

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. 373.469, F.S.; requiring that residential  
14          properties of a specified size located in a certain  
15          area connect to a central sewer system or upgrade to a  
16          specified type of nutrient-reducing wastewater  
17          treatment system; requiring a permitting agency to  
18          notify a property owner of such requirement if the  
19          agency, before a certain date, receives an application  
20          to repair, modify, or replace a conventional onsite  
21          sewage treatment and disposal system on certain  
22          property; amending s. 373.807, F.S.; authorizing  
23          remediation plans for certain properties to have  
24          certain requirements related to existing conventional  
25          onsite sewage treatment and disposal systems;

26 | repealing s. 373.811, F.S., relating to prohibited  
27 | activities within a basin management action plan;  
28 | repealing ss. 380.512, 380.513, and 380.514, F.S.,  
29 | relating to an annual report, corporate existence, and  
30 | inconsistent provisions of other laws superseded,  
31 | respectively; reenacting and amending s. 381.0065,  
32 | F.S.; authorizing the department to annually review  
33 | and audit certain inspection and maintenance reports  
34 | for certain systems; authorizing the department to  
35 | adopt rules that establish certain procedures;  
36 | requiring the department to concurrently process  
37 | operating permits and construction permits under  
38 | certain circumstances; requiring that an operating  
39 | permit be obtained before the use of an engineer-  
40 | designed performance-based system; providing a  
41 | timeframe for the validity of certain operating  
42 | permits; requiring an operating permit modification  
43 | upon certain changes or modifications; providing  
44 | requirements for subsequent property owners when a  
45 | property with an onsite sewage treatment and disposal  
46 | system that requires an operating permit is sold or  
47 | transferred; requiring certain subsequent property  
48 | owners to provide notice and proof of ownership to the  
49 | department within a certain timeframe; providing an  
50 | exception to certain fees under certain circumstances;

51 requiring a maintenance entity permitted by the  
52 department to submit a report to the department on a  
53 specified basis; providing requirements for fees  
54 submitted with an engineer-designed performance-based  
55 system inspection report; deleting a requirement for a  
56 property owner to obtain a certain permit from the  
57 department for certain onsite sewage treatment and  
58 disposal systems; revising the approval criteria for  
59 certain onsite sewage treatment and disposal systems;  
60 requiring an aerobic treatment unit maintenance entity  
61 to submit an inspection report to the department under  
62 certain circumstances; subjecting real estate  
63 transactions for the transfer of title to properties  
64 with a certain onsite sewage treatment and disposal  
65 system to certain requirements; deleting a requirement  
66 that the department contract with or delegate its  
67 powers and duties to a county only; amending s.  
68 403.067, F.S.; conforming a provision to changes made  
69 by the act; providing a timeframe within which a basin  
70 management action plan or plan amendment becomes  
71 effective; prohibiting certain activities within a  
72 basin management action plan, a reasonable assurance  
73 plan, or a pollution reduction plan; making a  
74 technical change; amending s. 403.0671, F.S.;

75 conforming a provision to changes made by the act;

76 | amending s. 403.0872, F.S.; revising the date by which  
77 | major permitted sources of air pollution operating in  
78 | this state must pay an annual operation license fee;  
79 | authorizing the department to impose penalties if it  
80 | does not receive such fee by the specified date;  
81 | deleting provisions relating to costs for  
82 | administering air pollution construction permits;  
83 | amending s. 403.1838, F.S.; conforming provisions to  
84 | changes made by the act; repealing s. 403.804, F.S.,  
85 | relating to the powers and duties of the Environmental  
86 | Regulation Commission; amending s. 255.065, F.S.;  
87 | revising the definition of the term "qualifying  
88 | project"; creating s. 380.0934, F.S.; providing  
89 | definitions; providing that the department has the  
90 | exclusive authority to execute coastal resiliency  
91 | projects through public-private partnerships;  
92 | authorizing the department to take certain actions to  
93 | encourage investment from the private sector in  
94 | coastal resiliency projects; requiring the department  
95 | to publish certain information on its website;  
96 | amending ss. 120.81, 373.421, 403.031, 403.061,  
97 | 403.704, 403.707, 403.7222, 403.7234, 403.803,  
98 | 403.805, 403.8055, and 403.814, F.S.; conforming  
99 | provisions to changes made by the act; amending ss.  
100 | 376.302 and 380.5105, F.S.; conforming cross-

101 references; reenacting s. 381.0066(2)(k), F.S.,  
102 relating to onsite sewage treatment and disposal  
103 system fees, to incorporate the amendment made to s.  
104 381.0065, F.S., in a reference thereto; reenacting s.  
105 373.4595, F.S., relating to the Northern Everglades  
106 and Estuaries Protection Program, to incorporate the  
107 amendment made to s. 403.067, F.S., in a reference  
108 thereto; reenacting s. 403.0873, F.S., relating to the  
109 Florida Air-Operation License Fee Account, to  
110 incorporate the amendment made to s. 403.0872, F.S.,  
111 in a reference thereto; reenacting s. 403.1835(3)(d),  
112 F.S., relating to water pollution control financial  
113 assistance, to incorporate the amendment made to s.  
114 403.1838, F.S., in a reference thereto; ratifying  
115 specified rules relating to the Lower Santa Fe and  
116 Ichetucknee Rivers and Priority Springs minimum flows  
117 and recovery strategy for the sole and exclusive  
118 purpose of satisfying any condition on effectiveness  
119 pursuant to s. 120.541(3), F.S., which requires  
120 ratification of any rule exceeding the specified  
121 thresholds for likely adverse impact or increase in  
122 regulatory costs; providing construction; providing an  
123 effective date.

124  
125 Be It Enacted by the Legislature of the State of Florida:

126  
127           **Section 1. Subsection (6) of section 20.255, Florida**  
128 **Statutes, is amended to read:**

129           20.255 Department of Environmental Protection.—There is  
130 created a Department of Environmental Protection.

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

151 ~~furnished by the department. The commission may employ~~  
152 ~~independent counsel and contract for the services of outside~~  
153 ~~technical consultants.~~

154 **Section 2. Subsection (5) of section 163.3205, Florida**  
155 **Statutes, is renumbered as subsection (6), and a new subsection**  
156 **(5) is added to that section, to read:**

157 163.3205 Solar facility approval process; construction  
158 requirements.—

159 (5) CONSTRUCTION BEST MANAGEMENT PRACTICES.—

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

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

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

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

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

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

179 **Section 3. Paragraph (d) of subsection (3) of section**  
 180 **373.469, Florida Statutes, is amended to read:**

181 373.469 Indian River Lagoon Protection Program.—

182 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian  
 183 River Lagoon Protection Program consists of the Banana River  
 184 Lagoon Basin Management Action Plan, Central Indian River Lagoon  
 185 Basin Management Action Plan, North Indian River Lagoon Basin  
 186 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
 187 Plan, and such plans are the components of the Indian River  
 188 Lagoon Protection Program which achieve phosphorous and nitrogen  
 189 load reductions for the Indian River Lagoon.

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

191 1. Beginning on January 1, 2024, unless previously  
 192 permitted, the installation of new onsite sewage treatment and  
 193 disposal systems is prohibited within the Banana River Lagoon  
 194 Basin Management Action Plan, Central Indian River Lagoon Basin  
 195 Management Action Plan, North Indian River Lagoon Basin  
 196 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
 197 Plan areas where a publicly owned or investor-owned sewerage  
 198 system is available as defined in s. 381.0065(2) (a). Where  
 199 central sewerage is not available, only enhanced nutrient-  
 200 reducing onsite sewage treatment and disposal systems or other

201 wastewater treatment systems that achieve at least 65 percent  
 202 nitrogen reduction are authorized.

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

219 **Section 4. Paragraph (a) of subsection (1) of section**  
 220 **373.807, Florida Statutes, is amended to read:**

221 373.807 Protection of water quality in Outstanding Florida  
 222 Springs.—By July 1, 2016, the department shall initiate  
 223 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
 224 Springs or spring systems for which an impairment determination  
 225 has not been made under the numeric nutrient standards in effect

226 | for spring vents. Assessments must be completed by July 1, 2018.

227 |       (1) (a) Concurrent with the adoption of a nutrient total  
228 | maximum daily load for an Outstanding Florida Spring, the  
229 | department, or the department in conjunction with a water  
230 | management district, shall initiate development of a basin  
231 | management action plan, as specified in s. 403.067. For an  
232 | Outstanding Florida Spring with a nutrient total maximum daily  
233 | load adopted before July 1, 2016, the department, or the  
234 | department in conjunction with a water management district,  
235 | shall initiate development of a basin management action plan by  
236 | July 1, 2016. During the development of a basin management  
237 | action plan, if the department identifies onsite sewage  
238 | treatment and disposal systems as contributors of at least 20  
239 | percent of nonpoint source nitrogen pollution or if the  
240 | department determines remediation is necessary to achieve the  
241 | total maximum daily load, the basin management action plan must  
242 | ~~shall~~ include an onsite sewage treatment and disposal system  
243 | remediation plan pursuant to subsection (3) for those systems  
244 | identified as requiring remediation. For properties 10 acres or  
245 | less located outside the boundary of an established priority  
246 | focus area of an Outstanding Florida Spring but within the  
247 | boundary of a specific springs basin management action plan,  
248 | such remediation plans may require existing conventional onsite  
249 | sewage treatment and disposal systems to upgrade to a nutrient-  
250 | reducing onsite sewage treatment and disposal system where

251 central sewerage is not available. Such remediation plan may  
 252 also require properties of any size located within the boundary  
 253 of an established priority focus area of an Outstanding Florida  
 254 Spring to upgrade existing conventional onsite sewage treatment  
 255 and disposal systems to a nutrient-reducing onsite sewage  
 256 treatment and disposal system where central sewerage is not  
 257 available.

258 **Section 5.** Section 373.811, Florida Statutes, is repealed.

259 **Section 6.** Section 380.512, Florida Statutes, is repealed.

260 **Section 7.** Section 380.513, Florida Statutes, is repealed.

261 **Section 8.** Section 380.514, Florida Statutes, is repealed.

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

265 381.0065 Onsite sewage treatment and disposal systems;  
 266 regulation.—

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

269 (n) Regulate and permit maintenance entities for  
 270 performance-based treatment systems and aerobic treatment unit  
 271 systems. To ensure systems are maintained and operated according  
 272 to manufacturer's specifications and designs, the department  
 273 shall establish by rule minimum qualifying criteria for  
 274 maintenance entities. The criteria shall include training,  
 275 access to approved spare parts and components, access to

276 manufacturer's maintenance and operation manuals, and service  
277 response time. The maintenance entity shall employ a contractor  
278 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
279 a state-licensed wastewater plant operator, who is responsible  
280 for maintenance and repair of all systems under contract. The  
281 department may annually review and audit up to 25 percent of all  
282 inspection and maintenance reports submitted by such maintenance  
283 entities for performance-based treatment systems and aerobic  
284 treatment unit systems. The department may adopt rules to  
285 establish procedures for such audits.

286 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not  
287 construct, repair, modify, abandon, or operate an onsite sewage  
288 treatment and disposal system without first obtaining a permit  
289 approved by the department. The department may issue permits to  
290 carry out this section, except that the issuance of a permit for  
291 work seaward of the coastal construction control line  
292 established under s. 161.053 shall be contingent upon receipt of  
293 any required coastal construction control line permit from the  
294 department. A construction permit is valid for 18 months after  
295 the date of issuance and may be extended by the department for  
296 one 90-day period under rules adopted by the department. A  
297 repair permit is valid for 90 days after the date of issuance.  
298 When a person jointly applies for a construction permit and an  
299 operating permit for the same onsite sewage treatment and  
300 disposal system, the department shall concurrently process the

301 operating permit with the construction permit. An operating  
302 permit must be obtained before the use of any aerobic treatment  
303 unit or engineer-designed performance-based system, or if the  
304 establishment generates commercial waste. Buildings or  
305 establishments that ~~use an aerobic treatment unit or~~ generate  
306 commercial waste shall be inspected by the department at least  
307 annually to ensure ~~assure~~ compliance with the terms of the  
308 operating permit. The operating permit for a commercial  
309 wastewater system is valid for 1 year after the date of issuance  
310 and must be renewed annually. The operating permit for a  
311 residential onsite sewage treatment and disposal system, when  
312 required, is valid for the lifetime of the installation;  
313 however, any subsequent change in ownership of the property or  
314 any modification of the residential onsite sewage treatment and  
315 disposal system requires an operating permit modification upon  
316 such change. When an onsite sewage treatment and disposal system  
317 that requires an operating permit is sold or transferred, the  
318 subsequent owner with a controlling interest shall provide  
319 written notice and proof of ownership to the department to amend  
320 the operating permit information within 60 days after such  
321 property sale or transfer ~~an aerobic treatment unit is valid for~~  
322 ~~2 years after the date of issuance and must be renewed every 2~~  
323 ~~years.~~ If all information pertaining to the siting, location,  
324 and installation conditions or repair of an onsite sewage  
325 treatment and disposal system remains the same, a construction

326 or repair permit for the onsite sewage treatment and disposal  
327 system may be transferred to another person, if the transferee  
328 files, within 60 days after the transfer of ownership, an  
329 amended application providing all corrected information and  
330 proof of ownership of the property. A fee is not associated with  
331 the processing of this supplemental information if only  
332 ownership information is updated to reflect a permit transfer  
333 for a construction, a repair, or an operating permit. A person  
334 may not contract to construct, modify, alter, repair, service,  
335 abandon, or maintain any portion of an onsite sewage treatment  
336 and disposal system without being registered under part III of  
337 chapter 489. A property owner who personally performs  
338 construction, maintenance, or repairs to a system serving his or  
339 her own owner-occupied single-family residence is exempt from  
340 registration requirements for performing such construction,  
341 maintenance, or repairs on that residence, but is subject to all  
342 permitting requirements. A municipality or political subdivision  
343 of the state may not issue a building or plumbing permit for any  
344 building that requires the use of an onsite sewage treatment and  
345 disposal system unless the owner or builder has received a  
346 construction permit for such system from the department. A  
347 building or structure may not be occupied and a municipality,  
348 political subdivision, or any state or federal agency may not  
349 authorize occupancy until the department approves the final  
350 installation of the onsite sewage treatment and disposal system.

351 A municipality or political subdivision of the state may not  
352 approve any change in occupancy or tenancy of a building that  
353 uses an onsite sewage treatment and disposal system until the  
354 department has reviewed the use of the system with the proposed  
355 change, approved the change, and amended the operating permit.

356 (a) Subdivisions and lots in which each lot has a minimum  
357 area of at least one-half acre and either a minimum dimension of  
358 100 feet or a mean of at least 100 feet of the side bordering  
359 the street and the distance formed by a line parallel to the  
360 side bordering the street drawn between the two most distant  
361 points of the remainder of the lot may be developed with a water  
362 system regulated under s. 381.0062 and onsite sewage treatment  
363 and disposal systems, provided the projected daily sewage flow  
364 does not exceed an average of 1,500 gallons per acre per day,  
365 and provided satisfactory drinking water can be obtained and all  
366 distance and setback, soil condition, water table elevation, and  
367 other related requirements of this section and rules adopted  
368 under this section can be met.

369 (b) Subdivisions and lots using a public water system as  
370 defined in s. 403.852 may use onsite sewage treatment and  
371 disposal systems, provided there are no more than four lots per  
372 acre, provided the projected daily sewage flow does not exceed  
373 an average of 2,500 gallons per acre per day, and provided that  
374 all distance and setback, soil condition, water table elevation,  
375 and other related requirements that are generally applicable to

376 the use of onsite sewage treatment and disposal systems are met.

377 (c) Notwithstanding paragraphs (a) and (b), for  
378 subdivisions platted of record on or before October 1, 1991,  
379 when a developer or other appropriate entity has previously made  
380 or makes provisions, including financial assurances or other  
381 commitments, acceptable to the department, that a central water  
382 system will be installed by a regulated public utility based on  
383 a density formula, private potable wells may be used with onsite  
384 sewage treatment and disposal systems until the agreed-upon  
385 densities are reached. In a subdivision regulated by this  
386 paragraph, the average daily sewage flow may not exceed 2,500  
387 gallons per acre per day. This section does not affect the  
388 validity of existing prior agreements. After October 1, 1991,  
389 the exception provided under this paragraph is not available to  
390 a developer or other appropriate entity.

391 (d) Paragraphs (a) and (b) do not apply to any proposed  
392 residential subdivision with more than 50 lots or to any  
393 proposed commercial subdivision with more than 5 lots where a  
394 publicly owned or investor-owned sewage treatment system is  
395 available. This paragraph does not allow development of  
396 additional proposed subdivisions in order to evade the  
397 requirements of this paragraph.

398 (e) The department shall adopt rules relating to the  
399 location of onsite sewage treatment and disposal systems,  
400 including establishing setback distances, to prevent groundwater

401 contamination and surface water contamination and to preserve  
402 the public health. The rules must consider conventional and  
403 enhanced nutrient-reducing onsite sewage treatment and disposal  
404 system designs, impaired or degraded water bodies, domestic  
405 wastewater and drinking water infrastructure, potable water  
406 sources, nonpotable wells, stormwater infrastructure, the onsite  
407 sewage treatment and disposal system remediation plans developed  
408 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the  
409 recommendations of the onsite sewage treatment and disposal  
410 systems technical advisory committee established pursuant to  
411 former s. 381.00652. The rules must also allow a person to apply  
412 for and receive a variance from a rule requirement upon  
413 demonstration that the requirement would cause an undue hardship  
414 and granting the variance would not cause or contribute to the  
415 exceedance of a total maximum daily load.

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

- 418 1. Seventy-five feet from a private potable well.
- 419 2. Two hundred feet from a public potable well serving a  
420 residential or nonresidential establishment having a total  
421 sewage flow of greater than 2,000 gallons per day.
- 422 3. One hundred feet from a public potable well serving a  
423 residential or nonresidential establishment having a total  
424 sewage flow of less than or equal to 2,000 gallons per day.
- 425 4. Fifty feet from any nonpotable well.

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

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

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

433           8. Fifteen feet from the design high-water line of  
434 retention areas, detention areas, or swales designed to contain  
435 standing or flowing water for less than 72 hours after a  
436 rainfall or the design high-water level of normally dry drainage  
437 ditches or normally dry individual lot stormwater retention  
438 areas.

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

443           1. Any residential lot that was platted and recorded on or  
444 after January 1, 1972, or that is part of a residential  
445 subdivision that was approved by the appropriate permitting  
446 agency on or after January 1, 1972, and that was eligible for an  
447 onsite sewage treatment and disposal system construction permit  
448 on the date of such platting and recording or approval shall be  
449 eligible for an onsite sewage treatment and disposal system  
450 construction permit, regardless of when the application for a

451 permit is made. If rules in effect at the time the permit  
452 application is filed cannot be met, residential lots platted and  
453 recorded or approved on or after January 1, 1972, shall, to the  
454 maximum extent possible, comply with the rules in effect at the  
455 time the permit application is filed. At a minimum, however,  
456 those residential lots platted and recorded or approved on or  
457 after January 1, 1972, but before January 1, 1983, shall comply  
458 with those rules in effect on January 1, 1983, and those  
459 residential lots platted and recorded or approved on or after  
460 January 1, 1983, shall comply with those rules in effect at the  
461 time of such platting and recording or approval. In determining  
462 the maximum extent of compliance with current rules that is  
463 possible, the department shall allow structures and  
464 appurtenances thereto which were authorized at the time such  
465 lots were platted and recorded or approved.

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

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

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

475 (h)1. The department may grant variances in hardship cases

476 | which may be less restrictive than the provisions specified in  
477 | this section. If a variance is granted and the onsite sewage  
478 | treatment and disposal system construction permit has been  
479 | issued, the variance may be transferred with the system  
480 | construction permit, if the transferee files, within 60 days  
481 | after the transfer of ownership, an amended construction permit  
482 | application providing all corrected information and proof of  
483 | ownership of the property and if the same variance would have  
484 | been required for the new owner of the property as was  
485 | originally granted to the original applicant for the variance. A  
486 | fee is not associated with the processing of this supplemental  
487 | information. A variance may not be granted under this section  
488 | until the department is satisfied that:

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

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

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

498 |  
499 | Where soil conditions, water table elevation, and setback  
500 | provisions are determined by the department to be satisfactory,

501 special consideration must be given to those lots platted before  
502 1972.

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

514 a. The committee is composed of the following:

515 (I) The Secretary of Environmental Protection or his or  
516 her designee.

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

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

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

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

523 (VI) A representative from the real estate industry who is  
524 also a developer in this state who develops lots using onsite  
525 sewage treatment and disposal systems, recommended by the

526 Florida Association of Realtors.

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

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

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

540 (i) A construction permit may not be issued for an onsite  
541 sewage treatment and disposal system in any area zoned or used  
542 for industrial or manufacturing purposes, or its equivalent,  
543 where a publicly owned or investor-owned sewage treatment system  
544 is available, or where a likelihood exists that the system will  
545 receive toxic, hazardous, or industrial waste. An existing  
546 onsite sewage treatment and disposal system may be repaired if a  
547 publicly owned or investor-owned sewage treatment system is not  
548 available within 500 feet of the building sewer stub-out and if  
549 system construction and operation standards can be met. This  
550 paragraph does not require publicly owned or investor-owned

551 sewage treatment systems to accept anything other than domestic  
552 wastewater.

553 1. A building located in an area zoned or used for  
554 industrial or manufacturing purposes, or its equivalent, when  
555 such building is served by an onsite sewage treatment and  
556 disposal system, must not be occupied until the owner or tenant  
557 has obtained written approval from the department. The  
558 department may not grant approval when the proposed use of the  
559 system is to dispose of toxic, hazardous, or industrial  
560 wastewater or toxic or hazardous chemicals.

561 2. Each person who owns or operates a business or facility  
562 in an area zoned or used for industrial or manufacturing  
563 purposes, or its equivalent, or who owns or operates a business  
564 that has the potential to generate toxic, hazardous, or  
565 industrial wastewater or toxic or hazardous chemicals, and uses  
566 an onsite sewage treatment and disposal system that is installed  
567 on or after July 5, 1989, must obtain an annual system operating  
568 permit from the department. A person who owns or operates a  
569 business that uses an onsite sewage treatment and disposal  
570 system that was installed and approved before July 5, 1989, does  
571 not need to obtain a system operating permit. However, upon  
572 change of ownership or tenancy, the new owner or operator must  
573 notify the department of the change, and the new owner or  
574 operator must obtain an annual system operating permit,  
575 regardless of the date that the system was installed or

576 approved.

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

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

593         1. The performance criteria applicable to engineer-  
594 designed systems must be limited to those necessary to ensure  
595 that such systems do not adversely affect the public health or  
596 significantly degrade the groundwater or surface water. Such  
597 performance criteria shall include consideration of the quality  
598 of system effluent, the proposed total sewage flow per acre,  
599 wastewater treatment capabilities of the natural or replaced  
600 soil, water quality classification of the potential surface-

601 water-receiving body, and the structural and maintenance  
602 viability of the system for the treatment of domestic  
603 wastewater. However, performance criteria shall address only the  
604 performance of a system and not a system's design.

605         2. A person electing to use an engineer-designed system  
606 shall, upon completion of the system design, submit such design,  
607 certified by a registered professional engineer, to the county  
608 health department. The county health department may use an  
609 outside consultant to review the engineer-designed system, with  
610 the actual cost of such review to be borne by the applicant.  
611 Within 5 working days after receiving an engineer-designed  
612 system permit application, the county health department shall  
613 request additional information if the application is not  
614 complete. Within 15 working days after receiving a complete  
615 application for an engineer-designed system, the county health  
616 department shall issue the permit or, if it determines that the  
617 system does not comply with the performance criteria, shall  
618 notify the applicant of that determination and refer the  
619 application to the department for a determination as to whether  
620 the system should be approved, disapproved, or approved with  
621 modification. The department engineer's determination shall  
622 prevail over the action of the county health department. The  
623 applicant shall be notified in writing of the department's  
624 determination and of the applicant's rights to pursue a variance  
625 or seek review under the provisions of chapter 120.

626           3. The owner of an engineer-designed performance-based  
627 system must maintain a current maintenance service agreement  
628 with a maintenance entity permitted by the department. The  
629 maintenance entity shall inspect each system at least twice each  
630 year and shall submit an inspection report to the department  
631 each time the system is inspected which states ~~report quarterly~~  
632 ~~to the department on~~ the number of systems inspected and  
633 serviced. The reports may be submitted electronically.

634           4. The property owner of an owner-occupied, single-family  
635 residence may be approved and permitted by the department as a  
636 maintenance entity for his or her own performance-based  
637 treatment system upon written certification from the system  
638 manufacturer's approved representative that the property owner  
639 has received training on the proper installation and service of  
640 the system. The maintenance service agreement must conspicuously  
641 disclose that the property owner has the right to maintain his  
642 or her own system and is exempt from contractor registration  
643 requirements for performing construction, maintenance, or  
644 repairs on the system but is subject to all permitting  
645 requirements.

646           5. ~~The property owner shall obtain a biennial system~~  
647 ~~operating permit from the department for each system.~~ The  
648 department may ~~shall~~ inspect the system at least annually, or on  
649 such periodic basis as the fee collected permits, and may  
650 collect system-effluent samples if appropriate to determine

651 compliance with the performance criteria. The fee for the  
652 biennial operating permit must ~~shall~~ be collected beginning with  
653 the second year of system operation.

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

658 (k) An innovative system may be approved in conjunction  
659 with an engineer-designed site-specific system that is certified  
660 by the engineer to meet the performance-based criteria adopted  
661 by the department.

662 (l) For the Florida Keys, the department shall adopt a  
663 special rule for the construction, installation, modification,  
664 operation, repair, maintenance, and performance of onsite sewage  
665 treatment and disposal systems which considers the unique soil  
666 conditions and water table elevations, densities, and setback  
667 requirements. On lots where a setback distance of 75 feet from  
668 surface waters, saltmarsh, and buttonwood association habitat  
669 areas cannot be met, an injection well, approved and permitted  
670 by the department, may be used for disposal of effluent from  
671 onsite sewage treatment and disposal systems. The following  
672 additional requirements apply to onsite sewage treatment and  
673 disposal systems in Monroe County:

674 1. The county, each municipality, and those special  
675 districts established for the purpose of the collection,

676 transmission, treatment, or disposal of sewage shall ensure, in  
677 accordance with the specific schedules adopted by the  
678 Administration Commission under s. 380.0552, the completion of  
679 onsite sewage treatment and disposal system upgrades to meet the  
680 requirements of this paragraph.

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

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

687 b. Suspended Solids of 10 mg/l.

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

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

694

695 In addition, onsite sewage treatment and disposal systems  
696 discharging to an injection well must provide basic disinfection  
697 as defined by department rule.

698 3. In areas not scheduled to be served by a central  
699 sewerage system, onsite sewage treatment and disposal systems  
700 must, by December 31, 2015, comply with department rules and

701 provide the level of treatment described in subparagraph 2.

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

708 a. The existing tanks must be pumped and inspected and  
709 certified as being watertight and free of defects in accordance  
710 with department rule; and

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

713 5. Onsite sewage treatment and disposal systems must be  
714 monitored for total nitrogen and total phosphorus concentrations  
715 as required by department rule.

716 6. The department shall enforce proper installation,  
717 operation, and maintenance of onsite sewage treatment and  
718 disposal systems pursuant to this chapter, including ensuring  
719 that the appropriate level of treatment described in  
720 subparagraph 2. is met.

721 7. The authority of a local government, including a  
722 special district, to mandate connection of an onsite sewage  
723 treatment and disposal system is governed by s. 4, chapter 99-  
724 395, Laws of Florida.

725 8. Notwithstanding any other law, an onsite sewage

726 treatment and disposal system installed after July 1, 2010, in  
727 unincorporated Monroe County, excluding special wastewater  
728 districts, that complies with the standards in subparagraph 2.  
729 is not required to connect to a central sewerage system until  
730 December 31, 2020.

731 (m) A product sold in the state for use in onsite sewage  
732 treatment and disposal systems may not contain any substance in  
733 concentrations or amounts that would interfere with or prevent  
734 the successful operation of such system, or that would cause  
735 discharges from such systems to violate applicable water quality  
736 standards. The department shall publish criteria for products  
737 known or expected to meet the conditions of this paragraph. If a  
738 product does not meet such criteria, such product may be sold if  
739 the manufacturer satisfactorily demonstrates to the department  
740 that the conditions of this paragraph are met.

741 (n) Evaluations for determining the seasonal high-water  
742 table elevations or the suitability of soils for the use of a  
743 new onsite sewage treatment and disposal system shall be  
744 performed by department personnel, professional engineers  
745 registered in the state, or such other persons with expertise,  
746 as defined by rule, in making such evaluations. Evaluations for  
747 determining mean annual flood lines shall be performed by those  
748 persons identified in paragraph (2)(1). The department shall  
749 accept evaluations submitted by professional engineers and such  
750 other persons as meet the expertise established by this section

751 or by rule unless the department has a reasonable scientific  
752 basis for questioning the accuracy or completeness of the  
753 evaluation.

754 (o) An application for an onsite sewage treatment and  
755 disposal system permit shall be completed in full, signed by the  
756 owner or the owner's authorized representative, or by a  
757 contractor licensed under chapter 489, and shall be accompanied  
758 by all required exhibits and fees. Specific documentation of  
759 property ownership is not required as a prerequisite to the  
760 review of an application or the issuance of a permit. The  
761 issuance of a permit does not constitute determination by the  
762 department of property ownership.

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

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

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

776 drainfield.

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

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

792 a. The lot is at least one-half acre in size;

793 b. The bottom of the drainfield is at least 36 inches  
794 above the 2-year flood elevation; and

795 c. The applicant installs a waterless, incinerating, or  
796 organic waste composting toilet and a graywater system and  
797 drainfield in accordance with department rules; an aerobic  
798 treatment unit and drainfield in accordance with department  
799 rules; a system that is capable of reducing effluent nitrate by  
800 at least 50 percent in accordance with department rules; or a

801 system other than a system using alternative drainfield  
802 materials in accordance with department rules. The United States  
803 Department of Agriculture Soil Conservation Service soil maps,  
804 State of Florida Water Management District data, and Federal  
805 Emergency Management Agency Flood Insurance maps are resources  
806 that shall be used to identify flood-prone areas.

807 2. The use of fill or mounding to elevate a drainfield  
808 system out of the 10-year floodplain of rivers, streams, or  
809 other bodies of flowing water may not be permitted if such a  
810 system lies within a regulatory floodway of the Suwannee and  
811 Aucilla Rivers. In cases where the 10-year flood elevation does  
812 not coincide with the boundaries of the regulatory floodway, the  
813 regulatory floodway will be considered for the purposes of this  
814 subsection to extend at a minimum to the 10-year flood  
815 elevation.

816 (t)1. The owner of an aerobic treatment unit system shall  
817 maintain a current maintenance service agreement with an aerobic  
818 treatment unit maintenance entity permitted by the department.  
819 The maintenance entity shall inspect each aerobic treatment unit  
820 system at least twice each year and shall submit an inspection  
821 report to the department each time the system is inspected  
822 stating report quarterly to the department on the number of  
823 aerobic treatment unit systems inspected and serviced. The  
824 reports may be submitted electronically.

825 2. The property owner of an owner-occupied, single-family

826 residence may be approved and permitted by the department as a  
827 maintenance entity for his or her own aerobic treatment unit  
828 system upon written certification from the system manufacturer's  
829 approved representative that the property owner has received  
830 training on the proper installation and service of the system.  
831 The maintenance entity service agreement must conspicuously  
832 disclose that the property owner has the right to maintain his  
833 or her own system and is exempt from contractor registration  
834 requirements for performing construction, maintenance, or  
835 repairs on the system but is subject to all permitting  
836 requirements.

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

847 4. The owner of an aerobic treatment unit system shall  
848 obtain a system operating permit from the department and allow  
849 the department to inspect during reasonable hours each aerobic  
850 treatment unit system at least annually, and such inspection may

851 include collection and analysis of system-effluent samples for  
852 performance criteria established by rule of the department.

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

858 (v) Any permit issued and approved by the department for  
859 the installation, modification, or repair of an onsite sewage  
860 treatment and disposal system transfers ~~shall transfer~~ with the  
861 title to the property in a real estate transaction. For any such  
862 transfer of title to a property that has an onsite sewage  
863 treatment and disposal system that has not been abandoned in  
864 accordance with this section, or that is subject to a permit for  
865 the installation, modification, repair, or operation of such a  
866 system, the real estate transaction is subject to the following  
867 requirements:

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

873 2. An inspection of a system may not be mandated by a  
874 governmental entity at the point of sale in a real estate  
875 transaction.

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

879 a. A disclosure statement clearly identifying that the  
880 property is subject to regulations for an onsite sewage  
881 treatment and disposal system;

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

884 c. If applicable, a statement that the property is subject  
885 to an onsite sewage treatment and disposal system operating  
886 permit and that one or more of the persons receiving a  
887 controlling interest in the property are required pursuant to  
888 this subsection to provide written notice and proof of ownership  
889 to update the operating permit information within 60 days after  
890 such real estate transaction; and

891 d. A copy of any valid permit for the installation,  
892 modification, repair, or operation of an onsite sewage treatment  
893 and disposal system which will transfer pursuant to this  
894 paragraph.

895  
896 This paragraph does not affect a septic tank phase-out deferral  
897 program implemented by a consolidated government as defined in  
898 s. 9, Art. VIII of the State Constitution of 1885.

899 (w) A governmental entity, including a municipality,  
900 county, or statutorily created commission, may not require an

901 engineer-designed performance-based treatment system, excluding  
902 a passive engineer-designed performance-based treatment system,  
903 before the completion of the Florida Onsite Sewage Nitrogen  
904 Reduction Strategies Project. This paragraph does not apply to a  
905 governmental entity, including a municipality, county, or  
906 statutorily created commission, which adopted a local law,  
907 ordinance, or regulation on or before January 31, 2012.  
908 Notwithstanding this paragraph, an engineer-designed  
909 performance-based treatment system may be used to meet the  
910 requirements of the variance review and advisory committee  
911 recommendations.

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

919 a. The reconnection of the system is to the same type of  
920 structure which contains the same number of bedrooms or fewer,  
921 if the square footage of the structure is less than or equal to  
922 110 percent of the original square footage of the structure that  
923 existed before the disaster;

924 b. The system is not a sanitary nuisance; and

925 c. The system has not been altered without prior

926 authorization.

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

930         (y) If an onsite sewage treatment and disposal system  
931 permittee receives, relies upon, and undertakes construction of  
932 a system based upon a validly issued construction permit under  
933 rules applicable at the time of construction but a change to a  
934 rule occurs within 5 years after the approval of the system for  
935 construction but before the final approval of the system, the  
936 rules applicable and in effect at the time of construction  
937 approval apply at the time of final approval if fundamental site  
938 conditions have not changed between the time of construction  
939 approval and final approval.

940         (z) An existing-system inspection or evaluation and  
941 assessment, or a modification, replacement, or upgrade of an  
942 onsite sewage treatment and disposal system is not required for  
943 a remodeling addition or modification to a single-family home if  
944 a bedroom is not added. However, a remodeling addition or  
945 modification to a single-family home may not cover any part of  
946 the existing system or encroach upon a required setback or the  
947 unobstructed area. To determine if a setback or the unobstructed  
948 area is impacted, the local health department shall review and  
949 verify a floor plan and site plan of the proposed remodeling  
950 addition or modification to the home submitted by a remodeler

951 | which shows the location of the system, including the distance  
952 | of the remodeling addition or modification to the home from the  
953 | onsite sewage treatment and disposal system. The local health  
954 | department may visit the site or otherwise determine the best  
955 | means of verifying the information submitted. A verification of  
956 | the location of a system is not an inspection or evaluation and  
957 | assessment of the system. The review and verification must be  
958 | completed within 7 business days after receipt by the local  
959 | health department of a floor plan and site plan. If the review  
960 | and verification is not completed within such time, the  
961 | remodeling addition or modification to the single-family home,  
962 | for the purposes of this paragraph, is approved.

963 |       (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE  
964 | TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a  
965 | total maximum daily load, the department shall implement a fast-  
966 | track approval process of no longer than 6 months for the  
967 | determination of the use of American National Standards  
968 | Institute 245 systems approved by NSF International before July  
969 | 1, 2020. The department shall also establish an enhanced  
970 | nutrient-reducing onsite sewage treatment and disposal system  
971 | approval program that will expeditiously evaluate and approve  
972 | such systems for use in this state to comply with ss.  
973 | 403.067(7)(a)10. and 373.469(3)(d).

974 |       (9) CONTRACT OR DELEGATION AUTHORITY.—The department may  
975 | contract with or delegate its powers and duties under this

976 section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

977 **Section 10. Paragraph (c) of subsection (6) and paragraph**  
978 **(a) of subsection (7) of section 403.067, Florida Statutes, are**  
979 **amended to read:**

980 403.067 Establishment and implementation of total maximum  
981 daily loads.—

982 (6) CALCULATION AND ALLOCATION.—

983 (c) Adoption of rules. The total maximum daily load  
984 calculations and allocations established under this subsection  
985 for each water body or water body segment shall be adopted by  
986 rule by the secretary pursuant to ss. 120.536(1), 120.54, and  
987 403.805. Where additional data collection and analysis are  
988 needed to increase the scientific precision and accuracy of the  
989 total maximum daily load, the department is authorized to adopt  
990 phased total maximum daily loads that are subject to change as  
991 additional data becomes available. Where phased total maximum  
992 daily loads are proposed, the department shall, in the detailed  
993 statement of facts and circumstances justifying the rule,  
994 explain why the data are inadequate so as to justify a phased  
995 total maximum daily load. The rules adopted pursuant to this  
996 paragraph are not ~~subject to approval by the Environmental~~  
997 ~~Regulation Commission and are not subject to the provisions of~~  
998 s. 120.541(3). As part of the rule development process, the  
999 department shall hold at least one public workshop in the  
1000 vicinity of the water body or water body segment for which the

1001 total maximum daily load is being developed. Notice of the  
 1002 public workshop shall be published not less than 5 days nor more  
 1003 than 15 days before the public workshop in a newspaper of  
 1004 general circulation in the county or counties containing the  
 1005 water bodies or water body segments for which the total maximum  
 1006 daily load calculation and allocation are being developed.

1007 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
 1008 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1009 (a) *Basin management action plans.*—

1010 1. In developing and implementing the total maximum daily  
 1011 load for a waterbody, the department, or the department in  
 1012 conjunction with a water management district, may develop a  
 1013 basin management action plan that addresses some or all of the  
 1014 watersheds and basins tributary to the waterbody. Such plan must  
 1015 integrate the appropriate management strategies available to the  
 1016 state through existing water quality protection programs to  
 1017 achieve the total maximum daily loads and may provide for phased  
 1018 implementation of these management strategies to promote timely,  
 1019 cost-effective actions as provided for in s. 403.151. The plan  
 1020 must establish a schedule implementing the management  
 1021 strategies, establish a basis for evaluating the plan's  
 1022 effectiveness, and identify feasible funding strategies for  
 1023 implementing the plan's management strategies. The management  
 1024 strategies may include regional treatment systems or other  
 1025 public works, when appropriate, and voluntary trading of water

1026 quality credits to achieve the needed pollutant load reductions.

1027       2. A basin management action plan must equitably allocate,  
1028 pursuant to paragraph (6) (b), pollutant reductions to individual  
1029 basins, as a whole to all basins, or to each identified point  
1030 source or category of nonpoint sources, as appropriate. For  
1031 nonpoint sources for which best management practices have been  
1032 adopted, the initial requirement specified by the plan must be  
1033 those practices developed pursuant to paragraph (c). When  
1034 appropriate, the plan may take into account the benefits of  
1035 pollutant load reduction achieved by point or nonpoint sources  
1036 that have implemented management strategies to reduce pollutant  
1037 loads, including best management practices, before the  
1038 development of the basin management action plan. The plan must  
1039 also identify the mechanisms that will address potential future  
1040 increases in pollutant loading.

1041       3. The basin management action planning process is  
1042 intended to involve the broadest possible range of interested  
1043 parties, with the objective of encouraging the greatest amount  
1044 of cooperation and consensus possible. In developing a basin  
1045 management action plan, the department shall assure that key  
1046 stakeholders, including, but not limited to, applicable local  
1047 governments, water management districts, the Department of  
1048 Agriculture and Consumer Services, other appropriate state  
1049 agencies, local soil and water conservation districts,  
1050 environmental groups, regulated interests, and affected

1051 pollution sources, are invited to participate in the process.  
1052 The department shall hold at least one public meeting in the  
1053 vicinity of the watershed or basin to discuss and receive  
1054 comments during the planning process and shall otherwise  
1055 encourage public participation to the greatest practicable  
1056 extent. Notice of the public meeting must be published in a  
1057 newspaper of general circulation in each county in which the  
1058 watershed or basin lies at least 5 days, but not more than 15  
1059 days, before the public meeting. A basin management action plan  
1060 does not supplant or otherwise alter any assessment made under  
1061 subsection (3) or subsection (4) or any calculation or initial  
1062 allocation.

1063 4. Each new or revised basin management action plan must  
1064 include all of the following:

1065 a. The appropriate management strategies available through  
1066 existing water quality protection programs to achieve total  
1067 maximum daily loads, which may provide for phased implementation  
1068 to promote timely, cost-effective actions as provided for in s.  
1069 403.151.

1070 b. A description of best management practices adopted by  
1071 rule.

1072 c. For the applicable 5-year implementation milestone, a  
1073 list of projects that will achieve the pollutant load reductions  
1074 needed to meet the total maximum daily load or the load  
1075 allocations established pursuant to subsection (6). Each project

1076 must include a planning-level cost estimate and an estimated  
1077 date of completion.

1078 d. A list of projects developed pursuant to paragraph (e),  
1079 if applicable.

1080 e. The source and amount of financial assistance to be  
1081 made available by the department, a water management district,  
1082 or other entity for each listed project, if applicable.

1083 f. A planning-level estimate of each listed project's  
1084 expected load reduction, if applicable.

1085 5. The department shall adopt all or any part of a basin  
1086 management action plan and any amendment to such plan by  
1087 secretarial order pursuant to chapter 120 to implement this  
1088 section. A basin management action plan and any amendment to  
1089 such plan become effective 60 days after the date the  
1090 secretarial order is filed.

1091 6. The basin management action plan must include 5-year  
1092 milestones for implementation and water quality improvement, and  
1093 an associated water quality monitoring component sufficient to  
1094 evaluate whether reasonable progress in pollutant load  
1095 reductions is being achieved over time. An assessment of  
1096 progress toward these milestones shall be conducted every 5  
1097 years, and revisions to the plan shall be made as appropriate.  
1098 Any entity with a specific pollutant load reduction requirement  
1099 established in a basin management action plan shall identify the  
1100 projects or strategies that such entity will undertake to meet

1101 current 5-year pollution reduction milestones, beginning with  
1102 the first 5-year milestone for new basin management action  
1103 plans, and submit such projects to the department for inclusion  
1104 in the appropriate basin management action plan. Each project  
1105 identified must include an estimated amount of nutrient  
1106 reduction that is reasonably expected to be achieved based on  
1107 the best scientific information available. Revisions to the  
1108 basin management action plan shall be made by the department in  
1109 cooperation with basin stakeholders. Revisions to the management  
1110 strategies required for nonpoint sources must follow the  
1111 procedures in subparagraph (c)4. Revised basin management action  
1112 plans must be adopted pursuant to subparagraph 5.

1113 7. In accordance with procedures adopted by rule under  
1114 paragraph (9)(c), basin management action plans, and other  
1115 pollution control programs under local, state, or federal  
1116 authority as provided in subsection (4), may allow point or  
1117 nonpoint sources that will achieve greater pollutant reductions  
1118 than required by an adopted total maximum daily load or  
1119 wasteload allocation to generate, register, and trade water  
1120 quality credits for the excess reductions to enable other  
1121 sources to achieve their allocation; however, the generation of  
1122 water quality credits does not remove the obligation of a source  
1123 or activity to meet applicable technology requirements or  
1124 adopted best management practices. Such plans must allow trading  
1125 between NPDES permittees, and trading that may or may not

1126 involve NPDES permittees, where the generation or use of the  
1127 credits involve an entity or activity not subject to department  
1128 water discharge permits whose owner voluntarily elects to obtain  
1129 department authorization for the generation and sale of credits.

1130 8. The department's rule relating to the equitable  
1131 abatement of pollutants into surface waters do not apply to  
1132 water bodies or waterbody segments for which a basin management  
1133 plan that takes into account future new or expanded activities  
1134 or discharges has been adopted under this section.

1135 9. In order to promote resilient wastewater utilities, if  
1136 the department identifies domestic wastewater treatment  
1137 facilities or onsite sewage treatment and disposal systems as  
1138 contributors of at least 20 percent of point source or nonpoint  
1139 source nutrient pollution or if the department determines  
1140 remediation is necessary to achieve the total maximum daily  
1141 load, a basin management action plan for a nutrient total  
1142 maximum daily load must include the following:

1143 a. A domestic wastewater treatment plan developed by each  
1144 local government, in cooperation with the department, the water  
1145 management district, and the public and private domestic  
1146 wastewater treatment facilities providing services or located  
1147 within the jurisdiction of the local government, which addresses  
1148 domestic wastewater. Private domestic wastewater facilities and  
1149 special districts providing domestic wastewater services must  
1150 provide the required wastewater facility information to the

1151 applicable local governments. The domestic wastewater treatment  
1152 plan must:

1153 (I) Provide for construction, expansion, or upgrades  
1154 necessary to achieve the total maximum daily load requirements  
1155 applicable to the domestic wastewater treatment facility.

1156 (II) Include the permitted capacity in average annual  
1157 gallons per day for the domestic wastewater treatment facility;  
1158 the average nutrient concentration and the estimated average  
1159 nutrient load of the domestic wastewater; a projected timeline  
1160 of the dates by which the construction of any facility  
1161 improvements will begin and be completed and the date by which  
1162 operations of the improved facility will begin; the estimated  
1163 cost of the improvements; and the identity of responsible  
1164 parties.

1165

1166 The domestic wastewater treatment plan must be adopted as part  
1167 of the basin management action plan no later than July 1, 2025.  
1168 A local government that does not have a domestic wastewater  
1169 treatment facility in its jurisdiction is not required to  
1170 develop a domestic wastewater treatment plan unless there is a  
1171 demonstrated need to establish a domestic wastewater treatment  
1172 facility within its jurisdiction to improve water quality  
1173 necessary to achieve a total maximum daily load. A local  
1174 government is not responsible for a private domestic wastewater  
1175 facility's compliance with a basin management action plan unless

1176 such facility is operated through a public-private partnership  
1177 to which the local government is a party.

1178 b. An onsite sewage treatment and disposal system  
1179 remediation plan developed by each local government in  
1180 cooperation with the department, the Department of Health, water  
1181 management districts, and public and private domestic wastewater  
1182 treatment facilities.

1183 (I) The onsite sewage treatment and disposal system  
1184 remediation plan must identify cost-effective and financially  
1185 feasible projects necessary to achieve the nutrient load  
1186 reductions required for onsite sewage treatment and disposal  
1187 systems. To identify cost-effective and financially feasible  
1188 projects for remediation of onsite sewage treatment and disposal  
1189 systems, the local government shall:

1190 (A) Include an inventory of onsite sewage treatment and  
1191 disposal systems based on the best information available;

1192 (B) Identify onsite sewage treatment and disposal systems  
1193 that would be eliminated through connection to existing or  
1194 future central domestic wastewater infrastructure in the  
1195 jurisdiction or domestic wastewater service area of the local  
1196 government, that would be replaced with or upgraded to enhanced  
1197 nutrient-reducing onsite sewage treatment and disposal systems,  
1198 or that would remain on conventional onsite sewage treatment and  
1199 disposal systems;

1200 (C) Estimate the costs of potential onsite sewage

1201 treatment and disposal system connections, upgrades, or  
1202 replacements; and

1203 (D) Identify deadlines and interim milestones for the  
1204 planning, design, and construction of projects.

1205 (II) The department shall adopt the onsite sewage  
1206 treatment and disposal system remediation plan as part of the  
1207 basin management action plan no later than July 1, 2025, or as  
1208 required for Outstanding Florida Springs under s. 373.807.

1209 10. The following activities are prohibited within a basin  
1210 management action plan adopted under this section, a reasonable  
1211 assurance plan, or a pollution reduction plan:

1212 a. The installation of new onsite sewage treatment and  
1213 disposal systems ~~constructed within a basin management action~~  
1214 ~~plan area adopted under this section, a reasonable assurance~~  
1215 ~~plan, or a pollution reduction plan is prohibited~~ where  
1216 connection to a publicly owned or investor-owned sewerage system  
1217 is available as defined in s. 381.0065(2)(a). On lots of 1 acre  
1218 or less ~~within a basin management action plan adopted under this~~  
1219 ~~section, a reasonable assurance plan, or a pollution reduction~~  
1220 ~~plan~~ where a publicly owned or investor-owned sewerage system is  
1221 not available, the installation of enhanced nutrient-reducing  
1222 onsite sewage treatment and disposal systems, distributed  
1223 wastewater treatment systems as defined in s. 403.814(13), or  
1224 other wastewater treatment systems that achieve at least 65  
1225 percent nitrogen reduction is required.

1226        b. The construction or installation of new domestic  
1227 wastewater disposal facilities, including rapid infiltration  
1228 basins, with permitted capacities of 100,000 or more gallons per  
1229 day, except for those facilities that meet an advanced  
1230 wastewater treatment standard of no more than 3 mg/l total  
1231 nitrogen and 1 mg/l total phosphorus on an annual permitted  
1232 basis, or a more stringent treatment standard if the department  
1233 determines the more stringent standard is necessary to attain a  
1234 total maximum daily load.

1235        c. The construction or installation of new facilities for  
1236 the disposal of hazardous waste.

1237        11. When identifying wastewater projects in a basin  
1238 management action plan, the department may not require the  
1239 higher cost option if it achieves the same nutrient load  
1240 reduction as a lower cost option. A regulated entity may choose  
1241 a different cost option if it complies with the pollutant  
1242 reduction requirements of an adopted total maximum daily load  
1243 and meets or exceeds the pollution reduction requirement of the  
1244 original project.

1245        12. Annually, local governments subject to a basin  
1246 management action plan or located within the basin of a  
1247 waterbody not attaining nutrient or nutrient-related standards  
1248 must provide to the department an update on the status of  
1249 construction of sanitary sewers to serve such areas, in a manner  
1250 prescribed by the department.

**Section 11. Paragraph (e) of subsection (1) of section 403.0671, Florida Statutes, is amended to read:**

403.0671 Basin management action plan wastewater reports.—

(1) By July 1, 2021, the department, in coordination with 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 12. 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

1276 electrical power plants certified under s. 403.511, must obtain  
1277 from the department an operation permit for a major source of  
1278 air pollution under this section. This operation permit is the  
1279 only department operation permit for a major source of air  
1280 pollution required for such source; provided, at the applicant's  
1281 request, the department shall issue a separate acid rain permit  
1282 for a major source of air pollution that is an affected source  
1283 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
1284 for major sources of air pollution, except general permits  
1285 issued pursuant to s. 403.814, must be issued in accordance with  
1286 the procedures contained in this section and in accordance with  
1287 chapter 120; however, to the extent that chapter 120 is  
1288 inconsistent with this section, the procedures contained in this  
1289 section prevail.

1290 (11) Each major source of air pollution permitted to  
1291 operate in this state must pay by June 30 ~~between January 15 and~~  
1292 ~~April 1~~ of each year, upon written notice from the department,  
1293 an annual operation license fee in an amount determined by  
1294 department rule. The annual operation license fee shall be  
1295 terminated immediately in the event the United States  
1296 Environmental Protection Agency imposes annual fees solely to  
1297 implement and administer the major source air-operation permit  
1298 program in Florida under 40 C.F.R. s. 70.10(d).

1299 (a) The annual fee must be assessed based upon the  
1300 source's previous year's emissions and must be calculated by

1301 multiplying the applicable annual operation license fee factor  
1302 times the tons of each regulated air pollutant actually emitted,  
1303 as calculated in accordance with the department's emissions  
1304 computation and reporting rules. The annual fee shall only apply  
1305 to those regulated pollutants, except carbon monoxide and  
1306 greenhouse gases, for which an allowable numeric emission  
1307 limiting standard is specified in the source's most recent  
1308 construction or operation permit; provided, however, that:

1309       1. The license fee factor is \$25 or another amount  
1310 determined by department rule which ensures that the revenue  
1311 provided by each year's operation license fees is sufficient to  
1312 cover all reasonable direct and indirect costs of the major  
1313 stationary source air-operation permit program established by  
1314 this section. The license fee factor may be increased beyond \$25  
1315 only if the secretary of the department affirmatively finds that  
1316 a shortage of revenue for support of the major stationary source  
1317 air-operation permit program will occur in the absence of a fee  
1318 factor adjustment. The annual license fee factor may never  
1319 exceed \$35.

1320       2. The amount of each regulated air pollutant in excess of  
1321 4,000 tons per year emitted by any source, or group of sources  
1322 belonging to the same Major Group as described in the Standard  
1323 Industrial Classification Manual, 1987, may not be included in  
1324 the calculation of the fee. Any source, or group of sources,  
1325 which does not emit any regulated air pollutant in excess of

1326 4,000 tons per year, is allowed a one-time credit not to exceed  
1327 25 percent of the first annual licensing fee for the prorated  
1328 portion of existing air-operation permit application fees  
1329 remaining upon commencement of the annual licensing fees.

1330 3. If the department has not received the fee ~~by March 1~~  
1331 ~~of the calendar year, the permittee must be sent a written~~  
1332 ~~warning of the consequences for failing to pay the fee by April~~  
1333 ~~1. If the fee is not postmarked by June 30 April 1~~ of the  
1334 calendar year, the department shall impose, in addition to the  
1335 fee, a penalty of 50 percent of the amount of the fee, plus  
1336 interest on such amount computed in accordance with s. 220.807.  
1337 The department may not impose such penalty or interest on any  
1338 amount underpaid, provided that the permittee has timely  
1339 remitted payment of at least 90 percent of the amount determined  
1340 to be due and remits full payment within 60 days after receipt  
1341 of notice of the amount underpaid. The department may waive the  
1342 collection of underpayment and may not be required to refund  
1343 overpayment of the fee, if the amount due is less than 1 percent  
1344 of the fee, up to \$50. The department may revoke any major air  
1345 pollution source operation permit if it finds that the  
1346 permitholder has failed to timely pay any required annual  
1347 operation license fee, penalty, or interest.

1348 4. Notwithstanding the computational provisions of this  
1349 subsection, the annual operation license fee for any source  
1350 subject to this section may not be less than \$250, except that

1351 the annual operation license fee for sources permitted solely  
1352 through general permits issued under s. 403.814 may not exceed  
1353 \$50 per year.

1354 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes  
1355 air pollution construction permit fees, the department may not  
1356 require such fees for changes or additions to a major source of  
1357 air pollution permitted pursuant to this section, unless the  
1358 activity triggers permitting requirements under Title I, Part C  
1359 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-  
1360 7514a. ~~Costs to issue and administer such permits shall be~~  
1361 ~~considered direct and indirect costs of the major stationary~~  
1362 ~~source air-operation permit program under s. 403.0873.~~ The  
1363 department shall, however, require fees pursuant to s.  
1364 403.087(7)(a)5.a. for the construction of a new major source of  
1365 air pollution that will be subject to the permitting  
1366 requirements of this section once constructed and for activities  
1367 triggering permitting requirements under Title I, Part C or Part  
1368 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

1369 (b) Annual operation license fees collected by the  
1370 department must be sufficient to cover all reasonable direct and  
1371 indirect costs required to develop and administer the major  
1372 stationary source air-operation permit program, which shall  
1373 consist of the following elements to the extent that they are  
1374 reasonably related to the regulation of major stationary air  
1375 pollution sources, in accordance with United States

1376 Environmental Protection Agency regulations and guidelines:  
 1377       1. Reviewing and acting upon any application for such a  
 1378 permit.  
 1379       2. Implementing and enforcing the terms and conditions of  
 1380 any such permit, excluding court costs or other costs associated  
 1381 with any enforcement action.  
 1382       3. Emissions and ambient monitoring.  
 1383       4. Preparing generally applicable regulations or guidance.  
 1384       5. Modeling, analyses, and demonstrations.  
 1385       6. Preparing inventories and tracking emissions.  
 1386       7. Implementing the Small Business Stationary Source  
 1387 Technical and Environmental Compliance Assistance Program.  
 1388       8. Any audits conducted under paragraph (c).  
 1389       (c) An audit of the major stationary source air-operation  
 1390 permit program must be conducted 2 years after the United States  
 1391 Environmental Protection Agency has given full approval of the  
 1392 program to ascertain whether the annual operation license fees  
 1393 collected by the department are used solely to support any  
 1394 reasonable direct and indirect costs as listed in paragraph (b).  
 1395 A program audit must be performed biennially after the first  
 1396 audit.  
 1397       **Section 13. Paragraphs (a) and (b) of subsection (3) of**  
 1398 **section 403.1838, Florida Statutes, are amended to read:**  
 1399       403.1838 Small Community Sewer Construction Assistance  
 1400 Act.—

1401           (3) (a) In accordance with rules adopted by the department  
 1402 ~~Environmental Regulation Commission~~ under this section, the  
 1403 department may provide grants, from funds specifically  
 1404 appropriated for this purpose, to financially disadvantaged  
 1405 small communities for up to 100 percent of the costs of  
 1406 planning, designing, constructing, upgrading, or replacing  
 1407 wastewater collection, transmission, treatment, disposal, and  
 1408 reuse facilities, including necessary legal and administrative  
 1409 expenses.

1410           (b) The rules of the department ~~Environmental Regulation~~  
 1411 ~~Commission~~ must:

1412           1. Require that projects to plan, design, construct,  
 1413 upgrade, or replace wastewater collection, transmission,  
 1414 treatment, disposal, and reuse facilities be cost-effective,  
 1415 environmentally sound, permittable, and implementable.

1416           2. Require appropriate user charges, connection fees, and  
 1417 other charges sufficient to ensure the long-term operation,  
 1418 maintenance, and replacement of the facilities constructed under  
 1419 each grant.

1420           3. Require grant applications to be submitted on  
 1421 appropriate forms with appropriate supporting documentation, and  
 1422 require records to be maintained.

1423           4. Establish a system to determine eligibility of grant  
 1424 applications.

1425           5. Establish a system to determine the relative priority

1426 of grant applications. The system must consider public health  
 1427 protection and water pollution prevention or abatement and must  
 1428 prioritize projects that plan for the installation of wastewater  
 1429 transmission facilities to be constructed concurrently with  
 1430 other construction projects occurring within or along a  
 1431 transportation facility right-of-way.

1432 6. Establish requirements for competitive procurement of  
 1433 engineering and construction services, materials, and equipment.

1434 7. Provide for termination of grants when program  
 1435 requirements are not met.

1436 **Section 14.** Section 403.804, Florida Statutes, is  
 1437 repealed.

1438 **Section 15. Paragraph (i) of subsection (1) of section**  
 1439 **255.065, Florida Statutes, is amended to read:**

1440 255.065 Public-private partnerships.—

1441 (1) DEFINITIONS.—As used in this section, the term:

1442 (i) "Qualifying project" means:

1443 1. A facility or project that serves a public purpose,  
 1444 including, but not limited to, any ferry or mass transit  
 1445 facility, vehicle parking facility, airport or seaport facility,  
 1446 rail facility or project, fuel supply facility, oil or gas  
 1447 pipeline, medical or nursing care facility, recreational  
 1448 facility, sporting or cultural facility, or educational facility  
 1449 or other building or facility that is used or will be used by a  
 1450 public educational institution, or any other public facility or

1451 infrastructure that is used or will be used by the public at  
 1452 large or in support of an accepted public purpose or activity;

1453 2. An improvement, including equipment, of a building that  
 1454 will be principally used by a public entity or the public at  
 1455 large or that supports a service delivery system in the public  
 1456 sector;

1457 3. A water, wastewater, or surface water management  
 1458 facility or other related infrastructure;

1459 4. A coastal resiliency project as defined in s.  
 1460 380.0934(1); or

1461 ~~5.4.~~ Notwithstanding any provision of this section, for  
 1462 projects that involve a facility owned or operated by the  
 1463 governing board of a county, district, or municipal hospital or  
 1464 health care system, or projects that involve a facility owned or  
 1465 operated by a municipal electric utility, only those projects  
 1466 that the governing board designates as qualifying projects  
 1467 pursuant to this section.

1468 **Section 16. Section 380.0934, Florida Statutes, is created**  
 1469 **to read:**

1470 380.0934 Public-private partnerships for coastal  
 1471 resiliency projects.-

1472 (1) As used in this section, the term:

1473 (a) "Coastal resiliency project" means:

1474 1. Planning, contracting, and executing a project to  
 1475 address flooding and sea level rise in a coastal or inland

1476 community in this state under s. 380.093(5);  
1477 2. Public infrastructure repair and upgrades to seawalls  
1478 and stormwater drainage; and  
1479 3. Resiliency measures designed to withstand extreme  
1480 weather, mitigate flooding, and prevent coastal erosion,  
1481 including:  
1482 a. Acquisition of at-risk coastal and flood-prone  
1483 properties;  
1484 b. Acquisition of properties in areas at high risk of  
1485 flooding;  
1486 c. Infrastructure hardening and development of natural  
1487 barriers;  
1488 d. Construction of large-scale seawalls, levees, and  
1489 elevated flood barriers; or  
1490 e. Expansion and restoration of natural protective  
1491 systems.  
1492 (b) "Department" means the Department of Environmental  
1493 Protection.  
1494 (c) "Public-private partnership" means a coastal  
1495 resiliency project entered into by the department under s.  
1496 255.065.  
1497 (2) The department has the exclusive authority to execute  
1498 coastal resiliency projects through public-private partnerships  
1499 under s. 255.065.  
1500 (3) To encourage investment from the private sector in

1501 coastal resiliency projects, the department may:  
 1502 (a) Enter into long-term revenue-sharing agreements.  
 1503 (b) Provide expedited permitting for construction.  
 1504 (c) Seek comments from local governments and the public  
 1505 during project planning and execution and incorporate actions  
 1506 responsive to such comments into the project.  
 1507 (d) Engage in-state vocational schools and apprenticeship  
 1508 programs to train workers in specialized resiliency  
 1509 construction.  
 1510 (4) The department shall publish on its website biennial  
 1511 progress reports for each coastal resiliency project funded  
 1512 through a public-private partnership, including project  
 1513 milestones, expenditures, and public benefits. The department  
 1514 shall also create and maintain on its website an online  
 1515 dashboard for real-time updates on project execution.

1516 **Section 17. Subsection (6) of section 120.81, Florida**  
 1517 **Statutes, is amended to read:**

1518 120.81 Exceptions and special requirements; general  
 1519 areas.—

1520 (6) RISK IMPACT STATEMENT.—The Department of Environmental  
 1521 Protection shall prepare a risk impact statement for any rule  
 1522 that is proposed for adoption which ~~approval by the~~  
 1523 ~~Environmental Regulation Commission and that~~ establishes or  
 1524 changes standards or criteria based on impacts to or effects  
 1525 upon human health. The Department of Agriculture and Consumer

1526 Services shall prepare a risk impact statement for any rule that  
 1527 is proposed for adoption that establishes standards or criteria  
 1528 based on impacts to or effects upon human health.

1529 (a) This subsection does not apply to rules adopted  
 1530 pursuant to federally delegated or mandated programs where such  
 1531 rules are identical or substantially identical to the federal  
 1532 regulations or laws being adopted or implemented by the  
 1533 Department of Environmental Protection or Department of  
 1534 Agriculture and Consumer Services, as applicable. However, the  
 1535 Department of Environmental Protection and the Department of  
 1536 Agriculture and Consumer Services shall identify any risk  
 1537 analysis information available to them from the Federal  
 1538 Government that has formed the basis of such a rule.

1539 (b) This subsection does not apply to emergency rules  
 1540 adopted pursuant to this chapter.

1541 (c) The Department of Environmental Protection and the  
 1542 Department of Agriculture and Consumer Services shall prepare  
 1543 and publish notice of the availability of a clear and concise  
 1544 risk impact statement for all applicable rules. The risk impact  
 1545 statement must explain the risk to the public health addressed  
 1546 by the rule and shall identify and summarize the source of the  
 1547 scientific information used in evaluating that risk.

1548 (d) Nothing in this subsection shall be construed to  
 1549 create a new cause of action or basis for challenging a rule nor  
 1550 diminish any existing cause of action or basis for challenging a

1551 rule.

1552 **Section 18. Subsection (1) of section 373.421, Florida**  
 1553 **Statutes, is amended, and paragraph (b) of subsection (7) of**  
 1554 **that section is reenacted, to read:**

1555 373.421 Delineation methods; formal determinations.—

1556 (1) The department's ~~Environmental Regulation Commission~~  
 1557 ~~shall adopt a~~ unified statewide methodology for the delineation  
 1558 of the extent of wetlands as defined in s. 373.019(27). ~~This~~  
 1559 ~~methodology~~ shall consider regional differences in the types of  
 1560 soils and vegetation that may serve as indicators of the extent  
 1561 of wetlands. This methodology shall also include provisions for  
 1562 determining the extent of surface waters other than wetlands for  
 1563 the purposes of regulation under s. 373.414. This methodology  
 1564 shall not become effective until ratified by the Legislature.  
 1565 Subsequent to legislative ratification, the wetland definition  
 1566 in s. 373.019(27) and the adopted wetland methodology shall be  
 1567 binding on the department, the water management districts, local  
 1568 governments, and any other governmental entities. Upon  
 1569 ratification of such wetland methodology, the Legislature  
 1570 preempts the authority of any water management district, state  
 1571 or regional agency, or local government to define wetlands or  
 1572 develop a delineation methodology to implement the definition  
 1573 and determines that the exclusive definition and delineation  
 1574 methodology for wetlands shall be that established pursuant to  
 1575 s. 373.019(27) and this section. Upon such legislative

1576 ratification, any existing wetlands definition or wetland  
1577 delineation methodology shall be superseded by the wetland  
1578 definition and delineation methodology established pursuant to  
1579 this chapter. Subsequent to legislative ratification, a  
1580 delineation of the extent of a surface water or wetland by the  
1581 department or a water management district, pursuant to a formal  
1582 determination under subsection (2), or pursuant to a permit  
1583 issued under this part in which the delineation was field-  
1584 verified by the permitting agency and specifically approved in  
1585 the permit, shall be binding on all other governmental entities  
1586 for the duration of the formal determination or permit. All  
1587 existing rules and methodologies of the department, the water  
1588 management districts, and local governments, regarding surface  
1589 water or wetland definition and delineation shall remain in full  
1590 force and effect until the common methodology rule becomes  
1591 effective. However, this shall not be construed to limit any  
1592 power of the department, the water management districts, and  
1593 local governments to amend or adopt a surface water or wetland  
1594 definition or delineation methodology until the common  
1595 methodology rule becomes effective.

1596 (7)

1597 (b) Wetlands contiguous to surface waters of the state as  
1598 defined in s. 403.031(13), Florida Statutes (1991), shall be  
1599 delineated pursuant to the department's rules as such rules  
1600 existed prior to January 24, 1984, while wetlands not contiguous

1601 to surface waters of the state as defined in s. 403.031(13),  
1602 Florida Statutes (1991), shall be delineated pursuant to the  
1603 applicable methodology ratified by s. 373.4211 for any  
1604 development which obtains an individual permit from the United  
1605 States Army Corps of Engineers under 33 U.S.C. s. 1344:

1606 1. Where a jurisdictional determination validated by the  
1607 department pursuant to rule 17-301.400(8), Florida  
1608 Administrative Code, as it existed in rule 17-4.022, Florida  
1609 Administrative Code, on April 1, 1985, is revalidated pursuant  
1610 to s. 373.414(13) and the affected lands are part of a project  
1611 for which a vested rights determination has been issued pursuant  
1612 to s. 380.06, or

1613 2. Where the lands affected were grandfathered pursuant to  
1614 s. 403.913(6), Florida Statutes (1991), and proof of prior  
1615 notification pursuant to s. 403.913(6), Florida Statutes (1991),  
1616 is submitted to the department within 180 days of the  
1617 publication of a notice by the department of the existence of  
1618 this provision. Failure to timely submit the proof of prior  
1619 notification to the department serves as a waiver of the  
1620 benefits conferred by this subsection.

1621 3. This subsection shall not be applicable to lands:

1622 a. Within the geographical area to which an individual or  
1623 general permit issued prior to June 1, 1994, under rules adopted  
1624 pursuant to this part applies; or

1625 b. Within the geographical area to which a conceptual

1626 permit issued prior to June 1, 1994, under rules adopted  
 1627 pursuant to this part applies if wetland delineations were  
 1628 identified and approved by the conceptual permit as set forth in  
 1629 s. 373.414(12)(b)1. or 2.; or

1630 c. Where no development activity as defined in s.  
 1631 380.01(1) or (2)(a)-(d) and (f) has occurred within the project  
 1632 boundaries since October 1, 1986; or

1633 d. Of a project which is not in compliance with this part  
 1634 or the rules adopted pursuant to ss. 403.91-403.929, 1984  
 1635 Supplement to the Florida Statutes 1983, as amended.

1636 4. The wetland delineation methodology required in this  
 1637 subsection shall only apply within the geographical area of an  
 1638 individual permit issued by the United States Army Corps of  
 1639 Engineers under 33 U.S.C. s. 1344. The requirement to obtain  
 1640 such individual permit to secure the benefit of this subsection  
 1641 shall not apply to any activities exempt or not subject to  
 1642 regulation under 33 U.S.C. s. 1344.

1643 5. Notwithstanding subsection (1), the wetland delineation  
 1644 methodology required in this subsection and any wetland  
 1645 delineation pursuant thereto, shall only apply to agency action  
 1646 under this part and shall not be binding on local governments  
 1647 except in their implementation of this part.

1648 **Section 19. Paragraph (b) of subsection (23) of section**  
 1649 **403.031, Florida Statutes, is amended to read:**

1650 403.031 Definitions.—In construing this chapter, or rules

1651 and regulations adopted pursuant hereto, the following words,  
1652 phrases, or terms, unless the context otherwise indicates, have  
1653 the following meanings:

1654 (23) "Waters" include, but are not limited to, rivers,  
1655 lakes, streams, springs, impoundments, wetlands, and all other  
1656 waters or bodies of water, including fresh, brackish, saline,  
1657 tidal, surface, or underground waters. Waters owned entirely by  
1658 one person other than the state are included only in regard to  
1659 possible discharge on other property or water. Underground  
1660 waters include, but are not limited to, all underground waters  
1661 passing through pores of rock or soils or flowing through in  
1662 channels, whether manmade or natural. Solely for purposes of s.  
1663 403.0885, waters of the state also include navigable waters or  
1664 waters of the contiguous zone as used in s. 502 of the Clean  
1665 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in  
1666 existence on January 1, 1993, except for those navigable waters  
1667 seaward of the boundaries of the state set forth in s. 1, Art.  
1668 II of the State Constitution. Solely for purposes of this  
1669 chapter, waters of the state also include the area bounded by  
1670 the following:

1671 (b) The area bounded by the line described in paragraph  
1672 (a) generally includes those waters to be known as waters of the  
1673 state. The landward extent of these waters shall be determined  
1674 by the delineation methodology ratified in s. 373.4211. Any  
1675 waters which are outside the general boundary line described in

1676 paragraph (a) but which are contiguous thereto by virtue of the  
 1677 presence of a wetland, watercourse, or other surface water, as  
 1678 determined by the delineation methodology ratified in s.  
 1679 373.4211, shall be a part of this waterbody. Any areas within  
 1680 the line described in paragraph (a) which are neither a wetland  
 1681 nor surface water, as determined by the delineation methodology  
 1682 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~  
 1683 ~~Florida Environmental Regulation Commission designates the~~  
 1684 ~~waters within the boundaries an Outstanding Florida Water,~~  
 1685 ~~waters outside the boundaries may not be included as part of~~  
 1686 ~~such designation unless a hearing is held pursuant to notice in~~  
 1687 ~~each appropriate county and the boundaries of such lands are~~  
 1688 ~~specifically considered and described for such designation.~~

1689 **Section 20. Subsections (7) and (32) of section 403.061,**  
 1690 **Florida Statutes, are amended to read:**

1691 403.061 Department; powers and duties.—The department  
 1692 shall have the power and the duty to control and prohibit  
 1693 pollution of air and water in accordance with the law and rules  
 1694 adopted and promulgated by it and, for this purpose, to:

1695 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
 1696 implement this act. Any rule adopted pursuant to this act must  
 1697 be consistent with the provisions of federal law, if any,  
 1698 relating to control of emissions from motor vehicles, effluent  
 1699 limitations, pretreatment requirements, or standards of  
 1700 performance. A county, municipality, or political subdivision

1701 may not adopt or enforce any local ordinance, special law, or  
1702 local regulation requiring the installation of Stage II vapor  
1703 recovery systems, as currently defined by department rule,  
1704 unless such county, municipality, or political subdivision is or  
1705 has been in the past designated by federal regulation as a  
1706 moderate, serious, or severe ozone nonattainment area. Rules  
1707 adopted pursuant to this act may not require dischargers of  
1708 waste into waters of the state to improve natural background  
1709 conditions. The department shall adopt rules to reasonably  
1710 limit, reduce, and eliminate domestic wastewater collection and  
1711 transmission system pipe leakages and inflow and infiltration.  
1712 Discharges from steam electric generating plants existing or  
1713 licensed under this chapter on July 1, 1984, may not be required  
1714 to be treated to a greater extent than may be necessary to  
1715 assure that the quality of nonthermal components of discharges  
1716 from nonrecirculated cooling water systems is as high as the  
1717 quality of the makeup waters; that the quality of nonthermal  
1718 components of discharges from recirculated cooling water systems  
1719 is no lower than is allowed for blowdown from such systems; or  
1720 that the quality of noncooling system discharges which receive  
1721 makeup water from a receiving body of water which does not meet  
1722 applicable department water quality standards is as high as the  
1723 quality of the receiving body of water. ~~The department may not~~  
1724 ~~adopt standards more stringent than federal regulations, except~~  
1725 ~~as provided in s. 403.804.~~

1726 (32) Adopt rules necessary to obtain approval from the  
 1727 United States Environmental Protection Agency to administer the  
 1728 Federal National Pollution Discharge Elimination System (NPDES)  
 1729 permitting program in Florida under ss. 318, 402, and 405 of the  
 1730 federal Clean Water Act, Pub. L. No. 92-500, as amended. This  
 1731 authority shall be implemented consistent with the provisions of  
 1732 part II, which shall be applicable to facilities certified  
 1733 thereunder. The department shall establish all rules, standards,  
 1734 and requirements that regulate the discharge of pollutants into  
 1735 waters of the United States as defined by and in a manner  
 1736 consistent with federal regulations; provided, however, that the  
 1737 department may adopt a standard that is stricter or more  
 1738 stringent than one set by the United States Environmental  
 1739 Protection Agency ~~if approved by the Governor and Cabinet in~~  
 1740 ~~accordance with the procedures of s. 403.804(2).~~

1741  
 1742 The department shall implement such programs in conjunction with  
 1743 its other powers and duties and shall place special emphasis on  
 1744 reducing and eliminating contamination that presents a threat to  
 1745 humans, animals or plants, or to the environment.

1746 **Section 21. Subsection (9) of section 403.704, Florida**  
 1747 **Statutes, is amended to read:**

1748 403.704 Powers and duties of the department.—The  
 1749 department shall have responsibility for the implementation and  
 1750 enforcement of this act. In addition to other powers and duties,

1751 the department shall:

1752 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1753 implement and enforce this act, including requirements for the  
1754 classification, construction, operation, maintenance, and  
1755 closure of solid waste management facilities and requirements  
1756 for, and conditions on, solid waste disposal in this state,  
1757 whether such solid waste is generated within this state or  
1758 outside this state as long as such requirements and conditions  
1759 are not based on the out-of-state origin of the waste and are  
1760 consistent with applicable law. When classifying solid waste  
1761 management facilities, the department shall consider the  
1762 hydrogeology of the site for the facility, the types of wastes  
1763 to be handled by the facility, and methods used to control the  
1764 types of waste to be handled by the facility and shall seek to  
1765 minimize the adverse effects of solid waste management on the  
1766 environment. ~~Whenever the department adopts any rule stricter or~~  
1767 ~~more stringent than one that has been set by the United States~~  
1768 ~~Environmental Protection Agency, the procedures set forth in s.~~  
1769 ~~403.804(2) shall be followed.~~ The department may ~~shall~~ not,  
1770 ~~however,~~ adopt hazardous waste rules for solid waste for which  
1771 special studies were required before ~~prior to~~ October 1, 1988,  
1772 under s. 8002 of the Resource Conservation and Recovery Act, 42  
1773 U.S.C. s. 6982, as amended, until the studies are completed by  
1774 the United States Environmental Protection Agency and the  
1775 information is available to the department for consideration in

1776 adopting its own rule.

1777 **Section 22. Paragraph (d) of subsection (3) and paragraph**  
 1778 **(h) of subsection (9) of section 403.707, Florida Statutes, are**  
 1779 **amended to read:**

1780 403.707 Permits.—

1781 (3)

1782 (d) The department may adopt rules to administer this  
 1783 subsection. ~~However, the department is not required to submit~~  
 1784 ~~such rules to the Environmental Regulation Commission for~~  
 1785 ~~approval.~~ Notwithstanding the limitations of s. 403.087(7)(a),  
 1786 permit fee caps for solid waste management facilities must ~~shall~~  
 1787 be prorated to reflect the extended permit term authorized by  
 1788 this subsection.

1789 (9) The department shall establish a separate category for  
 1790 solid waste management facilities that accept only construction  
 1791 and demolition debris for disposal or recycling. The department  
 1792 shall establish a reasonable schedule for existing facilities to  
 1793 comply with this section to avoid undue hardship to such  
 1794 facilities. However, a permitted solid waste disposal unit that  
 1795 receives a significant amount of waste prior to the compliance  
 1796 deadline established in this schedule shall not be required to  
 1797 be retrofitted with liners or leachate control systems.

1798 (h) The department shall ensure that the requirements of  
 1799 this section are applied and interpreted consistently throughout  
 1800 this ~~the~~ state. ~~In accordance with s. 20.255,~~ The Division of

1801 Waste Management shall direct the district offices and bureaus  
 1802 on matters relating to the interpretation and applicability of  
 1803 this section.

1804 **Section 23. Subsection (3) of section 403.7222, Florida**  
 1805 **Statutes, is amended to read:**

1806 403.7222 Prohibition of hazardous waste landfills.—

1807 (3) This section does not prohibit the department from  
 1808 banning the disposal of hazardous waste in other types of waste  
 1809 management units in a manner consistent with federal  
 1810 requirements, ~~except as provided under s. 403.804(2).~~

1811 **Section 24. Subsection (4) of section 403.7234, Florida**  
 1812 **Statutes, is amended to read:**

1813 403.7234 Small quantity generator notification and  
 1814 verification program.—

1815 (4) Within 30 days of receipt of a notification, which  
 1816 includes a survey form, a small quantity generator shall  
 1817 disclose its management practices and the types and quantities  
 1818 of waste to the county government. Annually, each county shall  
 1819 verify the management practices of at least 20 percent of its  
 1820 small quantity generators. The procedure for verification used  
 1821 by the county must ~~shall~~ be developed as part of the guidance  
 1822 established by the department under s. 403.7226. The department  
 1823 may also regulate the waste management practices of small  
 1824 quantity generators in order to ensure proper management of  
 1825 hazardous waste in a manner consistent with federal

1826 requirements, ~~except as provided under s. 403.804(2).~~

1827 **Section 25. Section 403.803, Florida Statutes, is amended**  
 1828 **to read:**

1829 403.803 Definitions.—When used in this part act, the term,  
 1830 phrase, or word:

1831 (1) "Branch office" means a geographical area, the  
 1832 boundaries of which may be established as a part of a district.

1833 (2) "Canal" is a manmade trench, the bottom of which is  
 1834 normally covered by water with the upper edges of its sides  
 1835 normally above water.

1836 (3) "Channel" is a trench, the bottom of which is normally  
 1837 covered entirely by water, with the upper edges of its sides  
 1838 normally below water.

1839 ~~(4) "Commission" means the Environmental Regulation~~  
 1840 ~~Commission.~~

1841 (4)~~(5)~~ "Department" means the Department of Environmental  
 1842 Protection.

1843 (5)~~(6)~~ "District" or "environmental district" means one of  
 1844 the geographical areas, the boundaries of which are established  
 1845 pursuant to this act.

1846 (6)~~(7)~~ "Drainage ditch" or "irrigation ditch" is a manmade  
 1847 trench dug for the purpose of draining water from the land or  
 1848 for transporting water for use on the land and is not built for  
 1849 navigational purposes.

1850 (7)~~(8)~~ "Environmental district center" means the

1851 facilities and personnel which are centralized in each district  
1852 for the purposes of carrying out the provisions of this act.

1853 (8)~~(9)~~ "Headquarters" means the physical location of the  
1854 offices of the secretary and the division directors of the  
1855 department.

1856 (9)~~(10)~~ "Insect control impoundment dikes" means  
1857 artificial structures, including earthen berms, constructed and  
1858 used to impound waters for the purpose of insect control.

1859 (10)~~(11)~~ "Manager" means the head of an environmental  
1860 district or branch office who shall supervise all environmental  
1861 functions of the department within such environmental district  
1862 or branch office.

1863 (11)~~(12)~~ "Secretary" means the Secretary of Environmental  
1864 Protection.

1865 (12)~~(13)~~ "Standard" means any rule of the Department of  
1866 Environmental Protection relating to air and water quality,  
1867 noise, solid-waste management, and electric and magnetic fields  
1868 associated with electrical transmission and distribution lines  
1869 and substation facilities. The term "standard" does not include  
1870 rules of the department which relate exclusively to the internal  
1871 management of the department, the procedural processing of  
1872 applications, the administration of rulemaking or adjudicatory  
1873 proceedings, the publication of notices, the conduct of  
1874 hearings, or other procedural matters.

1875 (13)~~(14)~~ "Swale" means a manmade trench which:

1876 (a) Has a top width-to-depth ratio of the cross-section  
 1877 equal to or greater than 6:1, or side slopes equal to or greater  
 1878 than 3 feet horizontal to 1 foot vertical;

1879 (b) Contains contiguous areas of standing or flowing water  
 1880 only following a rainfall event;

1881 (c) Is planted with or has stabilized vegetation suitable  
 1882 for soil stabilization, stormwater treatment, and nutrient  
 1883 uptake; and

1884 (d) Is designed to take into account the soil erodibility,  
 1885 soil percolation, slope, slope length, and drainage area so as  
 1886 to prevent erosion and reduce pollutant concentration of any  
 1887 discharge.

1888 **Section 26. Subsections (1) and (3) of section 403.805,**  
 1889 **Florida Statutes, are amended to read:**

1890 403.805 Secretary; powers and duties; review of specified  
 1891 rules.—

1892 (1) The secretary shall have the powers and duties of  
 1893 heads of departments set forth in chapter 20, including the  
 1894 authority to adopt rules pursuant to ss. 120.536(1) and 120.54  
 1895 to implement this chapter and the provisions of chapters 161,  
 1896 253, 258, 260, 369, 373, 376, 377, 378, and 380 ~~253, 373, and~~  
 1897 ~~376 and this chapter. The secretary shall have rulemaking~~  
 1898 ~~responsibility under chapter 120, but shall submit any proposed~~  
 1899 ~~rule containing standards to the Environmental Regulation~~  
 1900 ~~Commission for approval, modification, or disapproval pursuant~~

1901 ~~to s. 403.804, except for total maximum daily load calculations~~  
1902 ~~and allocations developed pursuant to s. 403.067(6).~~ The  
1903 secretary shall have responsibility for final agency action  
1904 regarding total maximum daily load calculations and allocations  
1905 developed pursuant to s. 403.067(6). The secretary shall employ  
1906 legal counsel to represent the department in matters affecting  
1907 the department. Except for appeals on permits specifically  
1908 assigned by this act to the Governor and Cabinet, and unless  
1909 otherwise prohibited by law, the secretary may delegate the  
1910 authority assigned to the department by this act to the  
1911 assistant secretary, division directors, and district and branch  
1912 office managers and to the water management districts.

1913 (3) After adoption of proposed rule 62-302.531(9), Florida  
1914 Administrative Code, a nonseverability and effective date  
1915 provision approved by the commission on December 8, 2011, ~~in~~  
1916 ~~accordance with the commission's legislative authority under s.~~  
1917 ~~403.804,~~ notice of which was published by the department on  
1918 December 22, 2011, in the Florida Administrative Register, Vol.  
1919 37, No. 51, page 4446, any subsequent rule or amendment altering  
1920 the effect of such rule must ~~shall~~ be submitted to the President  
1921 of the Senate and the Speaker of the House of Representatives no  
1922 later than 30 days before the next regular legislative session,  
1923 and such amendment may not take effect until it is ratified by  
1924 the Legislature.

1925 **Section 27. Section 403.8055, Florida Statutes, is amended**

1926 **to read:**

1927 403.8055 Department adoption of federal standards.—  
 1928 Notwithstanding s. 120.54 ~~ss. 120.54 and 403.804~~, the secretary  
 1929 is empowered to adopt rules substantively identical to  
 1930 regulations adopted in the Federal Register by the United States  
 1931 Environmental Protection Agency pursuant to federal law, in  
 1932 accordance with the following procedures:

1933 (1) The secretary shall publish notice of intent to adopt  
 1934 a rule pursuant to this section in the Florida Administrative  
 1935 Register at least 21 days before ~~prior to~~ filing the rule with  
 1936 the Department of State. The secretary shall mail a copy of the  
 1937 notice of intent to adopt a rule to the Administrative  
 1938 Procedures Committee at least 21 days before ~~prior to~~ the date  
 1939 of filing with the Department of State. Before ~~Prior to~~ filing  
 1940 the rule with the Department of State, the secretary shall  
 1941 consider any written comments received within 21 days after the  
 1942 date of publication of the notice of intent to adopt a rule. The  
 1943 rule must ~~shall~~ be adopted upon filing with the Department of  
 1944 State. Substantive changes from the rules as noticed ~~shall~~  
 1945 require republishing of notice as required in this section.

1946 (2) Any rule adopted pursuant to this section becomes  
 1947 ~~shall become~~ effective upon the date designated in the rule by  
 1948 the secretary; however, ~~no~~ such a rule may not ~~shall~~ become  
 1949 effective earlier than the effective date of the substantively  
 1950 identical United States Environmental Protection Agency

1951 regulation.

1952 (3) The secretary shall stay any terms or conditions of a

1953 permit implementing department rules adopted pursuant to this

1954 section if the substantively identical provisions of a United

1955 States Environmental Protection Agency regulation have been

1956 stayed under federal judicial review. A stay issued pursuant to

1957 this subsection shall terminate upon completion of federal

1958 judicial review.

1959 (4) Any domestic for-profit or nonprofit corporation or

1960 association formed, in whole or in part:

1961 (a) To promote conservation or natural beauty;

1962 (b) To protect the environment, personal health, or other

1963 biological values;

1964 (c) To preserve historical sites;

1965 (d) To promote consumer interests;

1966 (e) To represent labor, commercial, or industrial groups;

1967 or

1968 (f) To promote orderly development;

1969

1970 and any other substantially affected person may, within 14 days

1971 after the date of publication of the notice of intent to adopt a

1972 rule, file an objection to rulemaking with the department

1973 ~~Environmental Regulation Commission~~. The objection shall specify

1974 the portions of the proposed rule to which the person objects

1975 and the reasons for the objection. The secretary shall not have

1976 the authority under this section to adopt those portions of a  
 1977 proposed rule specified in such objection. Objections which are  
 1978 frivolous shall not be considered sufficient to prohibit the  
 1979 secretary from adopting rules under this section.

1980 (5) Whenever all or part of any rule proposed for adoption  
 1981 by the department is substantively identical to a regulation  
 1982 adopted in the Federal Register by the United States  
 1983 Environmental Protection Agency pursuant to federal law, such  
 1984 rule shall be written in a manner so that the rule specifically  
 1985 references such regulation whenever possible.

1986 **Section 28. Subsection (1) of section 403.814, Florida**  
 1987 **Statutes, is amended to read:**

1988 403.814 General permits; delegation.-

1989 (1) The secretary is authorized to adopt rules  
 1990 establishing and providing for a program of general permits  
 1991 under this chapter and chapter 253 ~~and this chapter~~ for  
 1992 projects, or categories of projects, which have, either singly  
 1993 or cumulatively, a minimal adverse environmental effect. Such  
 1994 rules must ~~shall~~ specify design or performance criteria that  
 1995 ~~which~~, if applied, would result in compliance with appropriate  
 1996 standards ~~adopted by the commission~~. Except as provided for in  
 1997 subsection (3), any person complying with the requirements of a  
 1998 general permit may use the permit 30 days after giving notice to  
 1999 the department without any agency action by the department.

2000 **Section 29. Paragraph (a) of subsection (1) of section**

2001 **376.302, Florida Statutes, is amended to read:**

2002 376.302 Prohibited acts; penalties.—

2003 (1) It shall be a violation of this chapter and it shall  
2004 be prohibited for any reason:

2005 (a) To discharge pollutants or hazardous substances into  
2006 or upon the surface or ground waters of the state or lands,  
2007 which discharge violates any departmental "standard" as defined  
2008 in s. 403.803 ~~s. 403.803(13)~~.

2009 **Section 30. Paragraph (b) of subsection (1) of section**  
2010 **380.5105, Florida Statutes, is amended to read:**

2011 380.5105 The Stan Mayfield Working Waterfronts; Florida  
2012 Forever program.—

2013 (1) Notwithstanding any other provision of this chapter,  
2014 it is the intent of the Legislature that the trust shall  
2015 administer the working waterfronts land acquisition program as  
2016 set forth in this section.

2017 (b) For projects that will require more than the grant  
2018 amount awarded for completion, the applicant must identify in  
2019 their project application funding sources that will provide the  
2020 difference between the grant award and the estimated project  
2021 completion cost. Such rules may be incorporated into those  
2022 developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

2023 **Section 31. For the purpose of incorporating the amendment**  
2024 **made by this act to section 381.0065, Florida Statutes, in a**  
2025 **reference thereto, paragraph (k) of subsection (2) of section**

2026 **381.0066, Florida Statutes, is reenacted to read:**

2027       381.0066 Onsite sewage treatment and disposal systems;  
2028 fees.—

2029       (2) The minimum fees in the following fee schedule apply  
2030 until changed by rule by the department within the following  
2031 limits:

2032       (k) Research: An additional \$5 fee shall be added to each  
2033 new system construction permit issued to be used to fund onsite  
2034 sewage treatment and disposal system research, demonstration,  
2035 and training projects. Five dollars from any repair permit fee  
2036 collected under this section shall be used for funding the  
2037 hands-on training centers described in s. 381.0065(3)(j).

2038  
2039 The funds collected pursuant to this subsection for the  
2040 implementation of onsite sewage treatment and disposal system  
2041 regulation and for the purposes of ss. 381.00655 and 381.0067,  
2042 subsequent to any phased transfer of implementation from the  
2043 Department of Health to the department within any county  
2044 pursuant to s. 381.0065, must be deposited in the Florida Permit  
2045 Fee Trust Fund under s. 403.0871, to be administered by the  
2046 department.

2047       **Section 32. For the purpose of incorporating the amendment**  
2048 **made by this act to section 403.067, Florida Statutes, in a**  
2049 **reference thereto, section 373.4595, Florida Statutes, is**  
2050 **reenacted to read:**

2051           373.4595 Northern Everglades and Estuaries Protection  
 2052 Program.—

2053           (1) FINDINGS AND INTENT.—

2054           (a) The Legislature finds that the Lake Okeechobee  
 2055 watershed, the Caloosahatchee River watershed, and the St. Lucie  
 2056 River watershed are critical water resources of the state,  
 2057 providing many economic, natural habitat, and biodiversity  
 2058 functions benefiting the public interest, including  
 2059 agricultural, public, and environmental water supply; flood  
 2060 control; fishing; navigation and recreation; and habitat to  
 2061 endangered and threatened species and other flora and fauna.

2062           (b) The Legislature finds that changes in land uses, the  
 2063 construction of the Central and Southern Florida Project, and  
 2064 the loss of surface water storage have resulted in adverse  
 2065 changes to the hydrology and water quality of Lake Okeechobee  
 2066 and the Caloosahatchee and St. Lucie Rivers and their estuaries.

2067           (c) The Legislature finds that improvement to the  
 2068 hydrology, water quality, and associated aquatic habitats within  
 2069 the Lake Okeechobee watershed, the Caloosahatchee River  
 2070 watershed, and the St. Lucie River watershed, is essential to  
 2071 the protection of the greater Everglades ecosystem.

2072           (d) The Legislature also finds that it is imperative for  
 2073 the state, local governments, and agricultural and environmental  
 2074 communities to commit to restoring and protecting the surface  
 2075 water resources of the Lake Okeechobee watershed, the

2076 Caloosahatchee River watershed, and the St. Lucie River  
2077 watershed, and that a watershed-based approach to address these  
2078 issues must be developed and implemented immediately.

2079 (e) The Legislature finds that phosphorus loads from the  
2080 Lake Okeechobee watershed have contributed to excessive  
2081 phosphorus levels throughout the Lake Okeechobee watershed and  
2082 downstream receiving waters and that a reduction in levels of  
2083 phosphorus will benefit the ecology of these systems. The  
2084 excessive levels of phosphorus have also resulted in an  
2085 accumulation of phosphorus in the sediments of Lake Okeechobee.  
2086 If not removed, internal phosphorus loads from the sediments are  
2087 expected to delay responses of the lake to external phosphorus  
2088 reductions.

2089 (f) The Legislature finds that the Lake Okeechobee  
2090 phosphorus loads set forth in the total maximum daily loads  
2091 established in accordance with s. 403.067 represent an  
2092 appropriate basis for restoration of the Lake Okeechobee  
2093 watershed.

2094 (g) The Legislature finds that, in addition to phosphorus,  
2095 other pollutants are contributing to water quality problems in  
2096 the Lake Okeechobee watershed, the Caloosahatchee River  
2097 watershed, and the St. Lucie River watershed, and that the total  
2098 maximum daily load requirements of s. 403.067 provide a means of  
2099 identifying and addressing these problems.

2100 (h) The Legislature finds that the expeditious

2101 implementation of the Lake Okeechobee Watershed Protection  
2102 Program, the Caloosahatchee River Watershed Protection Program,  
2103 and the St. Lucie River Watershed Protection Program is needed  
2104 to improve the quality, quantity, timing, and distribution of  
2105 water in the northern Everglades ecosystem and that this  
2106 section, in conjunction with s. 403.067, including the  
2107 implementation of the plans developed and approved pursuant to  
2108 subsections (3) and (4), and any related basin management action  
2109 plan developed and implemented pursuant to s. 403.067(7)(a),  
2110 provide a reasonable means of achieving the total maximum daily  
2111 load requirements and achieving and maintaining compliance with  
2112 state water quality standards.

2113 (i) The Legislature finds that the implementation of the  
2114 programs contained in this section is for the benefit of the  
2115 public health, safety, and welfare and is in the public  
2116 interest.

2117 (j) The Legislature finds that sufficient research has  
2118 been conducted and sufficient plans developed to immediately  
2119 expand and accelerate programs to address the hydrology and  
2120 water quality in the Lake Okeechobee watershed, the  
2121 Caloosahatchee River watershed, and the St. Lucie River  
2122 watershed.

2123 (k) The Legislature finds that a continuing source of  
2124 funding is needed to effectively implement the programs  
2125 developed and approved under this section which are needed to

2126 address the hydrology and water quality problems within the Lake  
 2127 Okeechobee watershed, the Caloosahatchee River watershed, and  
 2128 the St. Lucie River watershed.

2129 (l) It is the intent of the Legislature to protect and  
 2130 restore surface water resources and achieve and maintain  
 2131 compliance with water quality standards in the Lake Okeechobee  
 2132 watershed, the Caloosahatchee River watershed, and the St. Lucie  
 2133 River watershed, and downstream receiving waters, through the  
 2134 phased, comprehensive, and innovative protection program set  
 2135 forth in this section which includes long-term solutions based  
 2136 upon the total maximum daily loads established in accordance  
 2137 with s. 403.067. This program shall be watershed-based, shall  
 2138 provide for consideration of all water quality issues needed to  
 2139 meet the total maximum daily load, and shall include research  
 2140 and monitoring, development and implementation of best  
 2141 management practices, refinement of existing regulations, and  
 2142 structural and nonstructural projects, including public works.

2143 (m) It is the intent of the Legislature that this section  
 2144 be implemented in coordination with the Comprehensive Everglades  
 2145 Restoration Plan project components and other federal programs  
 2146 in order to maximize opportunities for the most efficient and  
 2147 timely expenditures of public funds.

2148 (n) It is the intent of the Legislature that the  
 2149 coordinating agencies encourage and support the development of  
 2150 creative public-private partnerships and programs, including

2151 opportunities for water storage and quality improvement on  
2152 private lands and water quality credit trading, to facilitate or  
2153 further the restoration of the surface water resources of the  
2154 Lake Okeechobee watershed, the Caloosahatchee River watershed,  
2155 and the St. Lucie River watershed, consistent with s. 403.067.

2156 (2) DEFINITIONS.—As used in this section, the term:

2157 (a) "Best management practice" means a practice or  
2158 combination of practices determined by the coordinating  
2159 agencies, based on research, field-testing, and expert review,  
2160 to be the most effective and practicable on-location means,  
2161 including economic and technological considerations, for  
2162 improving water quality in agricultural and urban discharges.  
2163 Best management practices for agricultural discharges shall  
2164 reflect a balance between water quality improvements and  
2165 agricultural productivity.

2166 (b) "Biosolids" means the solid, semisolid, or liquid  
2167 residue generated during the treatment of domestic wastewater in  
2168 a domestic wastewater treatment facility, formerly known as  
2169 "domestic wastewater residuals" or "residuals," and includes  
2170 products and treated material from biosolids treatment  
2171 facilities and septage management facilities regulated by the  
2172 department. The term does not include the treated effluent or  
2173 reclaimed water from a domestic wastewater treatment facility,  
2174 solids removed from pump stations and lift stations, screenings  
2175 and grit removed from the preliminary treatment components of

2176 domestic wastewater treatment facilities, or ash generated  
 2177 during the incineration of biosolids.

2178 (c) "Caloosahatchee River watershed" means the  
 2179 Caloosahatchee River, its tributaries, its estuary, and the area  
 2180 within Charlotte, Glades, Hendry, and Lee Counties from which  
 2181 surface water flow is directed or drains, naturally or by  
 2182 constructed works, to the river, its tributaries, or its  
 2183 estuary.

2184 (d) "Coordinating agencies" means the Department of  
 2185 Agriculture and Consumer Services, the Department of  
 2186 Environmental Protection, and the South Florida Water Management  
 2187 District.

2188 (e) "Corps of Engineers" means the United States Army  
 2189 Corps of Engineers.

2190 (f) "Department" means the Department of Environmental  
 2191 Protection.

2192 (g) "District" means the South Florida Water Management  
 2193 District.

2194 (h) "Lake Okeechobee Watershed Construction Project" means  
 2195 the construction project developed pursuant to this section.

2196 (i) "Lake Okeechobee Watershed Protection Plan" means the  
 2197 Lake Okeechobee Watershed Construction Project and the Lake  
 2198 Okeechobee Watershed Research and Water Quality Monitoring  
 2199 Program.

2200 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its

2201 tributaries, and the area within which surface water flow is  
 2202 directed or drains, naturally or by constructed works, to the  
 2203 lake or its tributaries.

2204 (k) "Northern Everglades" means the Lake Okeechobee  
 2205 watershed, the Caloosahatchee River watershed, and the St. Lucie  
 2206 River watershed.

2207 (l) "Project component" means any structural or  
 2208 operational change, resulting from the Restudy, to the Central  
 2209 and Southern Florida Project as it existed and was operated as  
 2210 of January 1, 1999.

2211 (m) "Restudy" means the Comprehensive Review Study of the  
 2212 Central and Southern Florida Project, for which federal  
 2213 participation was authorized by the Federal Water Resources  
 2214 Development Acts of 1992 and 1996 together with related  
 2215 congressional resolutions and for which participation by the  
 2216 South Florida Water Management District is authorized by s.  
 2217 373.1501. The term includes all actions undertaken pursuant to  
 2218 the aforementioned authorizations which will result in  
 2219 recommendations for modifications or additions to the Central  
 2220 and Southern Florida Project.

2221 (n) "River Watershed Protection Plans" means the  
 2222 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
 2223 River Watershed Protection Plan developed pursuant to this  
 2224 section.

2225 (o) "Soil amendment" means any substance or mixture of

2226 substances sold or offered for sale for soil enriching or  
2227 corrective purposes, intended or claimed to be effective in  
2228 promoting or stimulating plant growth, increasing soil or plant  
2229 productivity, improving the quality of crops, or producing any  
2230 chemical or physical change in the soil, except amendments,  
2231 conditioners, additives, and related products that are derived  
2232 solely from inorganic sources and that contain no recognized  
2233 plant nutrients.

2234 (p) "St. Lucie River watershed" means the St. Lucie River,  
2235 its tributaries, its estuary, and the area within Martin,  
2236 Okeechobee, and St. Lucie Counties from which surface water flow  
2237 is directed or drains, naturally or by constructed works, to the  
2238 river, its tributaries, or its estuary.

2239 (q) "Total maximum daily load" means the sum of the  
2240 individual wasteload allocations for point sources and the load  
2241 allocations for nonpoint sources and natural background adopted  
2242 pursuant to s. 403.067. Before determining individual wasteload  
2243 allocations and load allocations, the maximum amount of a  
2244 pollutant that a water body or water segment can assimilate from  
2245 all sources without exceeding water quality standards must first  
2246 be calculated.

2247 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
2248 Okeechobee Watershed Protection Program shall consist of the  
2249 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
2250 Basin Management Action Plan adopted pursuant to s. 403.067, the

2251 Lake Okeechobee Exotic Species Control Program, and the Lake  
 2252 Okeechobee Internal Phosphorus Management Program. The Lake  
 2253 Okeechobee Basin Management Action Plan adopted pursuant to s.  
 2254 403.067 shall be the component of the Lake Okeechobee Watershed  
 2255 Protection Program that achieves phosphorus load reductions for  
 2256 Lake Okeechobee. The Lake Okeechobee Watershed Protection  
 2257 Program shall address the reduction of phosphorus loading to the  
 2258 lake from both internal and external sources. Phosphorus load  
 2259 reductions shall be achieved through a phased program of  
 2260 implementation. In the development and administration of the  
 2261 Lake Okeechobee Watershed Protection Program, the coordinating  
 2262 agencies shall maximize opportunities provided by federal cost-  
 2263 sharing programs and opportunities for partnerships with the  
 2264 private sector.

2265 (a) *Lake Okeechobee Watershed Protection Plan.*—To protect  
 2266 and restore surface water resources, the district, in  
 2267 cooperation with the other coordinating agencies, shall complete  
 2268 a Lake Okeechobee Watershed Protection Plan in accordance with  
 2269 this section and ss. 373.451–373.459. Beginning March 1, 2020,  
 2270 and every 5 years thereafter, the district shall update the Lake  
 2271 Okeechobee Watershed Protection Plan to ensure that it is  
 2272 consistent with the Lake Okeechobee Basin Management Action Plan  
 2273 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
 2274 Protection Plan shall identify the geographic extent of the  
 2275 watershed, be coordinated with the plans developed pursuant to

2276 paragraphs (4) (a) and (c), and include the Lake Okeechobee  
 2277 Watershed Construction Project and the Lake Okeechobee Watershed  
 2278 Research and Water Quality Monitoring Program. The plan shall  
 2279 consider and build upon a review and analysis of the performance  
 2280 of projects constructed during Phase I and Phase II of the Lake  
 2281 Okeechobee Watershed Construction Project, pursuant to  
 2282 subparagraph 1.; relevant information resulting from the Lake  
 2283 Okeechobee Basin Management Action Plan, pursuant to paragraph  
 2284 (b); relevant information resulting from the Lake Okeechobee  
 2285 Watershed Research and Water Quality Monitoring Program,  
 2286 pursuant to subparagraph 2.; relevant information resulting from  
 2287 the Lake Okeechobee Exotic Species Control Program, pursuant to  
 2288 paragraph (c); and relevant information resulting from the Lake  
 2289 Okeechobee Internal Phosphorus Management Program, pursuant to  
 2290 paragraph (d).

2291 1. Lake Okeechobee Watershed Construction Project.—To  
 2292 improve the hydrology and water quality of Lake Okeechobee and  
 2293 downstream receiving waters, including the Caloosahatchee and  
 2294 St. Lucie Rivers and their estuaries, the district, in  
 2295 cooperation with the other coordinating agencies, shall design  
 2296 and construct the Lake Okeechobee Watershed Construction  
 2297 Project. The project shall include:

2298 a. Phase I.—Phase I of the Lake Okeechobee Watershed  
 2299 Construction Project shall consist of a series of project  
 2300 features consistent with the recommendations of the South

2301 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
2302 Action Plan. Priority basins for such projects include S-191, S-  
2303 154, and Pools D and E in the Lower Kissimmee River. To obtain  
2304 phosphorus load reductions to Lake Okeechobee as soon as  
2305 possible, the following actions shall be implemented:

2306 (I) The district shall serve as a full partner with the  
2307 Corps of Engineers in the design and construction of the Grassy  
2308 Island Ranch and New Palm Dairy stormwater treatment facilities  
2309 as components of the Lake Okeechobee Water Retention/Phosphorus  
2310 Removal Critical Project. The Corps of Engineers shall have the  
2311 lead in design and construction of these facilities. Should  
2312 delays be encountered in the implementation of either of these  
2313 facilities, the district shall notify the department and  
2314 recommend corrective actions.

2315 (II) The district shall obtain permits and complete  
2316 construction of two of the isolated wetland restoration projects  
2317 that are part of the Lake Okeechobee Water Retention/Phosphorus  
2318 Removal Critical Project. The additional isolated wetland  
2319 projects included in this critical project shall further reduce  
2320 phosphorus loading to Lake Okeechobee.

2321 (III) The district shall work with the Corps of Engineers  
2322 to expedite initiation of the design process for the Taylor  
2323 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
2324 Area, a project component of the Comprehensive Everglades  
2325 Restoration Plan. The district shall propose to the Corps of

2326 Engineers that the district take the lead in the design and  
2327 construction of the Reservoir Assisted Stormwater Treatment Area  
2328 and receive credit towards the local share of the total cost of  
2329 the Comprehensive Everglades Restoration Plan.

2330       b. Phase II technical plan and construction.—The district,  
2331 in cooperation with the other coordinating agencies, shall  
2332 develop a detailed technical plan for Phase II of the Lake  
2333 Okeechobee Watershed Construction Project which provides the  
2334 basis for the Lake Okeechobee Basin Management Action Plan  
2335 adopted by the department pursuant to s. 403.067. The detailed  
2336 technical plan shall include measures for the improvement of the  
2337 quality, quantity, timing, and distribution of water in the  
2338 northern Everglades ecosystem, including the Lake Okeechobee  
2339 watershed and the estuaries, and for facilitating the  
2340 achievement of water quality standards. Use of cost-effective  
2341 biologically based, hybrid wetland/chemical and other innovative  
2342 nutrient control technologies shall be incorporated in the plan  
2343 where appropriate. The detailed technical plan shall also  
2344 include a Process Development and Engineering component to  
2345 finalize the detail and design of Phase II projects and identify  
2346 additional measures needed to increase the certainty that the  
2347 overall objectives for improving water quality and quantity can  
2348 be met. Based on information and recommendations from the  
2349 Process Development and Engineering component, the Phase II  
2350 detailed technical plan shall be periodically updated. Phase II

2351 shall include construction of additional facilities in the  
 2352 priority basins identified in sub-subparagraph a., as well as  
 2353 facilities for other basins in the Lake Okeechobee watershed.

2354 The technical plan shall:

2355 (I) Identify Lake Okeechobee Watershed Construction  
 2356 Project facilities designed to contribute to achieving all  
 2357 applicable total maximum daily loads established pursuant to s.  
 2358 403.067 within the Lake Okeechobee watershed.

2359 (II) Identify the size and location of all such Lake  
 2360 Okeechobee Watershed Construction Project facilities.

2361 (III) Provide a construction schedule for all such Lake  
 2362 Okeechobee Watershed Construction Project facilities, including  
 2363 the sequencing and specific timeframe for construction of each  
 2364 Lake Okeechobee Watershed Construction Project facility.

2365 (IV) Provide a schedule for the acquisition of lands or  
 2366 sufficient interests necessary to achieve the construction  
 2367 schedule.

2368 (V) Provide a detailed schedule of costs associated with  
 2369 the construction schedule.

2370 (VI) Identify, to the maximum extent practicable, impacts  
 2371 on wetlands and state-listed species expected to be associated  
 2372 with construction of such facilities, including potential  
 2373 alternatives to minimize and mitigate such impacts, as  
 2374 appropriate.

2375 (VII) Provide for additional measures, including voluntary

2376 water storage and quality improvements on private land, to  
 2377 increase water storage and reduce excess water levels in Lake  
 2378 Okeechobee and to reduce excess discharges to the estuaries.

2379 (VIII) Develop the appropriate water quantity storage goal  
 2380 to achieve the desired Lake Okeechobee range of lake levels and  
 2381 inflow volumes to the Caloosahatchee and St. Lucie estuaries  
 2382 while meeting the other water-related needs of the region,  
 2383 including water supply and flood protection.

2384 (IX) Provide for additional source controls needed to  
 2385 enhance performance of the Lake Okeechobee Watershed  
 2386 Construction Project facilities. Such additional source controls  
 2387 shall be incorporated into the Lake Okeechobee Basin Management  
 2388 Action Plan pursuant to paragraph (b).

2389 c. Evaluation.—Within 5 years after the adoption of the  
 2390 Lake Okeechobee Basin Management Action Plan pursuant to s.  
 2391 403.067 and every 5 years thereafter, the department, in  
 2392 cooperation with the other coordinating agencies, shall conduct  
 2393 an evaluation of the Lake Okeechobee Watershed Construction  
 2394 Project and identify any further load reductions necessary to  
 2395 achieve compliance with the Lake Okeechobee total maximum daily  
 2396 loads established pursuant to s. 403.067. The district shall  
 2397 identify modifications to facilities of the Lake Okeechobee  
 2398 Watershed Construction Project as appropriate to meet the total  
 2399 maximum daily loads. Modifications to the Lake Okeechobee  
 2400 Watershed Construction Project resulting from this evaluation

2401 shall be incorporated into the Lake Okeechobee Basin Management  
 2402 Action Plan and included in the applicable annual progress  
 2403 report submitted pursuant to subsection (6).

2404 d. Coordination and review.—To ensure the timely  
 2405 implementation of the Lake Okeechobee Watershed Construction  
 2406 Project, the design of project facilities shall be coordinated  
 2407 with the department and other interested parties, including  
 2408 affected local governments, to the maximum extent practicable.  
 2409 Lake Okeechobee Watershed Construction Project facilities shall  
 2410 be reviewed and commented upon by the department before the  
 2411 execution of a construction contract by the district for that  
 2412 facility.

2413 2. Lake Okeechobee Watershed Research and Water Quality  
 2414 Monitoring Program.—The coordinating agencies shall implement a  
 2415 Lake Okeechobee Watershed Research and Water Quality Monitoring  
 2416 Program. Results from the program shall be used by the  
 2417 department, in cooperation with the other coordinating agencies,  
 2418 to make modifications to the Lake Okeechobee Basin Management  
 2419 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
 2420 program shall:

2421 a. Evaluate all available existing water quality data  
 2422 concerning total phosphorus in the Lake Okeechobee watershed,  
 2423 develop a water quality baseline to represent existing  
 2424 conditions for total phosphorus, monitor long-term ecological  
 2425 changes, including water quality for total phosphorus, and

2426 measure compliance with water quality standards for total  
2427 phosphorus, including any applicable total maximum daily load  
2428 for the Lake Okeechobee watershed as established pursuant to s.  
2429 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
2430 the department shall reevaluate water quality and quantity data  
2431 to ensure that the appropriate projects are being designated and  
2432 incorporated into the Lake Okeechobee Basin Management Action  
2433 Plan adopted pursuant to s. 403.067. The district shall  
2434 implement a total phosphorus monitoring program at appropriate  
2435 structures owned or operated by the district and within the Lake  
2436 Okeechobee watershed.

2437       b. Develop a Lake Okeechobee water quality model that  
2438 reasonably represents the phosphorus dynamics of Lake Okeechobee  
2439 and incorporates an uncertainty analysis associated with model  
2440 predictions.

2441       c. Determine the relative contribution of phosphorus from  
2442 all identifiable sources and all primary and secondary land  
2443 uses.

2444       d. Conduct an assessment of the sources of phosphorus from  
2445 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their  
2446 relative contribution to the water quality of Lake Okeechobee.  
2447 The results of this assessment shall be used by the coordinating  
2448 agencies as part of the Lake Okeechobee Basin Management Action  
2449 Plan adopted pursuant to s. 403.067 to develop interim measures,  
2450 best management practices, or regulations, as applicable.

2451 e. Assess current water management practices within the  
2452 Lake Okeechobee watershed and develop recommendations for  
2453 structural and operational improvements. Such recommendations  
2454 shall balance water supply, flood control, estuarine salinity,  
2455 maintenance of a healthy lake littoral zone, and water quality  
2456 considerations.

2457 f. Evaluate the feasibility of alternative nutrient  
2458 reduction technologies, including sediment traps, canal and  
2459 ditch maintenance, fish production or other aquaculture,  
2460 bioenergy conversion processes, and algal or other biological  
2461 treatment technologies and include any alternative nutrient  
2462 reduction technologies determined to be feasible in the Lake  
2463 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2464 403.067.

2465 g. Conduct an assessment of the water volumes and timing  
2466 from the Lake Okeechobee watershed and their relative  
2467 contribution to the water level changes in Lake Okeechobee and  
2468 to the timing and volume of water delivered to the estuaries.

2469 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake  
2470 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2471 403.067 shall be the watershed phosphorus control component for  
2472 Lake Okeechobee. The Lake Okeechobee Basin Management Action  
2473 Plan shall be a multifaceted approach designed to achieve the  
2474 total maximum daily load by improving the management of  
2475 phosphorus sources within the Lake Okeechobee watershed through

2476 implementation of regulations and best management practices,  
2477 continued development and continued implementation of improved  
2478 best management practices, improvement and restoration of the  
2479 hydrologic function of natural and managed systems, and use of  
2480 alternative technologies for nutrient reduction. As provided in  
2481 s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action  
2482 Plan must include milestones for implementation and water  
2483 quality improvement, and an associated water quality monitoring  
2484 component sufficient to evaluate whether reasonable progress in  
2485 pollutant load reductions is being achieved over time. An  
2486 assessment of progress toward these milestones shall be  
2487 conducted every 5 years and shall be provided to the Governor,  
2488 the President of the Senate, and the Speaker of the House of  
2489 Representatives. Revisions to the plan shall be made, as  
2490 appropriate, as a result of each 5-year review. Revisions to the  
2491 basin management action plan shall be made by the department in  
2492 cooperation with the basin stakeholders. Revisions to best  
2493 management practices or other measures must follow the  
2494 procedures set forth in s. 403.067(7)(c)4. Revised basin  
2495 management action plans must be adopted pursuant to s.  
2496 403.067(7)(a)5. The department shall develop an implementation  
2497 schedule establishing 5-year, 10-year, and 15-year measurable  
2498 milestones and targets to achieve the total maximum daily load  
2499 no more than 20 years after adoption of the plan. The initial  
2500 implementation schedule shall be used to provide guidance for

2501 planning and funding purposes and is exempt from chapter 120.  
2502 Upon the first 5-year review, the implementation schedule shall  
2503 be adopted as part of the plan. If achieving the total maximum  
2504 daily load within 20 years is not practicable, the  
2505 implementation schedule must contain an explanation of the  
2506 constraints that prevent achievement of the total maximum daily  
2507 load within 20 years, an estimate of the time needed to achieve  
2508 the total maximum daily load, and additional 5-year measurable  
2509 milestones, as necessary. The coordinating agencies shall  
2510 develop an interagency agreement pursuant to ss. 373.046 and  
2511 373.406(5) which is consistent with the department taking the  
2512 lead on water quality protection measures through the Lake  
2513 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2514 403.067; the district taking the lead on hydrologic improvements  
2515 pursuant to paragraph (a); and the Department of Agriculture and  
2516 Consumer Services taking the lead on agricultural interim  
2517 measures, best management practices, and other measures adopted  
2518 pursuant to s. 403.067. The interagency agreement must specify  
2519 how best management practices for nonagricultural nonpoint  
2520 sources are developed and how all best management practices are  
2521 implemented and verified consistent with s. 403.067 and this  
2522 section and must address measures to be taken by the  
2523 coordinating agencies during any best management practice  
2524 reevaluation performed pursuant to subparagraphs 5. and 10. The  
2525 department shall use best professional judgment in making the

2526 initial determination of best management practice effectiveness.  
2527 The coordinating agencies may develop an intergovernmental  
2528 agreement with local governments to implement nonagricultural  
2529 nonpoint source best management practices within their  
2530 respective geographic boundaries. The coordinating agencies  
2531 shall facilitate the application of federal programs that offer  
2532 opportunities for water quality treatment, including  
2533 preservation, restoration, or creation of wetlands on  
2534 agricultural lands.

2535 1. Agricultural nonpoint source best management practices,  
2536 developed in accordance with s. 403.067 and designed to achieve  
2537 the objectives of the Lake Okeechobee Watershed Protection  
2538 Program as part of a phased approach of management strategies  
2539 within the Lake Okeechobee Basin Management Action Plan, shall  
2540 be implemented on an expedited basis.

2541 2. As provided in s. 403.067, the Department of  
2542 Agriculture and Consumer Services, in consultation with the  
2543 department, the district, and affected parties, shall initiate  
2544 rule development for interim measures, best management  
2545 practices, conservation plans, nutrient management plans, or  
2546 other measures necessary for Lake Okeechobee watershed total  
2547 maximum daily load reduction. The rule shall include thresholds  
2548 for requiring conservation and nutrient management plans and  
2549 criteria for the contents of such plans. Development of  
2550 agricultural nonpoint source best management practices shall

2551 initially focus on those priority basins listed in sub-  
2552 subparagraph (a)1.a. The Department of Agriculture and Consumer  
2553 Services, in consultation with the department, the district, and  
2554 affected parties, shall conduct an ongoing program for  
2555 improvement of existing and development of new agricultural  
2556 nonpoint source interim measures and best management practices.  
2557 The Department of Agriculture and Consumer Services shall adopt  
2558 such practices by rule. The Department of Agriculture and  
2559 Consumer Services shall work with the University of Florida  
2560 Institute of Food and Agriculture Sciences to review and, where  
2561 appropriate, develop revised nutrient application rates for all  
2562 agricultural soil amendments in the watershed.

2563 3. As provided in s. 403.067, where agricultural nonpoint  
2564 source best management practices or interim measures have been  
2565 adopted by rule of the Department of Agriculture and Consumer  
2566 Services, the owner or operator of an agricultural nonpoint  
2567 source addressed by such rule shall either implement interim  
2568 measures or best management practices or demonstrate compliance  
2569 with state water quality standards addressed by the Lake  
2570 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2571 403.067 by conducting monitoring prescribed by the department or  
2572 the district. Owners or operators of agricultural nonpoint  
2573 sources who implement interim measures or best management  
2574 practices adopted by rule of the Department of Agriculture and  
2575 Consumer Services shall be subject to s. 403.067.

2576           4. The district or department shall conduct monitoring at  
2577 representative sites to verify the effectiveness of agricultural  
2578 nonpoint source best management practices.

2579           5. Where water quality problems are detected for  
2580 agricultural nonpoint sources despite the appropriate  
2581 implementation of adopted best management practices, a  
2582 reevaluation of the best management practices shall be conducted  
2583 pursuant to s. 403.067(7)(c)4. If the reevaluation determines  
2584 that the best management practices or other measures require  
2585 modification, the rule shall be revised to require  
2586 implementation of the modified practice within a reasonable  
2587 period as specified in the rule.

2588           6. As provided in s. 403.067, nonagricultural nonpoint  
2589 source best management practices, developed in accordance with  
2590 s. 403.067 and designed to achieve the objectives of the Lake  
2591 Okeechobee Watershed Protection Program as part of a phased  
2592 approach of management strategies within the Lake Okeechobee  
2593 Basin Management Action Plan, shall be implemented on an  
2594 expedited basis.

2595           7. The department and the district are directed to work  
2596 with the University of Florida Institute of Food and  
2597 Agricultural Sciences to develop appropriate nutrient  
2598 application rates for all nonagricultural soil amendments in the  
2599 watershed. As provided in s. 403.067, the department, in  
2600 consultation with the district and affected parties, shall

2601 develop nonagricultural nonpoint source interim measures, best  
2602 management practices, or other measures necessary for Lake  
2603 Okeechobee watershed total maximum daily load reduction.  
2604 Development of nonagricultural nonpoint source best management  
2605 practices shall initially focus on those priority basins listed  
2606 in sub-subparagraph (a)1.a. The department, the district, and  
2607 affected parties shall conduct an ongoing program for  
2608 improvement of existing and development of new interim measures  
2609 and best management practices. The department or the district  
2610 shall adopt such practices by rule.

2611 8. Where nonagricultural nonpoint source best management  
2612 practices or interim measures have been developed by the  
2613 department and adopted by the district, the owner or operator of  
2614 a nonagricultural nonpoint source shall implement interim  
2615 measures or best management practices and be subject to s.  
2616 403.067.

2617 9. As provided in s. 403.067, the district or the  
2618 department shall conduct monitoring at representative sites to  
2619 verify the effectiveness of nonagricultural nonpoint source best  
2620 management practices.

2621 10. Where water quality problems are detected for  
2622 nonagricultural nonpoint sources despite the appropriate  
2623 implementation of adopted best management practices, a  
2624 reevaluation of the best management practices shall be conducted  
2625 pursuant to s. 403.067(7)(c)4. If the reevaluation determines

2626 that the best management practices or other measures require  
 2627 modification, the rule shall be revised to require  
 2628 implementation of the modified practice within a reasonable time  
 2629 period as specified in the rule.

2630 11. Subparagraphs 2. and 7. do not preclude the department  
 2631 or the district from requiring compliance with water quality  
 2632 standards or with current best management practices requirements  
 2633 set forth in any applicable regulatory program authorized by law  
 2634 for the purpose of protecting water quality. Subparagraphs 2.  
 2635 and 7. are applicable only to the extent that they do not  
 2636 conflict with any rules adopted by the department that are  
 2637 necessary to maintain a federally delegated or approved program.

2638 12. The program of agricultural best management practices  
 2639 set forth in the Everglades Program of the district meets the  
 2640 requirements of this paragraph and s. 403.067(7) for the Lake  
 2641 Okeechobee watershed. An entity in compliance with the best  
 2642 management practices set forth in the Everglades Program of the  
 2643 district may elect to use that permit in lieu of the  
 2644 requirements of this paragraph. The provisions of subparagraph  
 2645 5. apply to this subparagraph. This subparagraph does not alter  
 2646 any requirement of s. 373.4592.

2647 13. The Department of Agriculture and Consumer Services,  
 2648 in cooperation with the department and the district, shall  
 2649 provide technical and financial assistance for implementation of  
 2650 agricultural best management practices, subject to the

2651 availability of funds. The department and district shall provide  
2652 technical and financial assistance for implementation of  
2653 nonagricultural nonpoint source best management practices,  
2654 subject to the availability of funds.

2655 14. Projects that reduce the phosphorus load originating  
2656 from domestic wastewater systems within the Lake Okeechobee  
2657 watershed shall be given funding priority in the department's  
2658 revolving loan program under s. 403.1835. The department shall  
2659 coordinate and provide assistance to those local governments  
2660 seeking financial assistance for such priority projects.

2661 15. Projects that make use of private lands, or lands held  
2662 in trust for Indian tribes, to reduce nutrient loadings or  
2663 concentrations within a basin by one or more of the following  
2664 methods: restoring the natural hydrology of the basin, restoring  
2665 wildlife habitat or impacted wetlands, reducing peak flows after  
2666 storm events, increasing aquifer recharge, or protecting range  
2667 and timberland from conversion to development, are eligible for  
2668 grants available under this section from the coordinating  
2669 agencies. For projects of otherwise equal priority, special  
2670 funding priority will be given to those projects that make best  
2671 use of the methods outlined above that involve public-private  
2672 partnerships or that obtain federal match money. Preference  
2673 ranking above the special funding priority will be given to  
2674 projects located in a rural area of opportunity designated by  
2675 the Governor. Grant applications may be submitted by any person

2676 or tribal entity, and eligible projects may include, but are not  
2677 limited to, the purchase of conservation and flowage easements,  
2678 hydrologic restoration of wetlands, creating treatment wetlands,  
2679 development of a management plan for natural resources, and  
2680 financial support to implement a management plan.

2681 16. The department shall require all entities disposing of  
2682 domestic wastewater biosolids within the Lake Okeechobee  
2683 watershed and the remaining areas of Okeechobee, Glades, and  
2684 Hendry Counties to develop and submit to the department an  
2685 agricultural use plan that limits applications based upon  
2686 phosphorus loading consistent with the Lake Okeechobee Basin  
2687 Management Action Plan adopted pursuant to s. 403.067. The  
2688 department may not authorize the disposal of domestic wastewater  
2689 biosolids within the Lake Okeechobee watershed unless the  
2690 applicant can affirmatively demonstrate that the phosphorus in  
2691 the biosolids will not add to phosphorus loadings in Lake  
2692 Okeechobee or its tributaries. This demonstration shall be based  
2693 on achieving a net balance between phosphorus imports relative  
2694 to exports on the permitted application site. Exports shall  
2695 include only phosphorus removed from the Lake Okeechobee  
2696 watershed through products generated on the permitted  
2697 application site. This prohibition does not apply to Class AA  
2698 biosolids that are marketed and distributed as fertilizer  
2699 products in accordance with department rule.

2700 17. Private and government-owned utilities within Monroe,

2701 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
2702 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
2703 dispose of wastewater biosolids sludge from utility operations  
2704 and septic removal by land spreading in the Lake Okeechobee  
2705 watershed may use a line item on local sewer rates to cover  
2706 wastewater biosolids treatment and disposal if such disposal and  
2707 treatment is done by approved alternative treatment methodology  
2708 at a facility located within the areas designated by the  
2709 Governor as rural areas of opportunity pursuant to s. 288.0656.  
2710 This additional line item is an environmental protection  
2711 disposal fee above the present sewer rate and may not be  
2712 considered a part of the present sewer rate to customers,  
2713 notwithstanding provisions to the contrary in chapter 367. The  
2714 fee shall be established by the county commission or its  
2715 designated assignee in the county in which the alternative  
2716 method treatment facility is located. The fee shall be  
2717 calculated to be no higher than that necessary to recover the  
2718 facility's prudent cost of providing the service. Upon request  
2719 by an affected county commission, the Florida Public Service  
2720 Commission will provide assistance in establishing the fee.  
2721 Further, for utilities and utility authorities that use the  
2722 additional line item environmental protection disposal fee, such  
2723 fee may not be considered a rate increase under the rules of the  
2724 Public Service Commission and shall be exempt from such rules.  
2725 Utilities using this section may immediately include in their

2726 sewer invoicing the new environmental protection disposal fee.  
2727 Proceeds from this environmental protection disposal fee shall  
2728 be used for treatment and disposal of wastewater biosolids,  
2729 including any treatment technology that helps reduce the volume  
2730 of biosolids that require final disposal, but such proceeds may  
2731 not be used for transportation or shipment costs for disposal or  
2732 any costs relating to the land application of biosolids in the  
2733 Lake Okeechobee watershed.

2734 18. No less frequently than once every 3 years, the  
2735 Florida Public Service Commission or the county commission  
2736 through the services of an independent auditor shall perform a  
2737 financial audit of all facilities receiving compensation from an  
2738 environmental protection disposal fee. The Florida Public  
2739 Service Commission or the county commission through the services  
2740 of an independent auditor shall also perform an audit of the  
2741 methodology used in establishing the environmental protection  
2742 disposal fee. The Florida Public Service Commission or the  
2743 county commission shall, within 120 days after completion of an  
2744 audit, file the audit report with the President of the Senate  
2745 and the Speaker of the House of Representatives and shall  
2746 provide copies to the county commissions of the counties set  
2747 forth in subparagraph 17. The books and records of any  
2748 facilities receiving compensation from an environmental  
2749 protection disposal fee shall be open to the Florida Public  
2750 Service Commission and the Auditor General for review upon

2751 request.

2752         19. The Department of Health shall require all entities  
2753 disposing of septage within the Lake Okeechobee watershed to  
2754 develop and submit to that agency an agricultural use plan that  
2755 limits applications based upon phosphorus loading consistent  
2756 with the Lake Okeechobee Basin Management Action Plan adopted  
2757 pursuant to s. 403.067.

2758         20. The Department of Agriculture and Consumer Services  
2759 shall initiate rulemaking requiring entities within the Lake  
2760 Okeechobee watershed which land-apply animal manure to develop  
2761 resource management system level conservation plans, according  
2762 to United States Department of Agriculture criteria, which limit  
2763 such application. Such rules must include criteria and  
2764 thresholds for the requirement to develop a conservation or  
2765 nutrient management plan, requirements for plan approval, site  
2766 inspection requirements, and recordkeeping requirements.

2767         21. The district shall revise chapter 40E-61, Florida  
2768 Administrative Code, to be consistent with this section and s.  
2769 403.067; provide for a monitoring program for nonpoint source  
2770 dischargers required to monitor water quality by s. 403.067; and  
2771 provide for the results of such monitoring to be reported to the  
2772 coordinating agencies.

2773         (c) *Lake Okeechobee Exotic Species Control Program.*—The  
2774 coordinating agencies shall identify the exotic species that  
2775 threaten the native flora and fauna within the Lake Okeechobee

2776 watershed and develop and implement measures to protect the  
2777 native flora and fauna.

2778 (d) *Lake Okeechobee Internal Phosphorus Management*  
2779 *Program.*—The district, in cooperation with the other  
2780 coordinating agencies and interested parties, shall evaluate the  
2781 feasibility of Lake Okeechobee internal phosphorus load removal  
2782 projects. The evaluation shall be based on technical  
2783 feasibility, as well as economic considerations, and shall  
2784 consider all reasonable methods of phosphorus removal. If  
2785 projects are found to be feasible, the district shall  
2786 immediately pursue the design, funding, and permitting for  
2787 implementing such projects.

2788 (e) *Lake Okeechobee Watershed Protection Program*  
2789 *implementation.*—The coordinating agencies shall be jointly  
2790 responsible for implementing the Lake Okeechobee Watershed  
2791 Protection Program, consistent with the statutory authority and  
2792 responsibility of each agency. Annual funding priorities shall  
2793 be jointly established, and the highest priority shall be  
2794 assigned to programs and projects that address sources that have  
2795 the highest relative contribution to loading and the greatest  
2796 potential for reductions needed to meet the total maximum daily  
2797 loads. In determining funding priorities, the coordinating  
2798 agencies shall also consider the need for regulatory compliance,  
2799 the extent to which the program or project is ready to proceed,  
2800 and the availability of federal matching funds or other nonstate

2801 funding, including public-private partnerships. Federal and  
2802 other nonstate funding shall be maximized to the greatest extent  
2803 practicable.

2804 (f) *Priorities and implementation schedules.*—The  
2805 coordinating agencies are authorized and directed to establish  
2806 priorities and implementation schedules for the achievement of  
2807 total maximum daily loads, compliance with the requirements of  
2808 s. 403.067, and compliance with applicable water quality  
2809 standards within the waters and watersheds subject to this  
2810 section.

2811 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
2812 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
2813 program shall be developed and implemented as specified in this  
2814 subsection. To protect and restore surface water resources, the  
2815 program shall address the reduction of pollutant loadings,  
2816 restoration of natural hydrology, and compliance with applicable  
2817 state water quality standards. The program shall be achieved  
2818 through a phased program of implementation. In addition,  
2819 pollutant load reductions based upon adopted total maximum daily  
2820 loads established in accordance with s. 403.067 shall serve as a  
2821 program objective. In the development and administration of the  
2822 program, the coordinating agencies shall maximize opportunities  
2823 provided by federal and local government cost-sharing programs  
2824 and opportunities for partnerships with the private sector and  
2825 local government. The program shall include a goal for salinity

2826 envelopes and freshwater inflow targets for the estuaries based  
2827 upon existing research and documentation. The goal may be  
2828 revised as new information is available. This goal shall seek to  
2829 reduce the frequency and duration of undesirable salinity ranges  
2830 while meeting the other water-related needs of the region,  
2831 including water supply and flood protection, while recognizing  
2832 the extent to which water inflows are within the control and  
2833 jurisdiction of the district.

2834 (a) *Caloosahatchee River Watershed Protection Plan.*—The  
2835 district, in cooperation with the other coordinating agencies,  
2836 Lee County, and affected counties and municipalities, shall  
2837 complete a River Watershed Protection Plan in accordance with  
2838 this subsection. The Caloosahatchee River Watershed Protection  
2839 Plan shall identify the geographic extent of the watershed, be  
2840 coordinated as needed with the plans developed pursuant to  
2841 paragraph (3)(a) and paragraph (c) of this subsection, and  
2842 include the Caloosahatchee River Watershed Construction Project  
2843 and the Caloosahatchee River Watershed Research and Water  
2844 Quality Monitoring Program.

2845 1. *Caloosahatchee River Watershed Construction Project.*—To  
2846 improve the hydrology, water quality, and aquatic habitats  
2847 within the watershed, the district shall, no later than January  
2848 1, 2012, plan, design, and construct the initial phase of the  
2849 Watershed Construction Project. In doing so, the district shall:

2850 a. Develop and designate the facilities to be constructed

2851 to achieve stated goals and objectives of the Caloosahatchee  
 2852 River Watershed Protection Plan.

2853 b. Conduct scientific studies that are necessary to  
 2854 support the design of the Caloosahatchee River Watershed  
 2855 Construction Project facilities.

2856 c. Identify the size and location of all such facilities.

2857 d. Provide a construction schedule for all such  
 2858 facilities, including the sequencing and specific timeframe for  
 2859 construction of each facility.

2860 e. Provide a schedule for the acquisition of lands or  
 2861 sufficient interests necessary to achieve the construction  
 2862 schedule.

2863 f. Provide a schedule of costs and benefits associated  
 2864 with each construction project and identify funding sources.

2865 g. To ensure timely implementation, coordinate the design,  
 2866 scheduling, and sequencing of project facilities with the  
 2867 coordinating agencies, Lee County, other affected counties and  
 2868 municipalities, and other affected parties.

2869 2. Caloosahatchee River Watershed Research and Water  
 2870 Quality Monitoring Program.—The district, in cooperation with  
 2871 the other coordinating agencies and local governments, shall  
 2872 implement a Caloosahatchee River Watershed Research and Water  
 2873 Quality Monitoring Program that builds upon the district's  
 2874 existing research program and that is sufficient to carry out,  
 2875 comply with, or assess the plans, programs, and other

2876 responsibilities created by this subsection. The program shall  
2877 also conduct an assessment of the water volumes and timing from  
2878 Lake Okeechobee and the Caloosahatchee River watershed and their  
2879 relative contributions to the timing and volume of water  
2880 delivered to the estuary.

2881 (b) *Caloosahatchee River Watershed Basin Management Action*  
2882 *Plans.*—The basin management action plans adopted pursuant to s.  
2883 403.067 for the Caloosahatchee River watershed shall be the  
2884 Caloosahatchee River Watershed Pollutant Control Program. The  
2885 plans shall be designed to be a multifaceted approach to  
2886 reducing pollutant loads by improving the management of  
2887 pollutant sources within the Caloosahatchee River watershed  
2888 through implementation of regulations and best management  
2889 practices, development and implementation of improved best  
2890 management practices, improvement and restoration of the  
2891 hydrologic function of natural and managed systems, and  
2892 utilization of alternative technologies for pollutant reduction,  
2893 such as cost-effective biologically based, hybrid  
2894 wetland/chemical and other innovative nutrient control  
2895 technologies. As provided in s. 403.067(7)(a)6., the  
2896 Caloosahatchee River Watershed Basin Management Action Plans  
2897 must include milestones for implementation and water quality  
2898 improvement, and an associated water quality monitoring  
2899 component sufficient to evaluate whether reasonable progress in  
2900 pollutant load reductions is being achieved over time. An

2901 assessment of progress toward these milestones shall be  
2902 conducted every 5 years and shall be provided to the Governor,  
2903 the President of the Senate, and the Speaker of the House of  
2904 Representatives. Revisions to the plans shall be made, as  
2905 appropriate, as a result of each 5-year review. Revisions to the  
2906 basin management action plans shall be made by the department in  
2907 cooperation with the basin stakeholders. Revisions to best  
2908 management practices or other measures must follow the  
2909 procedures set forth in s. 403.067(7)(c)4. Revised basin  
2910 management action plans must be adopted pursuant to s.  
2911 403.067(7)(a)5. The department shall develop an implementation  
2912 schedule establishing 5-year, 10-year, and 15-year measurable  
2913 milestones and targets to achieve the total maximum daily load  
2914 no more than 20 years after adoption of the plan. The initial  
2915 implementation schedule shall be used to provide guidance for  
2916 planning and funding purposes and is exempt from chapter 120.  
2917 Upon the first 5-year review, the implementation schedule shall  
2918 be adopted as part of the plans. If achieving the total maximum  
2919 daily load within 20 years is not practicable, the  
2920 implementation schedule must contain an explanation of the  
2921 constraints that prevent achievement of the total maximum daily  
2922 load within 20 years, an estimate of the time needed to achieve  
2923 the total maximum daily load, and additional 5-year measurable  
2924 milestones, as necessary. The coordinating agencies shall  
2925 facilitate the use of federal programs that offer opportunities

2926 | for water quality treatment, including preservation,  
 2927 | restoration, or creation of wetlands on agricultural lands.

2928 |         1. Nonpoint source best management practices consistent  
 2929 | with s. 403.067, designed to achieve the objectives of the  
 2930 | Caloosahatchee River Watershed Protection Program, shall be  
 2931 | implemented on an expedited basis. The coordinating agencies may  
 2932 | develop an intergovernmental agreement with local governments to  
 2933 | implement the nonagricultural, nonpoint source best management  
 2934 | practices within their respective geographic boundaries.

2935 |         2. This subsection does not preclude the department or the  
 2936 | district from requiring compliance with water quality standards,  
 2937 | adopted total maximum daily loads, or current best management  
 2938 | practices requirements set forth in any applicable regulatory  
 2939 | program authorized by law for the purpose of protecting water  
 2940 | quality. This subsection applies only to the extent that it does  
 2941 | not conflict with any rules adopted by the department or  
 2942 | district which are necessary to maintain a federally delegated  
 2943 | or approved program.

2944 |         3. Projects that make use of private lands, or lands held  
 2945 | in trust for Indian tribes, to reduce pollutant loadings or  
 2946 | concentrations within a basin, or that reduce the volume of  
 2947 | harmful discharges by one or more of the following methods:  
 2948 | restoring the natural hydrology of the basin, restoring wildlife  
 2949 | habitat or impacted wetlands, reducing peak flows after storm  
 2950 | events, or increasing aquifer recharge, are eligible for grants

2951 available under this section from the coordinating agencies.

2952 4. The Caloosahatchee River Watershed Basin Management  
 2953 Action Plans shall require assessment of current water  
 2954 management practices within the watershed and shall require  
 2955 development of recommendations for structural, nonstructural,  
 2956 and operational improvements. Such recommendations shall  
 2957 consider and balance water supply, flood control, estuarine  
 2958 salinity, aquatic habitat, and water quality considerations.

2959 5. The department may not authorize the disposal of  
 2960 domestic wastewater biosolids within the Caloosahatchee River  
 2961 watershed unless the applicant can affirmatively demonstrate  
 2962 that the nutrients in the biosolids will not add to nutrient  
 2963 loadings in the watershed. This demonstration shall be based on  
 2964 achieving a net balance between nutrient imports relative to  
 2965 exports on the permitted application site. Exports shall include  
 2966 only nutrients removed from the watershed through products  
 2967 generated on the permitted application site. This prohibition  
 2968 does not apply to Class AA biosolids that are marketed and  
 2969 distributed as fertilizer products in accordance with department  
 2970 rule.

2971 6. The Department of Health shall require all entities  
 2972 disposing of septage within the Caloosahatchee River watershed  
 2973 to develop and submit to that agency an agricultural use plan  
 2974 that limits applications based upon nutrient loading consistent  
 2975 with any basin management action plan adopted pursuant to s.

2976 | 403.067.

2977 |         7. The Department of Agriculture and Consumer Services  
 2978 | shall require entities within the Caloosahatchee River watershed  
 2979 | which land-apply animal manure to develop a resource management  
 2980 | system level conservation plan, according to United States  
 2981 | Department of Agriculture criteria, which limit such  
 2982 | application. Such rules shall include criteria and thresholds  
 2983 | for the requirement to develop a conservation or nutrient  
 2984 | management plan, requirements for plan approval, site inspection  
 2985 | requirements, and recordkeeping requirements.

2986 |         8. The district shall initiate rulemaking to provide for a  
 2987 | monitoring program for nonpoint source dischargers required to  
 2988 | monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.  
 2989 | The results of such monitoring must be reported to the  
 2990 | coordinating agencies.

2991 |         (c) *St. Lucie River Watershed Protection Plan.*—The  
 2992 | district, in cooperation with the other coordinating agencies,  
 2993 | Martin County, and affected counties and municipalities shall  
 2994 | complete a plan in accordance with this subsection. The St.  
 2995 | Lucie River Watershed Protection Plan shall identify the  
 2996 | geographic extent of the watershed, be coordinated as needed  
 2997 | with the plans developed pursuant to paragraph (3)(a) and  
 2998 | paragraph (a) of this subsection, and include the St. Lucie  
 2999 | River Watershed Construction Project and St. Lucie River  
 3000 | Watershed Research and Water Quality Monitoring Program.

3001           1. St. Lucie River Watershed Construction Project.—To  
 3002 improve the hydrology, water quality, and aquatic habitats  
 3003 within the watershed, the district shall, no later than January  
 3004 1, 2012, plan, design, and construct the initial phase of the  
 3005 Watershed Construction Project. In doing so, the district shall:

3006           a. Develop and designate the facilities to be constructed  
 3007 to achieve stated goals and objectives of the St. Lucie River  
 3008 Watershed Protection Plan.

3009           b. Identify the size and location of all such facilities.

3010           c. Provide a construction schedule for all such  
 3011 facilities, including the sequencing and specific timeframe for  
 3012 construction of each facility.

3013           d. Provide a schedule for the acquisition of lands or  
 3014 sufficient interests necessary to achieve the construction  
 3015 schedule.

3016           e. Provide a schedule of costs and benefits associated  
 3017 with each construction project and identify funding sources.

3018           f. To ensure timely implementation, coordinate the design,  
 3019 scheduling, and sequencing of project facilities with the  
 3020 coordinating agencies, Martin County, St. Lucie County, other  
 3021 interested parties, and other affected local governments.

3022           2. St. Lucie River Watershed Research and Water Quality  
 3023 Monitoring Program.—The district, in cooperation with the other  
 3024 coordinating agencies and local governments, shall establish a  
 3025 St. Lucie River Watershed Research and Water Quality Monitoring

3026 Program that builds upon the district's existing research  
3027 program and that is sufficient to carry out, comply with, or  
3028 assess the plans, programs, and other responsibilities created  
3029 by this subsection. The district shall also conduct an  
3030 assessment of the water volumes and timing from Lake Okeechobee  
3031 and the St. Lucie River watershed and their relative  
3032 contributions to the timing and volume of water delivered to the  
3033 estuary.

3034 (d) *St. Lucie River Watershed Basin Management Action*  
3035 *Plan.*—The basin management action plan for the St. Lucie River  
3036 watershed adopted pursuant to s. 403.067 shall be the St. Lucie  
3037 River Watershed Pollutant Control Program and shall be designed  
3038 to be a multifaceted approach to reducing pollutant loads by  
3039 improving the management of pollutant sources within the St.  
3040 Lucie River watershed through implementation of regulations and  
3041 best management practices, development and implementation of  
3042 improved best management practices, improvement and restoration  
3043 of the hydrologic function of natural and managed systems, and  
3044 use of alternative technologies for pollutant reduction, such as  
3045 cost-effective biologically based, hybrid wetland/chemical and  
3046 other innovative nutrient control technologies. As provided in  
3047 s. 403.067(7)(a)6., the St. Lucie River Watershed Basin  
3048 Management Action Plan must include milestones for  
3049 implementation and water quality improvement, and an associated  
3050 water quality monitoring component sufficient to evaluate

3051 whether reasonable progress in pollutant load reductions is  
3052 being achieved over time. An assessment of progress toward these  
3053 milestones shall be conducted every 5 years and shall be  
3054 provided to the Governor, the President of the Senate, and the  
3055 Speaker of the House of Representatives. Revisions to the plan  
3056 shall be made, as appropriate, as a result of each 5-year  
3057 review. Revisions to the basin management action plan shall be  
3058 made by the department in cooperation with the basin  
3059 stakeholders. Revisions to best management practices or other  
3060 measures must follow the procedures set forth in s.  
3061 403.067(7)(c)4. Revised basin management action plans must be  
3062 adopted pursuant to s. 403.067(7)(a)5. The department shall  
3063 develop an implementation schedule establishing 5-year, 10-year,  
3064 and 15-year measurable milestones and targets to achieve the  
3065 total maximum daily load no more than 20 years after adoption of  
3066 the plan. The initial implementation schedule shall be used to  
3067 provide guidance for planning and funding purposes and is exempt  
3068 from chapter 120. Upon the first 5-year review, the  
3069 implementation schedule shall be adopted as part of the plan. If  
3070 achieving the total maximum daily load within 20 years is not  
3071 practicable, the implementation schedule must contain an  
3072 explanation of the constraints that prevent achievement of the  
3073 total maximum daily load within 20 years, an estimate of the  
3074 time needed to achieve the total maximum daily load, and  
3075 additional 5-year measurable milestones, as necessary. The

3076 coordinating agencies shall facilitate the use of federal  
3077 programs that offer opportunities for water quality treatment,  
3078 including preservation, restoration, or creation of wetlands on  
3079 agricultural lands.

3080 1. Nonpoint source best management practices consistent  
3081 with s. 403.067, designed to achieve the objectives of the St.  
3082 Lucie River Watershed Protection Program, shall be implemented  
3083 on an expedited basis. The coordinating agencies may develop an  
3084 intergovernmental agreement with local governments to implement  
3085 the nonagricultural nonpoint source best management practices  
3086 within their respective geographic boundaries.

3087 2. This subsection does not preclude the department or the  
3088 district from requiring compliance with water quality standards,  
3089 adopted total maximum daily loads, or current best management  
3090 practices requirements set forth in any applicable regulatory  
3091 program authorized by law for the purpose of protecting water  
3092 quality. This subsection applies only to the extent that it does  
3093 not conflict with any rules adopted by the department or  
3094 district which are necessary to maintain a federally delegated  
3095 or approved program.

3096 3. Projects that make use of private lands, or lands held  
3097 in trust for Indian tribes, to reduce pollutant loadings or  
3098 concentrations within a basin, or that reduce the volume of  
3099 harmful discharges by one or more of the following methods:  
3100 restoring the natural hydrology of the basin, restoring wildlife

3101 habitat or impacted wetlands, reducing peak flows after storm  
3102 events, or increasing aquifer recharge, are eligible for grants  
3103 available under this section from the coordinating agencies.

3104 4. The St. Lucie River Watershed Basin Management Action  
3105 Plan shall require assessment of current water management  
3106 practices within the watershed and shall require development of  
3107 recommendations for structural, nonstructural, and operational  
3108 improvements. Such recommendations shall consider and balance  
3109 water supply, flood control, estuarine salinity, aquatic  
3110 habitat, and water quality considerations.

3111 5. The department may not authorize the disposal of  
3112 domestic wastewater biosolids within the St. Lucie River  
3113 watershed unless the applicant can affirmatively demonstrate  
3114 that the nutrients in the biosolids will not add to nutrient  
3115 loadings in the watershed. This demonstration shall be based on  
3116 achieving a net balance between nutrient imports relative to  
3117 exports on the permitted application site. Exports shall include  
3118 only nutrients removed from the St. Lucie River watershed  
3119 through products generated on the permitted application site.  
3120 This prohibition does not apply to Class AA biosolids that are  
3121 marketed and distributed as fertilizer products in accordance  
3122 with department rule.

3123 6. The Department of Health shall require all entities  
3124 disposing of septage within the St. Lucie River watershed to  
3125 develop and submit to that agency an agricultural use plan that

3126 | limits applications based upon nutrient loading consistent with  
3127 | any basin management action plan adopted pursuant to s. 403.067.

3128 |       7. The Department of Agriculture and Consumer Services  
3129 | shall initiate rulemaking requiring entities within the St.  
3130 | Lucie River watershed which land-apply animal manure to develop  
3131 | a resource management system level conservation plan, according  
3132 | to United States Department of Agriculture criteria, which limit  
3133 | such application. Such rules shall include criteria and  
3134 | thresholds for the requirement to develop a conservation or  
3135 | nutrient management plan, requirements for plan approval, site  
3136 | inspection requirements, and recordkeeping requirements.

3137 |       8. The district shall initiate rulemaking to provide for a  
3138 | monitoring program for nonpoint source dischargers required to  
3139 | monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.  
3140 | The results of such monitoring must be reported to the  
3141 | coordinating agencies.

3142 |       (e) *River Watershed Protection Plan implementation.*—The  
3143 | coordinating agencies shall be jointly responsible for  
3144 | implementing the River Watershed Protection Plans, consistent  
3145 | with the statutory authority and responsibility of each agency.  
3146 | Annual funding priorities shall be jointly established, and the  
3147 | highest priority shall be assigned to programs and projects that  
3148 | have the greatest potential for achieving the goals and  
3149 | objectives of the plans. In determining funding priorities, the  
3150 | coordinating agencies shall also consider the need for

3151 regulatory compliance, the extent to which the program or  
3152 project is ready to proceed, and the availability of federal or  
3153 local government matching funds. Federal and other nonstate  
3154 funding shall be maximized to the greatest extent practicable.

3155 (f) *Evaluation.*—Beginning March 1, 2020, and every 5 years  
3156 thereafter, concurrent with the updates of the basin management  
3157 action plans adopted pursuant to s. 403.067, the department, in  
3158 cooperation with the other coordinating agencies, shall conduct  
3159 an evaluation of any pollutant load reduction goals, as well as  
3160 any other specific objectives and goals, as stated in the River  
3161 Watershed Protection Programs. The district shall identify  
3162 modifications to facilities of the River Watershed Construction  
3163 Projects, as appropriate, or any other elements of the River  
3164 Watershed Protection Programs. The evaluation shall be included  
3165 in the annual progress report submitted pursuant to this  
3166 section.

3167 (g) *Priorities and implementation schedules.*—The  
3168 coordinating agencies are authorized and directed to establish  
3169 priorities and implementation schedules for the achievement of  
3170 total maximum daily loads, the requirements of s. 403.067, and  
3171 compliance with applicable water quality standards within the  
3172 waters and watersheds subject to this section.

3173 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
3174 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
3175 department is directed to expedite development and adoption of

3176 total maximum daily loads for the Caloosahatchee River and  
3177 estuary. The department is further directed to propose for final  
3178 agency action total maximum daily loads for nutrients in the  
3179 tidal portions of the Caloosahatchee River and estuary. The  
3180 department shall initiate development of basin management action  
3181 plans for Lake Okeechobee, the Caloosahatchee River watershed  
3182 and estuary, and the St. Lucie River watershed and estuary as  
3183 provided in s. 403.067 as follows:

3184 (a) Basin management action plans shall be developed as  
3185 soon as practicable as determined necessary by the department to  
3186 achieve the total maximum daily loads established for the Lake  
3187 Okeechobee watershed and the estuaries.

3188 (b) The Phase II technical plan development pursuant to  
3189 paragraph (3) (a), and the River Watershed Protection Plans  
3190 developed pursuant to paragraphs (4) (a) and (c), shall provide  
3191 the basis for basin management action plans developed by the  
3192 department.

3193 (c) As determined necessary by the department to achieve  
3194 the total maximum daily loads, additional or modified projects  
3195 or programs that complement those in the legislatively ratified  
3196 plans may be included during the development of the basin  
3197 management action plan.

3198 (d) As provided in s. 403.067, management strategies and  
3199 pollution reduction requirements set forth in a basin management  
3200 action plan subject to permitting by the department under

3201 subsection (7) must be completed pursuant to the schedule set  
3202 forth in the basin management action plan, as amended. The  
3203 implementation schedule may extend beyond the 5-year permit  
3204 term.

3205 (e) As provided in s. 403.067, management strategies and  
3206 pollution reduction requirements set forth in a basin management  
3207 action plan for a specific pollutant of concern are not subject  
3208 to challenge under chapter 120 at the time they are  
3209 incorporated, in an identical form, into a department or  
3210 district issued permit or a permit modification issued in  
3211 accordance with subsection (7).

3212 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in  
3213 cooperation with the other coordinating agencies, shall report  
3214 on implementation of this section as part of the consolidated  
3215 annual report required in s. 373.036(7). The annual report shall  
3216 include a summary of the conditions of the hydrology, water  
3217 quality, and aquatic habitat in the northern Everglades based on  
3218 the results of the Research and Water Quality Monitoring  
3219 Programs, the status of the Lake Okeechobee Watershed  
3220 Construction Project, the status of the Caloosahatchee River  
3221 Watershed Construction Project, and the status of the St. Lucie  
3222 River Watershed Construction Project. In addition, the report  
3223 shall contain an annual accounting of the expenditure of funds  
3224 from the Save Our Everglades Trust Fund. At a minimum, the  
3225 annual report shall provide detail by program and plan,

3226 including specific information concerning the amount and use of  
3227 funds from federal, state, or local government sources. In  
3228 detailing the use of these funds, the district shall indicate  
3229 those designated to meet requirements for matching funds. The  
3230 district shall prepare the report in cooperation with the other  
3231 coordinating agencies and affected local governments. The  
3232 department shall report on the status of the Lake Okeechobee  
3233 Basin Management Action Plan, the Caloosahatchee River Watershed  
3234 Basin Management Action Plan, and the St. Lucie River Watershed  
3235 Basin Management Action Plan. The Department of Agriculture and  
3236 Consumer Services shall report on the status of the  
3237 implementation of the agricultural nonpoint source best  
3238 management practices, including an implementation assurance  
3239 report summarizing survey responses and response rates, site  
3240 inspections, and other methods used to verify implementation of  
3241 and compliance with best management practices in the Lake  
3242 Okeechobee, Caloosahatchee River, and St. Lucie River  
3243 watersheds.

3244 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

3245 (a) The Legislature finds that the Lake Okeechobee  
3246 Watershed Protection Program will benefit Lake Okeechobee and  
3247 downstream receiving waters and is in the public interest. The  
3248 Lake Okeechobee Watershed Construction Project and structures  
3249 discharging into or from Lake Okeechobee shall be constructed,  
3250 operated, and maintained in accordance with this section.

3251 (b) Permits obtained pursuant to this section are in lieu  
3252 of all other permits under this chapter or chapter 403, except  
3253 those issued under s. 403.0885, if applicable. Additional  
3254 permits are not required for the Lake Okeechobee Watershed  
3255 Construction Project, or structures discharging into or from  
3256 Lake Okeechobee, if such project or structures are permitted  
3257 under this section. Construction activities related to  
3258 implementation of the Lake Okeechobee Watershed Construction  
3259 Project may be initiated before final agency action, or notice  
3260 of intended agency action, on any permit from the department  
3261 under this section.

3262 (c)1. Owners or operators of existing structures which  
3263 discharge into or from Lake Okeechobee that were subject to  
3264 Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707,  
3265 and RT50-205564 and that are subject to s. 373.4592(4)(a) do not  
3266 require a permit under this section and shall be governed by  
3267 permits issued under ss. 373.413 and 373.416 and the Lake  
3268 Okeechobee Basin Management Action Plan adopted pursuant to s.  
3269 403.067.

3270 2. For the purposes of this paragraph, owners and  
3271 operators of existing structures which are subject to s.  
3272 373.4592(4)(a) and which discharge into or from Lake Okeechobee  
3273 shall be deemed in compliance with this paragraph if they are in  
3274 full compliance with the conditions of permits under chapter  
3275 40E-63, Florida Administrative Code.

3276           3. By January 1, 2017, the district shall submit to the  
 3277 department a complete application for a permit modification to  
 3278 the Lake Okeechobee structure permits to incorporate proposed  
 3279 changes necessary to ensure that discharges through the  
 3280 structures covered by this permit are consistent with the basin  
 3281 management action plan adopted pursuant to s. 403.067.

3282           (d) The department shall require permits for district  
 3283 regional projects that are part of the Lake Okeechobee Watershed  
 3284 Construction Project. However, projects that qualify as exempt  
 3285 pursuant to s. 373.406 do not require permits under this  
 3286 section. Such permits shall be issued for a term of 5 years upon  
 3287 the demonstration of reasonable assurances that:

3288           1. District regional projects that are part of the Lake  
 3289 Okeechobee Watershed Construction Project shall achieve the  
 3290 design objectives for phosphorus required in subparagraph  
 3291 (3) (a)1.;

3292           2. For water quality standards other than phosphorus, the  
 3293 quality of water discharged from the facility is of equal or  
 3294 better quality than the inflows;

3295           3. Discharges from the facility do not pose a serious  
 3296 danger to public health, safety, or welfare; and

3297           4. Any impacts on wetlands or state-listed species  
 3298 resulting from implementation of that facility of the Lake  
 3299 Okeechobee Construction Project are minimized and mitigated, as  
 3300 appropriate.

3301 (e) At least 60 days before the expiration of any permit  
 3302 issued under this section, the permittee may apply for a renewal  
 3303 thereof for a period of 5 years.

3304 (f) Permits issued under this section may include any  
 3305 standard conditions provided by department rule which are  
 3306 appropriate and consistent with this section.

3307 (g) Permits issued under this section may be modified, as  
 3308 appropriate, upon review and approval by the department.

3309 (8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida  
 3310 Water Management District shall not divert waters to the St.  
 3311 Lucie River, the Indian River estuary, the Caloosahatchee River  
 3312 or its estuary, or the Everglades National Park, in such a way  
 3313 that the state water quality standards are violated, that the  
 3314 nutrients in such diverted waters adversely affect indigenous  
 3315 vegetation communities or wildlife, or that fresh waters  
 3316 diverted to the St. Lucie River or the Caloosahatchee or Indian  
 3317 River estuaries adversely affect the estuarine vegetation or  
 3318 wildlife, unless the receiving waters will biologically benefit  
 3319 by the diversion. However, diversion is permitted when an  
 3320 emergency is declared by the water management district, if the  
 3321 Secretary of Environmental Protection concurs.

3322 (9) PRESERVATION OF PROVISIONS RELATING TO THE  
 3323 EVERGLADES.—Nothing in this section shall be construed to modify  
 3324 any provision of s. 373.4592.

3325 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this

3326 section is intended to diminish or alter the governmental  
 3327 authority and powers of the Seminole Tribe of Florida, or  
 3328 diminish or alter the rights of that tribe, including, but not  
 3329 limited to, rights under the water rights compact among the  
 3330 Seminole Tribe of Florida, the state, and the South Florida  
 3331 Water Management District as enacted by Pub. L. No. 100-228, 101  
 3332 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in  
 3333 s. 285.165, and rights under any other agreement between the  
 3334 Seminole Tribe of Florida and the state or its agencies. No land  
 3335 of the Seminole Tribe of Florida shall be used for water storage  
 3336 or stormwater treatment without the consent of the tribe.

3337 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—  
 3338 Nothing in this section shall be construed to modify any  
 3339 existing state water quality standard or to modify the  
 3340 provisions of s. 403.067(6) and (7)(a).

3341 (12) RULES.—The governing board of the district is  
 3342 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54  
 3343 to implement the provisions of this section.

3344 (13) PRESERVATION OF AUTHORITY.—Nothing in this section  
 3345 shall be construed to restrict the authority otherwise granted  
 3346 to agencies pursuant to this chapter and chapter 403, and  
 3347 provisions of this section shall be deemed supplemental to the  
 3348 authority granted to agencies pursuant to this chapter and  
 3349 chapter 403.

3350 **Section 33. For the purpose of incorporating the amendment**

3351 **made by this act to section 403.0872, Florida Statutes, in a**  
3352 **reference thereto, section 403.0873, Florida Statutes, is**  
3353 **reenacted to read:**

3354       403.0873 Florida Air-Operation License Fee Account.—The  
3355 "Florida Air-Operation License Fee Account" is established as a  
3356 nonlapsing account within the Department of Environmental  
3357 Protection's Air Pollution Control Trust Fund. All license fees  
3358 paid pursuant to s. 403.0872(11) shall be deposited in such  
3359 account and must be used solely by the department and approved  
3360 local programs under the advice and consent of the Legislature  
3361 to pay the direct and indirect costs required to develop and  
3362 administer the major stationary source air-operation permit  
3363 program. Any approved local pollution control program that  
3364 accepts funds from the department as reimbursement for services  
3365 it performs in the implementation of the major source air-  
3366 operation permit program, receives delegation from the  
3367 department or the United States Environmental Protection Agency  
3368 for implementation of the major source air-operation permit  
3369 program, or performs functions, duties, or activities  
3370 substantially similar to or duplicative of the services  
3371 performed by the department or the United States Environmental  
3372 Protection Agency in the implementation of the major source air-  
3373 operation permit program is prohibited from collecting  
3374 additional fees attributable to such services from any source  
3375 permitted under s. 403.0872.

3376           **Section 34. For the purpose of incorporating the amendment**  
 3377 **made by this act to section 403.1838, Florida Statutes, in a**  
 3378 **reference thereto, paragraph (d) of subsection (3) of section**  
 3379 **403.1835, Florida Statutes, is reenacted to read:**

3380           403.1835 Water pollution control financial assistance.—

3381           (3) The department may provide financial assistance  
 3382 through any program authorized under 33 U.S.C. s. 1383, as  
 3383 amended, including, but not limited to, making grants and loans,  
 3384 providing loan guarantees, purchasing loan insurance or other  
 3385 credit enhancements, and buying or refinancing local debt. This  
 3386 financial assistance must be administered in accordance with  
 3387 this section and applicable federal authorities.

3388           (d) The department may make grants to financially  
 3389 disadvantaged small communities, as defined in s. 403.1838,  
 3390 using funds made available from grant allocations on loans  
 3391 authorized under subsection (4). The grants must be administered  
 3392 in accordance with s. 403.1838.

3393           **Section 35. (1) The following rules are ratified for the**  
 3394 **sole and exclusive purpose of satisfying any condition on the**  
 3395 **effectiveness imposed under s. 120.541(3), Florida Statutes:**  
 3396 **Rules 62-42.200 and 62-42.300, Florida Administrative Code,**  
 3397 **titled "Definitions" and "The Lower Santa Fe and Ichetucknee**  
 3398 **Rivers and Priority Springs," respectively, as filed for**  
 3399 **adoption with the Department of State pursuant to the**  
 3400 **certification package dated December 31, 2025.**

3401       (2) This section serves no other purpose and may not be  
3402 codified in the Florida Statutes. After this act becomes a law,  
3403 the enactment and effective dates of this section must be noted  
3404 in the Florida Administrative Code, the Florida Administrative  
3405 Register, or both, as appropriate. This section does not alter  
3406 rulemaking authority delegated by prior law, does not constitute  
3407 legislative preemption of or exception to any provision of law  
3408 governing adoption or enforcement of the rule cited, and is  
3409 intended to preserve the status of any cited rule as a rule  
3410 under chapter 120, Florida Statutes. This section does not cure  
3411 any rulemaking defect or preempt any challenge based on a lack  
3412 of authority or a violation of the legal requirements governing  
3413 the adoption of any rule cited.

3414       **Section 36.** This act shall take effect July 1, 2026.