal resiliency projects.—

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

(a) "Coastal resiliency project" means:

1. Planning, contracting, and executing a project to address flooding and sea level rise in a coastal or inland community in this state under s. 380.093(5);

2. Public infrastructure repair and upgrades to seawalls and stormwater drainage; and

3. Resiliency measures designed to withstand extreme 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

responsive to such comments into the project.

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

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

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

120.81 Exceptions and special requirements; general areas.—

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

(a) This subsection does not apply to rules adopted 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

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

(7)

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

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



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

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

403.707 Permits.—

CS/HB 1417

2026

(3)

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

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

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

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

403.7222 Prohibition of hazardous waste landfills.—

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

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

403.7234 Small quantity generator notification and verification program.—

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

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

403.803 Definitions.—When used in this part ~~act~~, the term, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



CS/HB 1417

2026

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

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

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

403.814 General permits; delegation.—

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

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

376.302 Prohibited acts; penalties.—

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

(a) To discharge pollutants or hazardous substances into

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

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

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

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

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

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

381.0066 Onsite sewage treatment and disposal systems;  
fees.—

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

limits:

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

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

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

373.4595 Northern Everglades and Estuaries Protection Program.—

(1) FINDINGS AND INTENT.—

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

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

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

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

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

(h) The Legislature finds that the expeditious implementation of the Lake Okeechobee Watershed Protection Program, the Caloosahatchee River Watershed Protection Program, and the St. Lucie River Watershed Protection Program is needed to improve the quality, quantity, timing, and distribution of 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

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

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

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

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

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

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

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

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

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

2451 River watershed.

2452       (1) "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

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

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

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

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

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

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

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

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

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

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

(I) Identify Lake Okeechobee Watershed Construction



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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.

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

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

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

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

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

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

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

1. Nonpoint source best management practices consistent

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



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

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

(5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The department is directed to expedite development and adoption of total maximum daily loads for the Caloosahatchee River and estuary. The department is further directed to propose for final agency action total maximum daily loads for nutrients in the tidal portions of the Caloosahatchee River and estuary. The 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

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

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

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

management action plan adopted pursuant to s. 403.067.

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

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

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

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

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

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

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

appropriate and consistent with this section.

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

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

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

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

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

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

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

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

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

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



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

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

403.1835 Water pollution control financial assistance.—

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

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

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

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

CS/HB 1417

2026

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

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