

1 A bill to be entitled
2 An act relating to the Department of Environmental
3 Protection; amending s. 20.255, F.S.; removing
4 provisions creating the Environmental Regulation
5 Commission; amending s. 163.3205, F.S.; requiring
6 certain solar facility permit applicants to
7 incorporate certain protections in the development and
8 implementation of erosion and sediment control plans
9 for the construction of such facilities; specifying
10 requirements for such plans; providing requirements
11 for certain operational phase stormwater management
12 systems; requiring solar facility operators to
13 implement specified construction and operational
14 permit requirements; amending s. 255.065, F.S.;
15 revising the definition of the term "qualifying
16 project"; amending s. 373.469, F.S.; extending the
17 date by which certain commercial and residential
18 properties with existing onsite sewage treatment and
19 disposal systems must connect to a central sewer
20 system or upgrade to an enhanced nutrient reducing
21 system; requiring certain residential properties to
22 connect to a central sewer system or upgrade to a
23 nutrient-reducing wastewater treatment system;
24 requiring permitting agencies to notify property
25 owners of such requirements under specified

26 conditions; creating s. 380.0934, F.S.; providing
27 definitions; authorizing the department to take
28 certain actions to encourage private sector investment
29 in coastal resiliency projects; requiring the
30 department to publish certain information on its
31 website; amending s. 403.0872, F.S.; revising the date
32 by which certain major permitted sources of air
33 pollution must pay an annual operation license fee;
34 authorizing the department to impose penalties;
35 removing provisions relating to certain administrative
36 costs; repealing s. 403.804, F.S., relating to the
37 powers and duties of the Environmental Regulation
38 Commission; amending ss. 120.81, 373.421, 376.302,
39 403.031, 403.061, 403.067, 403.1838, 403.704, 403.707,
40 403.7222, 403.7234, 403.803, 403.805, 403.8055, and
41 403.814, F.S.; conforming provisions to changes made
42 by the act; reenacting s. 373.4595, F.S., relating to
43 the Northern Everglades and Estuaries Protection
44 Program, to incorporate the amendment made to s.
45 403.067, F.S., in a reference thereto; reenacting s.
46 403.0873, F.S., relating to the Florida Air-Operation
47 License Fee Account, to incorporate the amendment made
48 to s. 403.1838, F.S., in a reference thereto;
49 reenacting s. 403.1835(3)(d), F.S., relating to water
50 pollution control financial assistance, to incorporate

51 the amendment made to s. 403.1838, F.S., in a
 52 reference thereto; ratifying specified rules relating
 53 to the Lower Santa Fe and Ichetucknee Rivers and
 54 Priority Springs minimum flows and recovery strategy
 55 for the sole and exclusive purpose of satisfying any
 56 condition on effectiveness pursuant to s. 120.541(3),
 57 F.S., which requires ratification of any rule
 58 exceeding the specified thresholds for likely adverse
 59 impact or increase in regulatory costs; providing
 60 construction; providing an effective date.

61

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

63

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

66 20.255 Department of Environmental Protection.—There is
 67 created a Department of Environmental Protection.

68 ~~(6) There is created as a part of the Department of~~
 69 ~~Environmental Protection an Environmental Regulation Commission.~~
 70 ~~The commission shall be composed of seven residents of this~~
 71 ~~state appointed by the Governor, subject to confirmation by the~~
 72 ~~Senate. In making appointments, the Governor shall provide~~
 73 ~~reasonable representation from all sections of the state.~~
 74 ~~Membership shall be representative of agriculture, the~~
 75 ~~development industry, local government, the environmental~~

76 ~~community, lay citizens, and members of the scientific and~~
77 ~~technical community who have substantial expertise in the areas~~
78 ~~of the fate and transport of water pollutants, toxicology,~~
79 ~~epidemiology, geology, biology, environmental sciences, or~~
80 ~~engineering. The Governor shall appoint the chair, and the vice~~
81 ~~chair shall be elected from among the membership. All~~
82 ~~appointments shall be for 4-year terms. The Governor may at any~~
83 ~~time fill a vacancy for the unexpired term. The members of the~~
84 ~~commission shall serve without compensation, but shall be paid~~
85 ~~travel and per diem as provided in s. 112.061 while in the~~
86 ~~performance of their official duties. Administrative, personnel,~~
87 ~~and other support services necessary for the commission shall be~~
88 ~~furnished by the department. The commission may employ~~
89 ~~independent counsel and contract for the services of outside~~
90 ~~technical consultants.~~

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

94 163.3205 Solar facility approval process; construction
95 requirements.—

96 (5) CONSTRUCTION BEST MANAGEMENT PRACTICES.—

97 (a)1. An applicant for permits required under s. 373.413
98 shall incorporate site-specific and appropriate additional
99 protections in the development and implementation of an erosion
100 and sediment control plan for the construction of a solar

101 facility. Such plans must include, but are not limited to, all
102 of the following:

103 a. Soil percolation testing on the premises of a proposed
104 solar facility.

105 b. Implementation of stormwater best management practices
106 and related erosion controls for runoff during the construction
107 of a solar facility that are based on rainfall amounts up to the
108 100-year, 24-hour design storm for the project site.

109 c. Clearing and stabilization in phases as needed to
110 reduce disturbed portions of the project site which may be
111 susceptible to erosion during construction.

112 2. Inspections must be performed by a certified Florida
113 Stormwater, Erosion, and Sedimentation Control Inspector during
114 construction to ensure the plan is being implemented in
115 accordance with the permitting requirements under s. 373.413.

116 (b) Within the jurisdictional boundary of the Northwest
117 Florida Water Management District, an operational phase
118 stormwater management system permitted under part IV of chapter
119 373 that serves a solar facility must be designed based on the
120 100-year, 24-hour design storm for the project site. This
121 paragraph applies to applications for new solar facilities filed
122 after July 1, 2026.

123 (c) The operator of a solar facility or a proposed solar
124 facility shall implement all construction and operational permit
125 requirements developed and applicable under paragraph (a).

Section 3. Paragraph (i) of subsection (1) of section 255.065, Florida Statutes, is amended to read:

255.065 Public-private partnerships.—

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

(i) "Qualifying project" means:

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

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

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

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

~~5.4.~~ Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the

151 governing board of a county, district, or municipal hospital or
152 health care system, or projects that involve a facility owned or
153 operated by a municipal electric utility, only those projects
154 that the governing board designates as qualifying projects
155 pursuant to this section.

156 **Section 4. Paragraph (d) of subsection (3) of section**
157 **373.469, Florida Statutes, is amended to read:**

158 373.469 Indian River Lagoon Protection Program.—

159 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian
160 River Lagoon Protection Program consists of the Banana River
161 Lagoon Basin Management Action Plan, Central Indian River Lagoon
162 Basin Management Action Plan, North Indian River Lagoon Basin
163 Management Action Plan, and Mosquito Lagoon Reasonable Assurance
164 Plan, and such plans are the components of the Indian River
165 Lagoon Protection Program which achieve phosphorous and nitrogen
166 load reductions for the Indian River Lagoon.

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

168 1. Beginning on January 1, 2024, unless previously
169 permitted, the installation of new onsite sewage treatment and
170 disposal systems is prohibited within the Banana River Lagoon
171 Basin Management Action Plan, Central Indian River Lagoon Basin
172 Management Action Plan, North Indian River Lagoon Basin
173 Management Action Plan, and Mosquito Lagoon Reasonable Assurance
174 Plan areas where a publicly owned or investor-owned sewerage
175 system is available as defined in s. 381.0065(2)(a). Where

176 central sewerage is not available, only enhanced nutrient-
177 reducing onsite sewage treatment and disposal systems or other
178 wastewater treatment systems that achieve at least 65 percent
179 nitrogen reduction are authorized.

180 2. By July 1, 2035 ~~2030~~, any commercial property or any
181 residential property of 10 acres or less with an existing onsite
182 sewage treatment and disposal system located within the Banana
183 River Lagoon Basin Management Action Plan, Central Indian River
184 Lagoon Basin Management Action Plan, North Indian River Lagoon
185 Basin Management Action Plan, and Mosquito Lagoon Reasonable
186 Assurance Plan areas must connect to central sewer if available
187 or upgrade to an enhanced nutrient-reducing onsite sewage
188 treatment and disposal system or other wastewater treatment
189 system that achieves at least 65 percent nitrogen reduction. For
190 all applications submitted before July 1, 2035, to a permitting
191 agency to repair, modify, or replace a conventional onsite
192 sewage treatment and disposal system on a commercial property or
193 a residential property of 10 acres or less, the permitting
194 agency shall notify the property owner of the requirement
195 provided in this subparagraph.

196 **Section 5. Section 380.0934, Florida Statutes, is created**
197 **to read:**

198 380.0934 Public-private partnerships for coastal
199 resiliency projects.-

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

- 201 (a) "Coastal resiliency project" means:
- 202 1. Planning, contracting, and executing a project to
- 203 address flooding and sea level rise in a coastal or inland
- 204 community in this state under s. 380.093(5);
- 205 2. Public infrastructure repair and upgrades to seawalls
- 206 and stormwater drainage; and
- 207 3. Resiliency measures designed to withstand extreme
- 208 weather, mitigate flooding, and prevent coastal erosion,
- 209 including:
- 210 a. Acquisition of at-risk coastal and flood-prone
- 211 properties;
- 212 b. Acquisition of properties in areas at high risk of
- 213 flooding;
- 214 c. Infrastructure hardening and development of natural
- 215 barriers;
- 216 d. Construction of large-scale seawalls, levees, and
- 217 elevated flood barriers; or
- 218 e. Expansion and restoration of natural protective
- 219 systems.
- 220 (b) "Department" means the Department of Environmental
- 221 Protection.
- 222 (c) "Public-private partnership" means a coastal
- 223 resiliency project entered into by a local government under s.
- 224 255.065.
- 225 (2) To encourage investment from the private sector in

226 coastal resiliency projects, the department may:

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

228 (b) Provide expedited permitting for construction.

229 (c) Seek comments from local governments and the public
230 during project planning and execution and incorporate actions
231 responsive to such comments into the project.

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

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

241 **Section 6. Subsection (11) of section 403.0872, Florida**
242 **Statutes, is amended to read:**

243 403.0872 Operation permits for major sources of air
244 pollution; annual operation license fee.—Provided that program
245 approval pursuant to 42 U.S.C. s. 7661a has been received from
246 the United States Environmental Protection Agency, beginning
247 January 2, 1995, each major source of air pollution, including
248 electrical power plants certified under s. 403.511, must obtain
249 from the department an operation permit for a major source of
250 air pollution under this section. This operation permit is the

251 only department operation permit for a major source of air
252 pollution required for such source; provided, at the applicant's
253 request, the department shall issue a separate acid rain permit
254 for a major source of air pollution that is an affected source
255 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
256 for major sources of air pollution, except general permits
257 issued pursuant to s. 403.814, must be issued in accordance with
258 the procedures contained in this section and in accordance with
259 chapter 120; however, to the extent that chapter 120 is
260 inconsistent with this section, the procedures contained in this
261 section prevail.

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

271 (a) The annual fee must be assessed based upon the
272 source's previous year's emissions and must be calculated by
273 multiplying the applicable annual operation license fee factor
274 times the tons of each regulated air pollutant actually emitted,
275 as calculated in accordance with the department's emissions

276 computation and reporting rules. The annual fee shall only apply
277 to those regulated pollutants, except carbon monoxide and
278 greenhouse gases, for which an allowable numeric emission
279 limiting standard is specified in the source's most recent
280 construction or operation permit; provided, however, that:

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

292 2. The amount of each regulated air pollutant in excess of
293 4,000 tons per year emitted by any source, or group of sources
294 belonging to the same Major Group as described in the Standard
295 Industrial Classification Manual, 1987, may not be included in
296 the calculation of the fee. Any source, or group of sources,
297 which does not emit any regulated air pollutant in excess of
298 4,000 tons per year, is allowed a one-time credit not to exceed
299 25 percent of the first annual licensing fee for the prorated
300 portion of existing air-operation permit application fees

301 remaining upon commencement of the annual licensing fees.

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

320 4. Notwithstanding the computational provisions of this
321 subsection, the annual operation license fee for any source
322 subject to this section may not be less than \$250, except that
323 the annual operation license fee for sources permitted solely
324 through general permits issued under s. 403.814 may not exceed
325 \$50 per year.

326 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
 327 air pollution construction permit fees, the department may not
 328 require such fees for changes or additions to a major source of
 329 air pollution permitted pursuant to this section, unless the
 330 activity triggers permitting requirements under Title I, Part C
 331 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
 332 7514a. ~~Costs to issue and administer such permits shall be~~
 333 ~~considered direct and indirect costs of the major stationary~~
 334 ~~source air-operation permit program under s. 403.0873.~~ The
 335 department shall, however, require fees pursuant to s.
 336 403.087(7)(a)5.a. for the construction of a new major source of
 337 air pollution that will be subject to the permitting
 338 requirements of this section once constructed and for activities
 339 triggering permitting requirements under Title I, Part C or Part
 340 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

341 (b) Annual operation license fees collected by the
 342 department must be sufficient to cover all reasonable direct and
 343 indirect costs required to develop and administer the major
 344 stationary source air-operation permit program, which shall
 345 consist of the following elements to the extent that they are
 346 reasonably related to the regulation of major stationary air
 347 pollution sources, in accordance with United States
 348 Environmental Protection Agency regulations and guidelines:

- 349 1. Reviewing and acting upon any application for such a
 350 permit.

351 2. Implementing and enforcing the terms and conditions of
 352 any such permit, excluding court costs or other costs associated
 353 with any enforcement action.

354 3. Emissions and ambient monitoring.

355 4. Preparing generally applicable regulations or guidance.

356 5. Modeling, analyses, and demonstrations.

357 6. Preparing inventories and tracking emissions.

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

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

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

369 **Section 7.** Section 403.804, Florida Statutes, is repealed.

370 **Section 8. Subsection (6) of section 120.81, Florida**
 371 **Statutes, is amended to read:**

372 120.81 Exceptions and special requirements; general
 373 areas.—

374 (6) RISK IMPACT STATEMENT.—The Department of Environmental
 375 Protection shall prepare a risk impact statement for any rule

376 that is proposed for adoption which ~~approval by the~~
377 ~~Environmental Regulation Commission and that~~ establishes or
378 changes standards or criteria based on impacts to or effects
379 upon human health. The Department of Agriculture and Consumer
380 Services shall prepare a risk impact statement for any rule that
381 is proposed for adoption that establishes standards or criteria
382 based on impacts to or effects upon human health.

383 (a) This subsection does not apply to rules adopted
384 pursuant to federally delegated or mandated programs where such
385 rules are identical or substantially identical to the federal
386 regulations or laws being adopted or implemented by the
387 Department of Environmental Protection or Department of
388 Agriculture and Consumer Services, as applicable. However, the
389 Department of Environmental Protection and the Department of
390 Agriculture and Consumer Services shall identify any risk
391 analysis information available to them from the Federal
392 Government that has formed the basis of such a rule.

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

395 (c) The Department of Environmental Protection and the
396 Department of Agriculture and Consumer Services shall prepare
397 and publish notice of the availability of a clear and concise
398 risk impact statement for all applicable rules. The risk impact
399 statement must explain the risk to the public health addressed
400 by the rule and shall identify and summarize the source of the

401 scientific information used in evaluating that risk.

402 (d) ~~Nothing in~~ This subsection does not ~~shall be construed~~
403 ~~to~~ create a new cause of action or basis for challenging a rule
404 nor diminish any existing cause of action or basis for
405 challenging a rule.

406 **Section 9. Subsection (1) of section 373.421, Florida**
407 **Statutes, is amended, and paragraph (b) of subsection (7) of**
408 **that section is reenacted, to read:**

409 373.421 Delineation methods; formal determinations.—

410 (1) The department's ~~Environmental Regulation Commission~~
411 ~~shall adopt a~~ unified statewide methodology for the delineation
412 of the extent of wetlands as defined in s. 373.019(27). ~~This~~
413 ~~methodology~~ shall consider regional differences in the types of
414 soils and vegetation that may serve as indicators of the extent
415 of wetlands. This methodology shall also include provisions for
416 determining the extent of surface waters other than wetlands for
417 the purposes of regulation under s. 373.414. This methodology
418 shall not become effective until ratified by the Legislature.
419 Subsequent to legislative ratification, the wetland definition
420 in s. 373.019(27) and the adopted wetland methodology shall be
421 binding on the department, the water management districts, local
422 governments, and any other governmental entities. Upon
423 ratification of such wetland methodology, the Legislature
424 preempts the authority of any water management district, state
425 or regional agency, or local government to define wetlands or

426 | develop a delineation methodology to implement the definition
427 | and determines that the exclusive definition and delineation
428 | methodology for wetlands shall be that established pursuant to
429 | s. 373.019(27) and this section. Upon such legislative
430 | ratification, any existing wetlands definition or wetland
431 | delineation methodology shall be superseded by the wetland
432 | definition and delineation methodology established pursuant to
433 | this chapter. Subsequent to legislative ratification, a
434 | delineation of the extent of a surface water or wetland by the
435 | department or a water management district, pursuant to a formal
436 | determination under subsection (2), or pursuant to a permit
437 | issued under this part in which the delineation was field-
438 | verified by the permitting agency and specifically approved in
439 | the permit, shall be binding on all other governmental entities
440 | for the duration of the formal determination or permit. All
441 | existing rules and methodologies of the department, the water
442 | management districts, and local governments, regarding surface
443 | water or wetland definition and delineation shall remain in full
444 | force and effect until the common methodology rule becomes
445 | effective. However, this shall not be construed to limit any
446 | power of the department, the water management districts, and
447 | local governments to amend or adopt a surface water or wetland
448 | definition or delineation methodology until the common
449 | methodology rule becomes effective.

450 | (7)

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

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

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

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

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

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

484 c. Where no development activity as defined in s.
485 380.01(1) or (2)(a)-(d) and (f) has occurred within the project
486 boundaries since October 1, 1986; or

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

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

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

501 | except in their implementation of this part.

502 | **Section 10. Paragraph (a) of subsection (1) of section**
 503 | **376.302, Florida Statutes, is amended to read:**

504 | 376.302 Prohibited acts; penalties.—

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

507 | (a) To discharge pollutants or hazardous substances into
 508 | or upon the surface or ground waters of the state or lands,
 509 | which discharge violates any departmental "standard" as defined
 510 | in s. 403.803 ~~s. 403.803(13)~~.

511 | **Section 11. Paragraph (b) of subsection (23) of section**
 512 | **403.031, Florida Statutes, is amended to read:**

513 | 403.031 Definitions.—In construing this chapter, or rules
 514 | and regulations adopted pursuant hereto, the following words,
 515 | phrases, or terms, unless the context otherwise indicates, have
 516 | the following meanings:

517 | (23) "Waters" include, but are not limited to, rivers,
 518 | lakes, streams, springs, impoundments, wetlands, and all other
 519 | waters or bodies of water, including fresh, brackish, saline,
 520 | tidal, surface, or underground waters. Waters owned entirely by
 521 | one person other than the state are included only in regard to
 522 | possible discharge on other property or water. Underground
 523 | waters include, but are not limited to, all underground waters
 524 | passing through pores of rock or soils or flowing through in
 525 | channels, whether manmade or natural. Solely for purposes of s.

526 403.0885, waters of the state also include navigable waters or
527 waters of the contiguous zone as used in s. 502 of the Clean
528 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in
529 existence on January 1, 1993, except for those navigable waters
530 seaward of the boundaries of the state set forth in s. 1, Art.
531 II of the State Constitution. Solely for purposes of this
532 chapter, waters of the state also include the area bounded by
533 the following:

534 (b) The area bounded by the line described in paragraph
535 (a) generally includes those waters to be known as waters of the
536 state. The landward extent of these waters shall be determined
537 by the delineation methodology ratified in s. 373.4211. Any
538 waters which are outside the general boundary line described in
539 paragraph (a) but which are contiguous thereto by virtue of the
540 presence of a wetland, watercourse, or other surface water, as
541 determined by the delineation methodology ratified in s.
542 373.4211, shall be a part of this waterbody. Any areas within
543 the line described in paragraph (a) which are neither a wetland
544 nor surface water, as determined by the delineation methodology
545 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~
546 ~~Florida Environmental Regulation Commission designates the~~
547 ~~waters within the boundaries an Outstanding Florida Water,~~
548 ~~waters outside the boundaries may not be included as part of~~
549 ~~such designation unless a hearing is held pursuant to notice in~~
550 ~~each appropriate county and the boundaries of such lands are~~

551 ~~specifically considered and described for such designation.~~

552 **Section 12. Subsections (7) and (32) of section 403.061,**
553 **Florida Statutes, are amended to read:**

554 403.061 Department; powers and duties.—The department
555 shall have the power and the duty to control and prohibit
556 pollution of air and water in accordance with the law and rules
557 adopted and promulgated by it and, for this purpose, to:

558 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
559 implement this act. Any rule adopted pursuant to this act must
560 be consistent with the provisions of federal law, if any,
561 relating to control of emissions from motor vehicles, effluent
562 limitations, pretreatment requirements, or standards of
563 performance. A county, municipality, or political subdivision
564 may not adopt or enforce any local ordinance, special law, or
565 local regulation requiring the installation of Stage II vapor
566 recovery systems, as currently defined by department rule,
567 unless such county, municipality, or political subdivision is or
568 has been in the past designated by federal regulation as a
569 moderate, serious, or severe ozone nonattainment area. Rules
570 adopted pursuant to this act may not require dischargers of
571 waste into waters of the state to improve natural background
572 conditions. The department shall adopt rules to reasonably
573 limit, reduce, and eliminate domestic wastewater collection and
574 transmission system pipe leakages and inflow and infiltration.
575 Discharges from steam electric generating plants existing or

576 licensed under this chapter on July 1, 1984, may not be required
577 to be treated to a greater extent than may be necessary to
578 assure that the quality of nonthermal components of discharges
579 from nonrecirculated cooling water systems is as high as the
580 quality of the makeup waters; that the quality of nonthermal
581 components of discharges from recirculated cooling water systems
582 is no lower than is allowed for blowdown from such systems; or
583 that the quality of noncooling system discharges which receive
584 makeup water from a receiving body of water which does not meet
585 applicable department water quality standards is as high as the
586 quality of the receiving body of water. ~~The department may not~~
587 ~~adopt standards more stringent than federal regulations, except~~
588 ~~as provided in s. 403.804.~~

589 (32) Adopt rules necessary to obtain approval from the
590 United States Environmental Protection Agency to administer the
591 Federal National Pollution Discharge Elimination System (NPDES)
592 permitting program in Florida under ss. 318, 402, and 405 of the
593 federal Clean Water Act, Pub. L. No. 92-500, as amended. This
594 authority shall be implemented consistent with the provisions of
595 part II, which shall be applicable to facilities certified
596 thereunder. The department shall establish all rules, standards,
597 and requirements that regulate the discharge of pollutants into
598 waters of the United States as defined by and in a manner
599 consistent with federal regulations; provided, however, that the
600 department may adopt a standard that is stricter or more

601 stringent than one set by the United States Environmental
602 Protection Agency ~~if approved by the Governor and Cabinet in~~
603 ~~accordance with the procedures of s. 403.804(2).~~

604

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

609 **Section 13. Paragraph (c) of subsection (6) of section**
610 **403.067, Florida Statutes, is amended to read:**

611 403.067 Establishment and implementation of total maximum
612 daily loads.—

613 (6) CALCULATION AND ALLOCATION.—

614 (c) Adoption of rules. The total maximum daily load
615 calculations and allocations established under this subsection
616 for each water body or water body segment shall be adopted by
617 rule by the secretary pursuant to ss. 120.536(1), 120.54, and
618 403.805. Where additional data collection and analysis are
619 needed to increase the scientific precision and accuracy of the
620 total maximum daily load, the department is authorized to adopt
621 phased total maximum daily loads that are subject to change as
622 additional data becomes available. Where phased total maximum
623 daily loads are proposed, the department shall, in the detailed
624 statement of facts and circumstances justifying the rule,
625 explain why the data are inadequate so as to justify a phased

626 total maximum daily load. The rules adopted pursuant to this
627 paragraph are not subject to ~~approval by the Environmental~~
628 ~~Regulation Commission and are not subject to~~ the provisions of
629 s. 120.541(3). As part of the rule development process, the
630 department shall hold at least one public workshop in the
631 vicinity of the water body or water body segment for which the
632 total maximum daily load is being developed. Notice of the
633 public workshop shall be published not less than 5 days nor more
634 than 15 days before the public workshop in a newspaper of
635 general circulation in the county or counties containing the
636 water bodies or water body segments for which the total maximum
637 daily load calculation and allocation are being developed.

638 **Section 14. Paragraphs (a) and (b) of subsection (3) of**
639 **section 403.1838, Florida Statutes, are amended to read:**

640 403.1838 Small Community Sewer Construction Assistance
641 Act.—

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

651 (b) The rules of the department ~~Environmental Regulation~~
652 ~~Commission~~ must:

653 1. Require that projects to plan, design, construct,
654 upgrade, or replace wastewater collection, transmission,
655 treatment, disposal, and reuse facilities be cost-effective,
656 environmentally sound, permittable, and implementable.

657 2. Require appropriate user charges, connection fees, and
658 other charges sufficient to ensure the long-term operation,
659 maintenance, and replacement of the facilities constructed under
660 each grant.

661 3. Require grant applications to be submitted on
662 appropriate forms with appropriate supporting documentation, and
663 require records to be maintained.

664 4. Establish a system to determine eligibility of grant
665 applications.

666 5. Establish a system to determine the relative priority
667 of grant applications. The system must consider public health
668 protection and water pollution prevention or abatement and must
669 prioritize projects that plan for the installation of wastewater
670 transmission facilities to be constructed concurrently with
671 other construction projects occurring within or along a
672 transportation facility right-of-way.

673 6. Establish requirements for competitive procurement of
674 engineering and construction services, materials, and equipment.

675 7. Provide for termination of grants when program

676 requirements are not met.

677 **Section 15. Subsection (9) of section 403.704, Florida**
678 **Statutes, is amended to read:**

679 403.704 Powers and duties of the department.—The
680 department shall have responsibility for the implementation and
681 enforcement of this act. In addition to other powers and duties,
682 the department shall:

683 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
684 implement and enforce this act, including requirements for the
685 classification, construction, operation, maintenance, and
686 closure of solid waste management facilities and requirements
687 for, and conditions on, solid waste disposal in this state,
688 whether such solid waste is generated within this state or
689 outside this state as long as such requirements and conditions
690 are not based on the out-of-state origin of the waste and are
691 consistent with applicable law. When classifying solid waste
692 management facilities, the department shall consider the
693 hydrogeology of the site for the facility, the types of wastes
694 to be handled by the facility, and methods used to control the
695 types of waste to be handled by the facility and shall seek to
696 minimize the adverse effects of solid waste management on the
697 environment. ~~Whenever the department adopts any rule stricter or~~
698 ~~more stringent than one that has been set by the United States~~
699 ~~Environmental Protection Agency, the procedures set forth in s.~~
700 ~~403.804(2) shall be followed.~~ The department may ~~shall not~~

701 ~~however,~~ adopt hazardous waste rules for solid waste for which
702 special studies were required before ~~prior to~~ October 1, 1988,
703 under s. 8002 of the Resource Conservation and Recovery Act, 42
704 U.S.C. s. 6982, as amended, until the studies are completed by
705 the United States Environmental Protection Agency and the
706 information is available to the department for consideration in
707 adopting its own rule.

708 **Section 16. Paragraph (d) of subsection (3) and paragraph**
709 **(h) of subsection (9) of section 403.707, Florida Statutes, are**
710 **amended to read:**

711 403.707 Permits.—

712 (3)

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

720 (9) The department shall establish a separate category for
721 solid waste management facilities that accept only construction
722 and demolition debris for disposal or recycling. The department
723 shall establish a reasonable schedule for existing facilities to
724 comply with this section to avoid undue hardship to such
725 facilities. However, a permitted solid waste disposal unit that

726 receives a significant amount of waste prior to the compliance
 727 deadline established in this schedule shall not be required to
 728 be retrofitted with liners or leachate control systems.

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

735 **Section 17. Subsection (3) of section 403.7222, Florida**
 736 **Statutes, is amended to read:**

737 403.7222 Prohibition of hazardous waste landfills.—

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

742 **Section 18. Subsection (4) of section 403.7234, Florida**
 743 **Statutes, is amended to read:**

744 403.7234 Small quantity generator notification and
 745 verification program.—

746 (4) Within 30 days of receipt of a notification, which
 747 includes a survey form, a small quantity generator shall
 748 disclose its management practices and the types and quantities
 749 of waste to the county government. Annually, each county shall
 750 verify the management practices of at least 20 percent of its

751 small quantity generators. The procedure for verification used
 752 by the county must ~~shall~~ be developed as part of the guidance
 753 established by the department under s. 403.7226. The department
 754 may also regulate the waste management practices of small
 755 quantity generators in order to ensure proper management of
 756 hazardous waste in a manner consistent with federal
 757 requirements, ~~except as provided under s. 403.804(2).~~

758 **Section 19. Section 403.803, Florida Statutes, is amended**
 759 **to read:**

760 403.803 Definitions.—When used in this part ~~act~~, the term,
 761 phrase, or word:

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

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

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

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

772 (4) ~~(5)~~ "Department" means the Department of Environmental
 773 Protection.

774 (5) ~~(6)~~ "District" or "environmental district" means one of
 775 the geographical areas, the boundaries of which are established

776 pursuant to this act.

777 (6)~~(7)~~ "Drainage ditch" or "irrigation ditch" is a manmade
778 trench dug for the purpose of draining water from the land or
779 for transporting water for use on the land and is not built for
780 navigational purposes.

781 (7)~~(8)~~ "Environmental district center" means the
782 facilities and personnel which are centralized in each district
783 for the purposes of carrying out the provisions of this act.

784 (8)~~(9)~~ "Headquarters" means the physical location of the
785 offices of the secretary and the division directors of the
786 department.

787 (9)~~(10)~~ "Insect control impoundment dikes" means
788 artificial structures, including earthen berms, constructed and
789 used to impound waters for the purpose of insect control.

790 (10)~~(11)~~ "Manager" means the head of an environmental
791 district or branch office who shall supervise all environmental
792 functions of the department within such environmental district
793 or branch office.

794 (11)~~(12)~~ "Secretary" means the Secretary of Environmental
795 Protection.

796 (12)~~(13)~~ "Standard" means any rule of the Department of
797 Environmental Protection relating to air and water quality,
798 noise, solid-waste management, and electric and magnetic fields
799 associated with electrical transmission and distribution lines
800 and substation facilities. The term "standard" does not include

801 rules of the department which relate exclusively to the internal
 802 management of the department, the procedural processing of
 803 applications, the administration of rulemaking or adjudicatory
 804 proceedings, the publication of notices, the conduct of
 805 hearings, or other procedural matters.

806 (13)~~(14)~~ "Swale" means a manmade trench which:

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

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

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

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

819 **Section 20. Subsections (1) and (3) of section 403.805,**
 820 **Florida Statutes, are amended to read:**

821 403.805 Secretary; powers and duties; review of specified
 822 rules.—

823 (1) The secretary shall have the powers and duties of
 824 heads of departments set forth in chapter 20, including the
 825 authority to adopt rules pursuant to ss. 120.536(1) and 120.54

826 to implement this chapter and ~~the provisions of chapters 253,~~
827 ~~373, and 376 and this chapter.~~ The secretary shall have
828 ~~rulemaking responsibility under chapter 120, but shall submit~~
829 ~~any proposed rule containing standards to the Environmental~~
830 ~~Regulation Commission for approval, modification, or disapproval~~
831 ~~pursuant to s. 403.804, except for total maximum daily load~~
832 ~~calculations and allocations developed pursuant to s.~~
833 ~~403.067(6).~~ The secretary shall have responsibility for final
834 agency action regarding total maximum daily load calculations
835 and allocations developed pursuant to s. 403.067(6). The
836 secretary shall employ legal counsel to represent the department
837 in matters affecting the department. Except for appeals on
838 permits specifically assigned by this act to the Governor and
839 Cabinet, and unless otherwise prohibited by law, the secretary
840 may delegate the authority assigned to the department by this
841 act to the assistant secretary, division directors, and district
842 and branch office managers and to the water management
843 districts.

844 (3) After adoption of proposed rule 62-302.531(9), Florida
845 Administrative Code, a nonseverability and effective date
846 provision approved by the commission on December 8, 2011, ~~in~~
847 ~~accordance with the commission's legislative authority under s.~~
848 ~~403.804,~~ notice of which was published by the department on
849 December 22, 2011, in the Florida Administrative Register, Vol.
850 37, No. 51, page 4446, any subsequent rule or amendment altering

851 the effect of such rule must ~~shall~~ be submitted to the President
852 of the Senate and the Speaker of the House of Representatives no
853 later than 30 days before the next regular legislative session,
854 and such amendment may not take effect until it is ratified by
855 the Legislature.

856 **Section 21. Section 403.8055, Florida Statutes, is amended**
857 **to read:**

858 403.8055 Department adoption of federal standards.—
859 Notwithstanding s. 120.54 ~~ss. 120.54 and 403.804~~, the secretary
860 is empowered to adopt rules substantively identical to
861 regulations adopted in the Federal Register by the United States
862 Environmental Protection Agency pursuant to federal law, in
863 accordance with the following procedures:

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

876 require republishing of notice as required in this section.

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

883 (3) The secretary shall stay any terms or conditions of a
 884 permit implementing department rules adopted pursuant to this
 885 section if the substantively identical provisions of a United
 886 States Environmental Protection Agency regulation have been
 887 stayed under federal judicial review. A stay issued pursuant to
 888 this subsection shall terminate upon completion of federal
 889 judicial review.

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

- 892 (a) To promote conservation or natural beauty;
- 893 (b) To protect the environment, personal health, or other
 894 biological values;
- 895 (c) To preserve historical sites;
- 896 (d) To promote consumer interests;
- 897 (e) To represent labor, commercial, or industrial groups;
- 898 or
- 899 (f) To promote orderly development;

900

901 and any other substantially affected person may, within 14 days
 902 after the date of publication of the notice of intent to adopt a
 903 rule, file an objection to rulemaking with the department
 904 ~~Environmental Regulation Commission~~. The objection shall specify
 905 the portions of the proposed rule to which the person objects
 906 and the reasons for the objection. The secretary shall not have
 907 the authority under this section to adopt those portions of a
 908 proposed rule specified in such objection. Objections which are
 909 frivolous shall not be considered sufficient to prohibit the
 910 secretary from adopting rules under this section.

911 (5) Whenever all or part of any rule proposed for adoption
 912 by the department is substantively identical to a regulation
 913 adopted in the Federal Register by the United States
 914 Environmental Protection Agency pursuant to federal law, such
 915 rule shall be written in a manner so that the rule specifically
 916 references such regulation whenever possible.

917 **Section 22. Subsection (1) of section 403.814, Florida**
 918 **Statutes, is amended to read:**

919 403.814 General permits; delegation.—

920 (1) The secretary is authorized to adopt rules
 921 establishing and providing for a program of general permits
 922 under this chapter and chapter 253 ~~and this chapter~~ for
 923 projects, or categories of projects, which have, either singly
 924 or cumulatively, a minimal adverse environmental effect. Such
 925 rules must ~~shall~~ specify design or performance criteria that

926 ~~which~~, if applied, would result in compliance with appropriate
927 standards ~~adopted by the commission~~. Except as provided for in
928 subsection (3), any person complying with the requirements of a
929 general permit may use the permit 30 days after giving notice to
930 the department without any agency action by the department.

931 **Section 23. For the purpose of incorporating the amendment**
932 **made by this act to section 403.067, Florida Statutes, in a**
933 **reference thereto, section 373.4595, Florida Statutes, is**
934 **reenacted to read:**

935 373.4595 Northern Everglades and Estuaries Protection
936 Program.—

937 (1) FINDINGS AND INTENT.—

938 (a) The Legislature finds that the Lake Okeechobee
939 watershed, the Caloosahatchee River watershed, and the St. Lucie
940 River watershed are critical water resources of the state,
941 providing many economic, natural habitat, and biodiversity
942 functions benefiting the public interest, including
943 agricultural, public, and environmental water supply; flood
944 control; fishing; navigation and recreation; and habitat to
945 endangered and threatened species and other flora and fauna.

946 (b) The Legislature finds that changes in land uses, the
947 construction of the Central and Southern Florida Project, and
948 the loss of surface water storage have resulted in adverse
949 changes to the hydrology and water quality of Lake Okeechobee
950 and the Caloosahatchee and St. Lucie Rivers and their estuaries.

951 (c) The Legislature finds that improvement to the
952 hydrology, water quality, and associated aquatic habitats within
953 the Lake Okeechobee watershed, the Caloosahatchee River
954 watershed, and the St. Lucie River watershed, is essential to
955 the protection of the greater Everglades ecosystem.

956 (d) The Legislature also finds that it is imperative for
957 the state, local governments, and agricultural and environmental
958 communities to commit to restoring and protecting the surface
959 water resources of the Lake Okeechobee watershed, the
960 Caloosahatchee River watershed, and the St. Lucie River
961 watershed, and that a watershed-based approach to address these
962 issues must be developed and implemented immediately.

963 (e) The Legislature finds that phosphorus loads from the
964 Lake Okeechobee watershed have contributed to excessive
965 phosphorus levels throughout the Lake Okeechobee watershed and
966 downstream receiving waters and that a reduction in levels of
967 phosphorus will benefit the ecology of these systems. The
968 excessive levels of phosphorus have also resulted in an
969 accumulation of phosphorus in the sediments of Lake Okeechobee.
970 If not removed, internal phosphorus loads from the sediments are
971 expected to delay responses of the lake to external phosphorus
972 reductions.

973 (f) The Legislature finds that the Lake Okeechobee
974 phosphorus loads set forth in the total maximum daily loads
975 established in accordance with s. 403.067 represent an

976 appropriate basis for restoration of the Lake Okeechobee
977 watershed.

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

984 (h) The Legislature finds that the expeditious
985 implementation of the Lake Okeechobee Watershed Protection
986 Program, the Caloosahatchee River Watershed Protection Program,
987 and the St. Lucie River Watershed Protection Program is needed
988 to improve the quality, quantity, timing, and distribution of
989 water in the northern Everglades ecosystem and that this
990 section, in conjunction with s. 403.067, including the
991 implementation of the plans developed and approved pursuant to
992 subsections (3) and (4), and any related basin management action
993 plan developed and implemented pursuant to s. 403.067(7)(a),
994 provide a reasonable means of achieving the total maximum daily
995 load requirements and achieving and maintaining compliance with
996 state water quality standards.

997 (i) The Legislature finds that the implementation of the
998 programs contained in this section is for the benefit of the
999 public health, safety, and welfare and is in the public
1000 interest.

1001 (j) The Legislature finds that sufficient research has
1002 been conducted and sufficient plans developed to immediately
1003 expand and accelerate programs to address the hydrology and
1004 water quality in the Lake Okeechobee watershed, the
1005 Caloosahatchee River watershed, and the St. Lucie River
1006 watershed.

1007 (k) The Legislature finds that a continuing source of
1008 funding is needed to effectively implement the programs
1009 developed and approved under this section which are needed to
1010 address the hydrology and water quality problems within the Lake
1011 Okeechobee watershed, the Caloosahatchee River watershed, and
1012 the St. Lucie River watershed.

1013 (l) It is the intent of the Legislature to protect and
1014 restore surface water resources and achieve and maintain
1015 compliance with water quality standards in the Lake Okeechobee
1016 watershed, the Caloosahatchee River watershed, and the St. Lucie
1017 River watershed, and downstream receiving waters, through the
1018 phased, comprehensive, and innovative protection program set
1019 forth in this section which includes long-term solutions based
1020 upon the total maximum daily loads established in accordance
1021 with s. 403.067. This program shall be watershed-based, shall
1022 provide for consideration of all water quality issues needed to
1023 meet the total maximum daily load, and shall include research
1024 and monitoring, development and implementation of best
1025 management practices, refinement of existing regulations, and

1026 structural and nonstructural projects, including public works.

1027 (m) It is the intent of the Legislature that this section
1028 be implemented in coordination with the Comprehensive Everglades
1029 Restoration Plan project components and other federal programs
1030 in order to maximize opportunities for the most efficient and
1031 timely expenditures of public funds.

1032 (n) It is the intent of the Legislature that the
1033 coordinating agencies encourage and support the development of
1034 creative public-private partnerships and programs, including
1035 opportunities for water storage and quality improvement on
1036 private lands and water quality credit trading, to facilitate or
1037 further the restoration of the surface water resources of the
1038 Lake Okeechobee watershed, the Caloosahatchee River watershed,
1039 and the St. Lucie River watershed, consistent with s. 403.067.

1040 (2) DEFINITIONS.—As used in this section, the term:

1041 (a) "Best management practice" means a practice or
1042 combination of practices determined by the coordinating
1043 agencies, based on research, field-testing, and expert review,
1044 to be the most effective and practicable on-location means,
1045 including economic and technological considerations, for
1046 improving water quality in agricultural and urban discharges.
1047 Best management practices for agricultural discharges shall
1048 reflect a balance between water quality improvements and
1049 agricultural productivity.

1050 (b) "Biosolids" means the solid, semisolid, or liquid

1051 residue generated during the treatment of domestic wastewater in
1052 a domestic wastewater treatment facility, formerly known as
1053 "domestic wastewater residuals" or "residuals," and includes
1054 products and treated material from biosolids treatment
1055 facilities and septage management facilities regulated by the
1056 department. The term does not include the treated effluent or
1057 reclaimed water from a domestic wastewater treatment facility,
1058 solids removed from pump stations and lift stations, screenings
1059 and grit removed from the preliminary treatment components of
1060 domestic wastewater treatment facilities, or ash generated
1061 during the incineration of biosolids.

1062 (c) "Caloosahatchee River watershed" means the
1063 Caloosahatchee River, its tributaries, its estuary, and the area
1064 within Charlotte, Glades, Hendry, and Lee Counties from which
1065 surface water flow is directed or drains, naturally or by
1066 constructed works, to the river, its tributaries, or its
1067 estuary.

1068 (d) "Coordinating agencies" means the Department of
1069 Agriculture and Consumer Services, the Department of
1070 Environmental Protection, and the South Florida Water Management
1071 District.

1072 (e) "Corps of Engineers" means the United States Army
1073 Corps of Engineers.

1074 (f) "Department" means the Department of Environmental
1075 Protection.

1076 (g) "District" means the South Florida Water Management
 1077 District.

1078 (h) "Lake Okeechobee Watershed Construction Project" means
 1079 the construction project developed pursuant to this section.

1080 (i) "Lake Okeechobee Watershed Protection Plan" means the
 1081 Lake Okeechobee Watershed Construction Project and the Lake
 1082 Okeechobee Watershed Research and Water Quality Monitoring
 1083 Program.

1084 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
 1085 tributaries, and the area within which surface water flow is
 1086 directed or drains, naturally or by constructed works, to the
 1087 lake or its tributaries.

1088 (k) "Northern Everglades" means the Lake Okeechobee
 1089 watershed, the Caloosahatchee River watershed, and the St. Lucie
 1090 River watershed.

1091 (l) "Project component" means any structural or
 1092 operational change, resulting from the Restudy, to the Central
 1093 and Southern Florida Project as it existed and was operated as
 1094 of January 1, 1999.

1095 (m) "Restudy" means the Comprehensive Review Study of the
 1096 Central and Southern Florida Project, for which federal
 1097 participation was authorized by the Federal Water Resources
 1098 Development Acts of 1992 and 1996 together with related
 1099 congressional resolutions and for which participation by the
 1100 South Florida Water Management District is authorized by s.

1101 373.1501. The term includes all actions undertaken pursuant to
1102 the aforementioned authorizations which will result in
1103 recommendations for modifications or additions to the Central
1104 and Southern Florida Project.

1105 (n) "River Watershed Protection Plans" means the
1106 Caloosahatchee River Watershed Protection Plan and the St. Lucie
1107 River Watershed Protection Plan developed pursuant to this
1108 section.

1109 (o) "Soil amendment" means any substance or mixture of
1110 substances sold or offered for sale for soil enriching or
1111 corrective purposes, intended or claimed to be effective in
1112 promoting or stimulating plant growth, increasing soil or plant
1113 productivity, improving the quality of crops, or producing any
1114 chemical or physical change in the soil, except amendments,
1115 conditioners, additives, and related products that are derived
1116 solely from inorganic sources and that contain no recognized
1117 plant nutrients.

1118 (p) "St. Lucie River watershed" means the St. Lucie River,
1119 its tributaries, its estuary, and the area within Martin,
1120 Okeechobee, and St. Lucie Counties from which surface water flow
1121 is directed or drains, naturally or by constructed works, to the
1122 river, its tributaries, or its estuary.

1123 (q) "Total maximum daily load" means the sum of the
1124 individual wasteload allocations for point sources and the load
1125 allocations for nonpoint sources and natural background adopted

1126 | pursuant to s. 403.067. Before determining individual wasteload
1127 | allocations and load allocations, the maximum amount of a
1128 | pollutant that a water body or water segment can assimilate from
1129 | all sources without exceeding water quality standards must first
1130 | be calculated.

1131 | (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
1132 | Okeechobee Watershed Protection Program shall consist of the
1133 | Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
1134 | Basin Management Action Plan adopted pursuant to s. 403.067, the
1135 | Lake Okeechobee Exotic Species Control Program, and the Lake
1136 | Okeechobee Internal Phosphorus Management Program. The Lake
1137 | Okeechobee Basin Management Action Plan adopted pursuant to s.
1138 | 403.067 shall be the component of the Lake Okeechobee Watershed
1139 | Protection Program that achieves phosphorus load reductions for
1140 | Lake Okeechobee. The Lake Okeechobee Watershed Protection
1141 | Program shall address the reduction of phosphorus loading to the
1142 | lake from both internal and external sources. Phosphorus load
1143 | reductions shall be achieved through a phased program of
1144 | implementation. In the development and administration of the
1145 | Lake Okeechobee Watershed Protection Program, the coordinating
1146 | agencies shall maximize opportunities provided by federal cost-
1147 | sharing programs and opportunities for partnerships with the
1148 | private sector.

1149 | (a) *Lake Okeechobee Watershed Protection Plan.*—To protect
1150 | and restore surface water resources, the district, in

1151 cooperation with the other coordinating agencies, shall complete
1152 a Lake Okeechobee Watershed Protection Plan in accordance with
1153 this section and ss. 373.451-373.459. Beginning March 1, 2020,
1154 and every 5 years thereafter, the district shall update the Lake
1155 Okeechobee Watershed Protection Plan to ensure that it is
1156 consistent with the Lake Okeechobee Basin Management Action Plan
1157 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1158 Protection Plan shall identify the geographic extent of the
1159 watershed, be coordinated with the plans developed pursuant to
1160 paragraphs (4) (a) and (c), and include the Lake Okeechobee
1161 Watershed Construction Project and the Lake Okeechobee Watershed
1162 Research and Water Quality Monitoring Program. The plan shall
1163 consider and build upon a review and analysis of the performance
1164 of projects constructed during Phase I and Phase II of the Lake
1165 Okeechobee Watershed Construction Project, pursuant to
1166 subparagraph 1.; relevant information resulting from the Lake
1167 Okeechobee Basin Management Action Plan, pursuant to paragraph
1168 (b); relevant information resulting from the Lake Okeechobee
1169 Watershed Research and Water Quality Monitoring Program,
1170 pursuant to subparagraph 2.; relevant information resulting from
1171 the Lake Okeechobee Exotic Species Control Program, pursuant to
1172 paragraph (c); and relevant information resulting from the Lake
1173 Okeechobee Internal Phosphorus Management Program, pursuant to
1174 paragraph (d).

1175 1. Lake Okeechobee Watershed Construction Project.—To

1176 improve the hydrology and water quality of Lake Okeechobee and
1177 downstream receiving waters, including the Caloosahatchee and
1178 St. Lucie Rivers and their estuaries, the district, in
1179 cooperation with the other coordinating agencies, shall design
1180 and construct the Lake Okeechobee Watershed Construction
1181 Project. The project shall include:

1182 a. Phase I.—Phase I of the Lake Okeechobee Watershed
1183 Construction Project shall consist of a series of project
1184 features consistent with the recommendations of the South
1185 Florida Ecosystem Restoration Working Group's Lake Okeechobee
1186 Action Plan. Priority basins for such projects include S-191, S-
1187 154, and Pools D and E in the Lower Kissimmee River. To obtain
1188 phosphorus load reductions to Lake Okeechobee as soon as
1189 possible, the following actions shall be implemented:

1190 (I) The district shall serve as a full partner with the
1191 Corps of Engineers in the design and construction of the Grassy
1192 Island Ranch and New Palm Dairy stormwater treatment facilities
1193 as components of the Lake Okeechobee Water Retention/Phosphorus
1194 Removal Critical Project. The Corps of Engineers shall have the
1195 lead in design and construction of these facilities. Should
1196 delays be encountered in the implementation of either of these
1197 facilities, the district shall notify the department and
1198 recommend corrective actions.

1199 (II) The district shall obtain permits and complete
1200 construction of two of the isolated wetland restoration projects

1201 that are part of the Lake Okeechobee Water Retention/Phosphorus
1202 Removal Critical Project. The additional isolated wetland
1203 projects included in this critical project shall further reduce
1204 phosphorus loading to Lake Okeechobee.

1205 (III) The district shall work with the Corps of Engineers
1206 to expedite initiation of the design process for the Taylor
1207 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
1208 Area, a project component of the Comprehensive Everglades
1209 Restoration Plan. The district shall propose to the Corps of
1210 Engineers that the district take the lead in the design and
1211 construction of the Reservoir Assisted Stormwater Treatment Area
1212 and receive credit towards the local share of the total cost of
1213 the Comprehensive Everglades Restoration Plan.

1214 b. Phase II technical plan and construction.—The district,
1215 in cooperation with the other coordinating agencies, shall
1216 develop a detailed technical plan for Phase II of the Lake
1217 Okeechobee Watershed Construction Project which provides the
1218 basis for the Lake Okeechobee Basin Management Action Plan
1219 adopted by the department pursuant to s. 403.067. The detailed
1220 technical plan shall include measures for the improvement of the
1221 quality, quantity, timing, and distribution of water in the
1222 northern Everglades ecosystem, including the Lake Okeechobee
1223 watershed and the estuaries, and for facilitating the
1224 achievement of water quality standards. Use of cost-effective
1225 biologically based, hybrid wetland/chemical and other innovative

1226 nutrient control technologies shall be incorporated in the plan
1227 where appropriate. The detailed technical plan shall also
1228 include a Process Development and Engineering component to
1229 finalize the detail and design of Phase II projects and identify
1230 additional measures needed to increase the certainty that the
1231 overall objectives for improving water quality and quantity can
1232 be met. Based on information and recommendations from the
1233 Process Development and Engineering component, the Phase II
1234 detailed technical plan shall be periodically updated. Phase II
1235 shall include construction of additional facilities in the
1236 priority basins identified in sub-subparagraph a., as well as
1237 facilities for other basins in the Lake Okeechobee watershed.

1238 The technical plan shall:

1239 (I) Identify Lake Okeechobee Watershed Construction
1240 Project facilities designed to contribute to achieving all
1241 applicable total maximum daily loads established pursuant to s.
1242 403.067 within the Lake Okeechobee watershed.

1243 (II) Identify the size and location of all such Lake
1244 Okeechobee Watershed Construction Project facilities.

1245 (III) Provide a construction schedule for all such Lake
1246 Okeechobee Watershed Construction Project facilities, including
1247 the sequencing and specific timeframe for construction of each
1248 Lake Okeechobee Watershed Construction Project facility.

1249 (IV) Provide a schedule for the acquisition of lands or
1250 sufficient interests necessary to achieve the construction

1251 | schedule.

1252 | (V) Provide a detailed schedule of costs associated with
1253 | the construction schedule.

1254 | (VI) Identify, to the maximum extent practicable, impacts
1255 | on wetlands and state-listed species expected to be associated
1256 | with construction of such facilities, including potential
1257 | alternatives to minimize and mitigate such impacts, as
1258 | appropriate.

1259 | (VII) Provide for additional measures, including voluntary
1260 | water storage and quality improvements on private land, to
1261 | increase water storage and reduce excess water levels in Lake
1262 | Okeechobee and to reduce excess discharges to the estuaries.

1263 | (VIII) Develop the appropriate water quantity storage goal
1264 | to achieve the desired Lake Okeechobee range of lake levels and
1265 | inflow volumes to the Caloosahatchee and St. Lucie estuaries
1266 | while meeting the other water-related needs of the region,
1267 | including water supply and flood protection.

1268 | (IX) Provide for additional source controls needed to
1269 | enhance performance of the Lake Okeechobee Watershed
1270 | Construction Project facilities. Such additional source controls
1271 | shall be incorporated into the Lake Okeechobee Basin Management
1272 | Action Plan pursuant to paragraph (b).

1273 | c. Evaluation.—Within 5 years after the adoption of the
1274 | Lake Okeechobee Basin Management Action Plan pursuant to s.
1275 | 403.067 and every 5 years thereafter, the department, in

1276 cooperation with the other coordinating agencies, shall conduct
1277 an evaluation of the Lake Okeechobee Watershed Construction
1278 Project and identify any further load reductions necessary to
1279 achieve compliance with the Lake Okeechobee total maximum daily
1280 loads established pursuant to s. 403.067. The district shall
1281 identify modifications to facilities of the Lake Okeechobee
1282 Watershed Construction Project as appropriate to meet the total
1283 maximum daily loads. Modifications to the Lake Okeechobee
1284 Watershed Construction Project resulting from this evaluation
1285 shall be incorporated into the Lake Okeechobee Basin Management
1286 Action Plan and included in the applicable annual progress
1287 report submitted pursuant to subsection (6).

1288 d. Coordination and review.—To ensure the timely
1289 implementation of the Lake Okeechobee Watershed Construction
1290 Project, the design of project facilities shall be coordinated
1291 with the department and other interested parties, including
1292 affected local governments, to the maximum extent practicable.
1293 Lake Okeechobee Watershed Construction Project facilities shall
1294 be reviewed and commented upon by the department before the
1295 execution of a construction contract by the district for that
1296 facility.

1297 2. Lake Okeechobee Watershed Research and Water Quality
1298 Monitoring Program.—The coordinating agencies shall implement a
1299 Lake Okeechobee Watershed Research and Water Quality Monitoring
1300 Program. Results from the program shall be used by the

1301 department, in cooperation with the other coordinating agencies,
1302 to make modifications to the Lake Okeechobee Basin Management
1303 Action Plan adopted pursuant to s. 403.067, as appropriate. The
1304 program shall:

1305 a. Evaluate all available existing water quality data
1306 concerning total phosphorus in the Lake Okeechobee watershed,
1307 develop a water quality baseline to represent existing
1308 conditions for total phosphorus, monitor long-term ecological
1309 changes, including water quality for total phosphorus, and
1310 measure compliance with water quality standards for total
1311 phosphorus, including any applicable total maximum daily load
1312 for the Lake Okeechobee watershed as established pursuant to s.
1313 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1314 the department shall reevaluate water quality and quantity data
1315 to ensure that the appropriate projects are being designated and
1316 incorporated into the Lake Okeechobee Basin Management Action
1317 Plan adopted pursuant to s. 403.067. The district shall
1318 implement a total phosphorus monitoring program at appropriate
1319 structures owned or operated by the district and within the Lake
1320 Okeechobee watershed.

1321 b. Develop a Lake Okeechobee water quality model that
1322 reasonably represents the phosphorus dynamics of Lake Okeechobee
1323 and incorporates an uncertainty analysis associated with model
1324 predictions.

1325 c. Determine the relative contribution of phosphorus from

1326 | all identifiable sources and all primary and secondary land
 1327 | uses.

1328 | d. Conduct an assessment of the sources of phosphorus from
 1329 | the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
 1330 | relative contribution to the water quality of Lake Okeechobee.
 1331 | The results of this assessment shall be used by the coordinating
 1332 | agencies as part of the Lake Okeechobee Basin Management Action
 1333 | Plan adopted pursuant to s. 403.067 to develop interim measures,
 1334 | best management practices, or regulations, as applicable.

1335 | e. Assess current water management practices within the
 1336 | Lake Okeechobee watershed and develop recommendations for
 1337 | structural and operational improvements. Such recommendations
 1338 | shall balance water supply, flood control, estuarine salinity,
 1339 | maintenance of a healthy lake littoral zone, and water quality
 1340 | considerations.

1341 | f. Evaluate the feasibility of alternative nutrient
 1342 | reduction technologies, including sediment traps, canal and
 1343 | ditch maintenance, fish production or other aquaculture,
 1344 | bioenergy conversion processes, and algal or other biological
 1345 | treatment technologies and include any alternative nutrient
 1346 | reduction technologies determined to be feasible in the Lake
 1347 | Okeechobee Basin Management Action Plan adopted pursuant to s.
 1348 | 403.067.

1349 | g. Conduct an assessment of the water volumes and timing
 1350 | from the Lake Okeechobee watershed and their relative

1351 contribution to the water level changes in Lake Okeechobee and
1352 to the timing and volume of water delivered to the estuaries.

1353 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake
1354 Okeechobee Basin Management Action Plan adopted pursuant to s.
1355 403.067 shall be the watershed phosphorus control component for
1356 Lake Okeechobee. The Lake Okeechobee Basin Management Action
1357 Plan shall be a multifaceted approach designed to achieve the
1358 total maximum daily load by improving the management of
1359 phosphorus sources within the Lake Okeechobee watershed through
1360 implementation of regulations and best management practices,
1361 continued development and continued implementation of improved
1362 best management practices, improvement and restoration of the
1363 hydrologic function of natural and managed systems, and use of
1364 alternative technologies for nutrient reduction. As provided in
1365 s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action
1366 Plan must include milestones for implementation and water
1367 quality improvement, and an associated water quality monitoring
1368 component sufficient to evaluate whether reasonable progress in
1369 pollutant load reductions is being achieved over time. An
1370 assessment of progress toward these milestones shall be
1371 conducted every 5 years and shall be provided to the Governor,
1372 the President of the Senate, and the Speaker of the House of
1373 Representatives. Revisions to the plan shall be made, as
1374 appropriate, as a result of each 5-year review. Revisions to the
1375 basin management action plan shall be made by the department in

1376 cooperation with the basin stakeholders. Revisions to best
1377 management practices or other measures must follow the
1378 procedures set forth in s. 403.067(7)(c)4. Revised basin
1379 management action plans must be adopted pursuant to s.
1380 403.067(7)(a)5. The department shall develop an implementation
1381 schedule establishing 5-year, 10-year, and 15-year measurable
1382 milestones and targets to achieve the total maximum daily load
1383 no more than 20 years after adoption of the plan. The initial
1384 implementation schedule shall be used to provide guidance for
1385 planning and funding purposes and is exempt from chapter 120.
1386 Upon the first 5-year review, the implementation schedule shall
1387 be adopted as part of the plan. If achieving the total maximum
1388 daily load within 20 years is not practicable, the
1389 implementation schedule must contain an explanation of the
1390 constraints that prevent achievement of the total maximum daily
1391 load within 20 years, an estimate of the time needed to achieve
1392 the total maximum daily load, and additional 5-year measurable
1393 milestones, as necessary. The coordinating agencies shall
1394 develop an interagency agreement pursuant to ss. 373.046 and
1395 373.406(5) which is consistent with the department taking the
1396 lead on water quality protection measures through the Lake
1397 Okeechobee Basin Management Action Plan adopted pursuant to s.
1398 403.067; the district taking the lead on hydrologic improvements
1399 pursuant to paragraph (a); and the Department of Agriculture and
1400 Consumer Services taking the lead on agricultural interim

1401 measures, best management practices, and other measures adopted
1402 pursuant to s. 403.067. The interagency agreement must specify
1403 how best management practices for nonagricultural nonpoint
1404 sources are developed and how all best management practices are
1405 implemented and verified consistent with s. 403.067 and this
1406 section and must address measures to be taken by the
1407 coordinating agencies during any best management practice
1408 reevaluation performed pursuant to subparagraphs 5. and 10. The
1409 department shall use best professional judgment in making the
1410 initial determination of best management practice effectiveness.
1411 The coordinating agencies may develop an intergovernmental
1412 agreement with local governments to implement nonagricultural
1413 nonpoint source best management practices within their
1414 respective geographic boundaries. The coordinating agencies
1415 shall facilitate the application of federal programs that offer
1416 opportunities for water quality treatment, including
1417 preservation, restoration, or creation of wetlands on
1418 agricultural lands.

1419 1. Agricultural nonpoint source best management practices,
1420 developed in accordance with s. 403.067 and designed to achieve
1421 the objectives of the Lake Okeechobee Watershed Protection
1422 Program as part of a phased approach of management strategies
1423 within the Lake Okeechobee Basin Management Action Plan, shall
1424 be implemented on an expedited basis.

1425 2. As provided in s. 403.067, the Department of

1426 Agriculture and Consumer Services, in consultation with the
1427 department, the district, and affected parties, shall initiate
1428 rule development for interim measures, best management
1429 practices, conservation plans, nutrient management plans, or
1430 other measures necessary for Lake Okeechobee watershed total
1431 maximum daily load reduction. The rule shall include thresholds
1432 for requiring conservation and nutrient management plans and
1433 criteria for the contents of such plans. Development of
1434 agricultural nonpoint source best management practices shall
1435 initially focus on those priority basins listed in sub-
1436 subparagraph (a)1.a. The Department of Agriculture and Consumer
1437 Services, in consultation with the department, the district, and
1438 affected parties, shall conduct an ongoing program for
1439 improvement of existing and development of new agricultural
1440 nonpoint source interim measures and best management practices.
1441 The Department of Agriculture and Consumer Services shall adopt
1442 such practices by rule. The Department of Agriculture and
1443 Consumer Services shall work with the University of Florida
1444 Institute of Food and Agriculture Sciences to review and, where
1445 appropriate, develop revised nutrient application rates for all
1446 agricultural soil amendments in the watershed.

1447 3. As provided in s. 403.067, where agricultural nonpoint
1448 source best management practices or interim measures have been
1449 adopted by rule of the Department of Agriculture and Consumer
1450 Services, the owner or operator of an agricultural nonpoint

1451 source addressed by such rule shall either implement interim
1452 measures or best management practices or demonstrate compliance
1453 with state water quality standards addressed by the Lake
1454 Okeechobee Basin Management Action Plan adopted pursuant to s.
1455 403.067 by conducting monitoring prescribed by the department or
1456 the district. Owners or operators of agricultural nonpoint
1457 sources who implement interim measures or best management
1458 practices adopted by rule of the Department of Agriculture and
1459 Consumer Services shall be subject to s. 403.067.

1460 4. The district or department shall conduct monitoring at
1461 representative sites to verify the effectiveness of agricultural
1462 nonpoint source best management practices.

1463 5. Where water quality problems are detected for
1464 agricultural nonpoint sources despite the appropriate
1465 implementation of adopted best management practices, a
1466 reevaluation of the best management practices shall be conducted
1467 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
1468 that the best management practices or other measures require
1469 modification, the rule shall be revised to require
1470 implementation of the modified practice within a reasonable
1471 period as specified in the rule.

1472 6. As provided in s. 403.067, nonagricultural nonpoint
1473 source best management practices, developed in accordance with
1474 s. 403.067 and designed to achieve the objectives of the Lake
1475 Okeechobee Watershed Protection Program as part of a phased

1476 approach of management strategies within the Lake Okeechobee
1477 Basin Management Action Plan, shall be implemented on an
1478 expedited basis.

1479 7. The department and the district are directed to work
1480 with the University of Florida Institute of Food and
1481 Agricultural Sciences to develop appropriate nutrient
1482 application rates for all nonagricultural soil amendments in the
1483 watershed. As provided in s. 403.067, the department, in
1484 consultation with the district and affected parties, shall
1485 develop nonagricultural nonpoint source interim measures, best
1486 management practices, or other measures necessary for Lake
1487 Okeechobee watershed total maximum daily load reduction.
1488 Development of nonagricultural nonpoint source best management
1489 practices shall initially focus on those priority basins listed
1490 in sub-subparagraph (a)1.a. The department, the district, and
1491 affected parties shall conduct an ongoing program for
1492 improvement of existing and development of new interim measures
1493 and best management practices. The department or the district
1494 shall adopt such practices by rule.

1495 8. Where nonagricultural nonpoint source best management
1496 practices or interim measures have been developed by the
1497 department and adopted by the district, the owner or operator of
1498 a nonagricultural nonpoint source shall implement interim
1499 measures or best management practices and be subject to s.
1500 403.067.

1501 9. As provided in s. 403.067, the district or the
1502 department shall conduct monitoring at representative sites to
1503 verify the effectiveness of nonagricultural nonpoint source best
1504 management practices.

1505 10. Where water quality problems are detected for
1506 nonagricultural nonpoint sources despite the appropriate
1507 implementation of adopted best management practices, a
1508 reevaluation of the best management practices shall be conducted
1509 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
1510 that the best management practices or other measures require
1511 modification, the rule shall be revised to require
1512 implementation of the modified practice within a reasonable time
1513 period as specified in the rule.

1514 11. Subparagraphs 2. and 7. do not preclude the department
1515 or the district from requiring compliance with water quality
1516 standards or with current best management practices requirements
1517 set forth in any applicable regulatory program authorized by law
1518 for the purpose of protecting water quality. Subparagraphs 2.
1519 and 7. are applicable only to the extent that they do not
1520 conflict with any rules adopted by the department that are
1521 necessary to maintain a federally delegated or approved program.

1522 12. The program of agricultural best management practices
1523 set forth in the Everglades Program of the district meets the
1524 requirements of this paragraph and s. 403.067(7) for the Lake
1525 Okeechobee watershed. An entity in compliance with the best

1526 management practices set forth in the Everglades Program of the
1527 district may elect to use that permit in lieu of the
1528 requirements of this paragraph. The provisions of subparagraph
1529 5. apply to this subparagraph. This subparagraph does not alter
1530 any requirement of s. 373.4592.

1531 13. The Department of Agriculture and Consumer Services,
1532 in cooperation with the department and the district, shall
1533 provide technical and financial assistance for implementation of
1534 agricultural best management practices, subject to the
1535 availability of funds. The department and district shall provide
1536 technical and financial assistance for implementation of
1537 nonagricultural nonpoint source best management practices,
1538 subject to the availability of funds.

1539 14. Projects that reduce the phosphorus load originating
1540 from domestic wastewater systems within the Lake Okeechobee
1541 watershed shall be given funding priority in the department's
1542 revolving loan program under s. 403.1835. The department shall
1543 coordinate and provide assistance to those local governments
1544 seeking financial assistance for such priority projects.

1545 15. Projects that make use of private lands, or lands held
1546 in trust for Indian tribes, to reduce nutrient loadings or
1547 concentrations within a basin by one or more of the following
1548 methods: restoring the natural hydrology of the basin, restoring
1549 wildlife habitat or impacted wetlands, reducing peak flows after
1550 storm events, increasing aquifer recharge, or protecting range

1551 and timberland from conversion to development, are eligible for
1552 grants available under this section from the coordinating
1553 agencies. For projects of otherwise equal priority, special
1554 funding priority will be given to those projects that make best
1555 use of the methods outlined above that involve public-private
1556 partnerships or that obtain federal match money. Preference
1557 ranking above the special funding priority will be given to
1558 projects located in a rural area of opportunity designated by
1559 the Governor. Grant applications may be submitted by any person
1560 or tribal entity, and eligible projects may include, but are not
1561 limited to, the purchase of conservation and flowage easements,
1562 hydrologic restoration of wetlands, creating treatment wetlands,
1563 development of a management plan for natural resources, and
1564 financial support to implement a management plan.

1565 16. The department shall require all entities disposing of
1566 domestic wastewater biosolids within the Lake Okeechobee
1567 watershed and the remaining areas of Okeechobee, Glades, and
1568 Hendry Counties to develop and submit to the department an
1569 agricultural use plan that limits applications based upon
1570 phosphorus loading consistent with the Lake Okeechobee Basin
1571 Management Action Plan adopted pursuant to s. 403.067. The
1572 department may not authorize the disposal of domestic wastewater
1573 biosolids within the Lake Okeechobee watershed unless the
1574 applicant can affirmatively demonstrate that the phosphorus in
1575 the biosolids will not add to phosphorus loadings in Lake

1576 Okeechobee or its tributaries. This demonstration shall be based
1577 on achieving a net balance between phosphorus imports relative
1578 to exports on the permitted application site. Exports shall
1579 include only phosphorus removed from the Lake Okeechobee
1580 watershed through products generated on the permitted
1581 application site. This prohibition does not apply to Class AA
1582 biosolids that are marketed and distributed as fertilizer
1583 products in accordance with department rule.

1584 17. Private and government-owned utilities within Monroe,
1585 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1586 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1587 dispose of wastewater biosolids sludge from utility operations
1588 and septic removal by land spreading in the Lake Okeechobee
1589 watershed may use a line item on local sewer rates to cover
1590 wastewater biosolids treatment and disposal if such disposal and
1591 treatment is done by approved alternative treatment methodology
1592 at a facility located within the areas designated by the
1593 Governor as rural areas of opportunity pursuant to s. 288.0656.
1594 This additional line item is an environmental protection
1595 disposal fee above the present sewer rate and may not be
1596 considered a part of the present sewer rate to customers,
1597 notwithstanding provisions to the contrary in chapter 367. The
1598 fee shall be established by the county commission or its
1599 designated assignee in the county in which the alternative
1600 method treatment facility is located. The fee shall be

1601 calculated to be no higher than that necessary to recover the
1602 facility's prudent cost of providing the service. Upon request
1603 by an affected county commission, the Florida Public Service
1604 Commission will provide assistance in establishing the fee.
1605 Further, for utilities and utility authorities that use the
1606 additional line item environmental protection disposal fee, such
1607 fee may not be considered a rate increase under the rules of the
1608 Public Service Commission and shall be exempt from such rules.
1609 Utilities using this section may immediately include in their
1610 sewer invoicing the new environmental protection disposal fee.
1611 Proceeds from this environmental protection disposal fee shall
1612 be used for treatment and disposal of wastewater biosolids,
1613 including any treatment technology that helps reduce the volume
1614 of biosolids that require final disposal, but such proceeds may
1615 not be used for transportation or shipment costs for disposal or
1616 any costs relating to the land application of biosolids in the
1617 Lake Okeechobee watershed.

1618 18. No less frequently than once every 3 years, the
1619 Florida Public Service Commission or the county commission
1620 through the services of an independent auditor shall perform a
1621 financial audit of all facilities receiving compensation from an
1622 environmental protection disposal fee. The Florida Public
1623 Service Commission or the county commission through the services
1624 of an independent auditor shall also perform an audit of the
1625 methodology used in establishing the environmental protection

1626 disposal fee. The Florida Public Service Commission or the
1627 county commission shall, within 120 days after completion of an
1628 audit, file the audit report with the President of the Senate
1629 and the Speaker of the House of Representatives and shall
1630 provide copies to the county commissions of the counties set
1631 forth in subparagraph 17. The books and records of any
1632 facilities receiving compensation from an environmental
1633 protection disposal fee shall be open to the Florida Public
1634 Service Commission and the Auditor General for review upon
1635 request.

1636 19. The Department of Health shall require all entities
1637 disposing of septage within the Lake Okeechobee watershed to
1638 develop and submit to that agency an agricultural use plan that
1639 limits applications based upon phosphorus loading consistent
1640 with the Lake Okeechobee Basin Management Action Plan adopted
1641 pursuant to s. 403.067.

1642 20. The Department of Agriculture and Consumer Services
1643 shall initiate rulemaking requiring entities within the Lake
1644 Okeechobee watershed which land-apply animal manure to develop
1645 resource management system level conservation plans, according
1646 to United States Department of Agriculture criteria, which limit
1647 such application. Such rules must include criteria and
1648 thresholds for the requirement to develop a conservation or
1649 nutrient management plan, requirements for plan approval, site
1650 inspection requirements, and recordkeeping requirements.

1651 21. The district shall revise chapter 40E-61, Florida
1652 Administrative Code, to be consistent with this section and s.
1653 403.067; provide for a monitoring program for nonpoint source
1654 dischargers required to monitor water quality by s. 403.067; and
1655 provide for the results of such monitoring to be reported to the
1656 coordinating agencies.

1657 (c) *Lake Okeechobee Exotic Species Control Program.*—The
1658 coordinating agencies shall identify the exotic species that
1659 threaten the native flora and fauna within the Lake Okeechobee
1660 watershed and develop and implement measures to protect the
1661 native flora and fauna.

1662 (d) *Lake Okeechobee Internal Phosphorus Management*
1663 *Program.*—The district, in cooperation with the other
1664 coordinating agencies and interested parties, shall evaluate the
1665 feasibility of Lake Okeechobee internal phosphorus load removal
1666 projects. The evaluation shall be based on technical
1667 feasibility, as well as economic considerations, and shall
1668 consider all reasonable methods of phosphorus removal. If
1669 projects are found to be feasible, the district shall
1670 immediately pursue the design, funding, and permitting for
1671 implementing such projects.

1672 (e) *Lake Okeechobee Watershed Protection Program*
1673 *implementation.*—The coordinating agencies shall be jointly
1674 responsible for implementing the Lake Okeechobee Watershed
1675 Protection Program, consistent with the statutory authority and

1676 responsibility of each agency. Annual funding priorities shall
1677 be jointly established, and the highest priority shall be
1678 assigned to programs and projects that address sources that have
1679 the highest relative contribution to loading and the greatest
1680 potential for reductions needed to meet the total maximum daily
1681 loads. In determining funding priorities, the coordinating
1682 agencies shall also consider the need for regulatory compliance,
1683 the extent to which the program or project is ready to proceed,
1684 and the availability of federal matching funds or other nonstate
1685 funding, including public-private partnerships. Federal and
1686 other nonstate funding shall be maximized to the greatest extent
1687 practicable.

1688 (f) *Priorities and implementation schedules.*—The
1689 coordinating agencies are authorized and directed to establish
1690 priorities and implementation schedules for the achievement of
1691 total maximum daily loads, compliance with the requirements of
1692 s. 403.067, and compliance with applicable water quality
1693 standards within the waters and watersheds subject to this
1694 section.

1695 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
1696 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
1697 program shall be developed and implemented as specified in this
1698 subsection. To protect and restore surface water resources, the
1699 program shall address the reduction of pollutant loadings,
1700 restoration of natural hydrology, and compliance with applicable

1701 state water quality standards. The program shall be achieved
1702 through a phased program of implementation. In addition,
1703 pollutant load reductions based upon adopted total maximum daily
1704 loads established in accordance with s. 403.067 shall serve as a
1705 program objective. In the development and administration of the
1706 program, the coordinating agencies shall maximize opportunities
1707 provided by federal and local government cost-sharing programs
1708 and opportunities for partnerships with the private sector and
1709 local government. The program shall include a goal for salinity
1710 envelopes and freshwater inflow targets for the estuaries based
1711 upon existing research and documentation. The goal may be
1712 revised as new information is available. This goal shall seek to
1713 reduce the frequency and duration of undesirable salinity ranges
1714 while meeting the other water-related needs of the region,
1715 including water supply and flood protection, while recognizing
1716 the extent to which water inflows are within the control and
1717 jurisdiction of the district.

1718 (a) *Caloosahatchee River Watershed Protection Plan.*—The
1719 district, in cooperation with the other coordinating agencies,
1720 Lee County, and affected counties and municipalities, shall
1721 complete a River Watershed Protection Plan in accordance with
1722 this subsection. The Caloosahatchee River Watershed Protection
1723 Plan shall identify the geographic extent of the watershed, be
1724 coordinated as needed with the plans developed pursuant to
1725 paragraph (3) (a) and paragraph (c) of this subsection, and

1726 include the Caloosahatchee River Watershed Construction Project
 1727 and the Caloosahatchee River Watershed Research and Water
 1728 Quality Monitoring Program.

1729 1. Caloosahatchee River Watershed Construction Project.—To
 1730 improve the hydrology, water quality, and aquatic habitats
 1731 within the watershed, the district shall, no later than January
 1732 1, 2012, plan, design, and construct the initial phase of the
 1733 Watershed Construction Project. In doing so, the district shall:

1734 a. Develop and designate the facilities to be constructed
 1735 to achieve stated goals and objectives of the Caloosahatchee
 1736 River Watershed Protection Plan.

1737 b. Conduct scientific studies that are necessary to
 1738 support the design of the Caloosahatchee River Watershed
 1739 Construction Project facilities.

1740 c. Identify the size and location of all such facilities.

1741 d. Provide a construction schedule for all such
 1742 facilities, including the sequencing and specific timeframe for
 1743 construction of each facility.

1744 e. Provide a schedule for the acquisition of lands or
 1745 sufficient interests necessary to achieve the construction
 1746 schedule.

1747 f. Provide a schedule of costs and benefits associated
 1748 with each construction project and identify funding sources.

1749 g. To ensure timely implementation, coordinate the design,
 1750 scheduling, and sequencing of project facilities with the

1751 coordinating agencies, Lee County, other affected counties and
1752 municipalities, and other affected parties.

1753 2. Caloosahatchee River Watershed Research and Water
1754 Quality Monitoring Program.—The district, in cooperation with
1755 the other coordinating agencies and local governments, shall
1756 implement a Caloosahatchee River Watershed Research and Water
1757 Quality Monitoring Program that builds upon the district's
1758 existing research program and that is sufficient to carry out,
1759 comply with, or assess the plans, programs, and other
1760 responsibilities created by this subsection. The program shall
1761 also conduct an assessment of the water volumes and timing from
1762 Lake Okeechobee and the Caloosahatchee River watershed and their
1763 relative contributions to the timing and volume of water
1764 delivered to the estuary.

1765 (b) *Caloosahatchee River Watershed Basin Management Action*
1766 *Plans*.—The basin management action plans adopted pursuant to s.
1767 403.067 for the Caloosahatchee River watershed shall be the
1768 Caloosahatchee River Watershed Pollutant Control Program. The
1769 plans shall be designed to be a multifaceted approach to
1770 reducing pollutant loads by improving the management of
1771 pollutant sources within the Caloosahatchee River watershed
1772 through implementation of regulations and best management
1773 practices, development and implementation of improved best
1774 management practices, improvement and restoration of the
1775 hydrologic function of natural and managed systems, and

1776 utilization of alternative technologies for pollutant reduction,
1777 such as cost-effective biologically based, hybrid
1778 wetland/chemical and other innovative nutrient control
1779 technologies. As provided in s. 403.067(7)(a)6., the
1780 Caloosahatchee River Watershed Basin Management Action Plans
1781 must include milestones for implementation and water quality
1782 improvement, and an associated water quality monitoring
1783 component sufficient to evaluate whether reasonable progress in
1784 pollutant load reductions is being achieved over time. An
1785 assessment of progress toward these milestones shall be
1786 conducted every 5 years and shall be provided to the Governor,
1787 the President of the Senate, and the Speaker of the House of
1788 Representatives. Revisions to the plans shall be made, as
1789 appropriate, as a result of each 5-year review. Revisions to the
1790 basin management action plans shall be made by the department in
1791 cooperation with the basin stakeholders. Revisions to best
1792 management practices or other measures must follow the
1793 procedures set forth in s. 403.067(7)(c)4. Revised basin
1794 management action plans must be adopted pursuant to s.
1795 403.067(7)(a)5. The department shall develop an implementation
1796 schedule establishing 5-year, 10-year, and 15-year measurable
1797 milestones and targets to achieve the total maximum daily load
1798 no more than 20 years after adoption of the plan. The initial
1799 implementation schedule shall be used to provide guidance for
1800 planning and funding purposes and is exempt from chapter 120.

1801 Upon the first 5-year review, the implementation schedule shall
1802 be adopted as part of the plans. If achieving the total maximum
1803 daily load within 20 years is not practicable, the
1804 implementation schedule must contain an explanation of the
1805 constraints that prevent achievement of the total maximum daily
1806 load within 20 years, an estimate of the time needed to achieve
1807 the total maximum daily load, and additional 5-year measurable
1808 milestones, as necessary. The coordinating agencies shall
1809 facilitate the use of federal programs that offer opportunities
1810 for water quality treatment, including preservation,
1811 restoration, or creation of wetlands on agricultural lands.

1812 1. Nonpoint source best management practices consistent
1813 with s. 403.067, designed to achieve the objectives of the
1814 Caloosahatchee River Watershed Protection Program, shall be
1815 implemented on an expedited basis. The coordinating agencies may
1816 develop an intergovernmental agreement with local governments to
1817 implement the nonagricultural, nonpoint source best management
1818 practices within their respective geographic boundaries.

1819 2. This subsection does not preclude the department or the
1820 district from requiring compliance with water quality standards,
1821 adopted total maximum daily loads, or current best management
1822 practices requirements set forth in any applicable regulatory
1823 program authorized by law for the purpose of protecting water
1824 quality. This subsection applies only to the extent that it does
1825 not conflict with any rules adopted by the department or

1826 district which are necessary to maintain a federally delegated
1827 or approved program.

1828 3. Projects that make use of private lands, or lands held
1829 in trust for Indian tribes, to reduce pollutant loadings or
1830 concentrations within a basin, or that reduce the volume of
1831 harmful discharges by one or more of the following methods:
1832 restoring the natural hydrology of the basin, restoring wildlife
1833 habitat or impacted wetlands, reducing peak flows after storm
1834 events, or increasing aquifer recharge, are eligible for grants
1835 available under this section from the coordinating agencies.

1836 4. The Caloosahatchee River Watershed Basin Management
1837 Action Plans shall require assessment of current water
1838 management practices within the watershed and shall require
1839 development of recommendations for structural, nonstructural,
1840 and operational improvements. Such recommendations shall
1841 consider and balance water supply, flood control, estuarine
1842 salinity, aquatic habitat, and water quality considerations.

1843 5. The department may not authorize the disposal of
1844 domestic wastewater biosolids within the Caloosahatchee River
1845 watershed unless the applicant can affirmatively demonstrate
1846 that the nutrients in the biosolids will not add to nutrient
1847 loadings in the watershed. This demonstration shall be based on
1848 achieving a net balance between nutrient imports relative to
1849 exports on the permitted application site. Exports shall include
1850 only nutrients removed from the watershed through products

1851 generated on the permitted application site. This prohibition
1852 does not apply to Class AA biosolids that are marketed and
1853 distributed as fertilizer products in accordance with department
1854 rule.

1855 6. The Department of Health shall require all entities
1856 disposing of septage within the Caloosahatchee River watershed
1857 to develop and submit to that agency an agricultural use plan
1858 that limits applications based upon nutrient loading consistent
1859 with any basin management action plan adopted pursuant to s.
1860 403.067.

1861 7. The Department of Agriculture and Consumer Services
1862 shall require entities within the Caloosahatchee River watershed
1863 which land-apply animal manure to develop a resource management
1864 system level conservation plan, according to United States
1865 Department of Agriculture criteria, which limit such
1866 application. Such rules shall include criteria and thresholds
1867 for the requirement to develop a conservation or nutrient
1868 management plan, requirements for plan approval, site inspection
1869 requirements, and recordkeeping requirements.

1870 8. The district shall initiate rulemaking to provide for a
1871 monitoring program for nonpoint source dischargers required to
1872 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
1873 The results of such monitoring must be reported to the
1874 coordinating agencies.

1875 (c) *St. Lucie River Watershed Protection Plan.*—The

1876 | district, in cooperation with the other coordinating agencies,
 1877 | Martin County, and affected counties and municipalities shall
 1878 | complete a plan in accordance with this subsection. The St.
 1879 | Lucie River Watershed Protection Plan shall identify the
 1880 | geographic extent of the watershed, be coordinated as needed
 1881 | with the plans developed pursuant to paragraph (3) (a) and
 1882 | paragraph (a) of this subsection, and include the St. Lucie
 1883 | River Watershed Construction Project and St. Lucie River
 1884 | Watershed Research and Water Quality Monitoring Program.

1885 | 1. St. Lucie River Watershed Construction Project.—To
 1886 | improve the hydrology, water quality, and aquatic habitats
 1887 | within the watershed, the district shall, no later than January
 1888 | 1, 2012, plan, design, and construct the initial phase of the
 1889 | Watershed Construction Project. In doing so, the district shall:

1890 | a. Develop and designate the facilities to be constructed
 1891 | to achieve stated goals and objectives of the St. Lucie River
 1892 | Watershed Protection Plan.

1893 | b. Identify the size and location of all such facilities.

1894 | c. Provide a construction schedule for all such
 1895 | facilities, including the sequencing and specific timeframe for
 1896 | construction of each facility.

1897 | d. Provide a schedule for the acquisition of lands or
 1898 | sufficient interests necessary to achieve the construction
 1899 | schedule.

1900 | e. Provide a schedule of costs and benefits associated

1901 with each construction project and identify funding sources.

1902 f. To ensure timely implementation, coordinate the design,
 1903 scheduling, and sequencing of project facilities with the
 1904 coordinating agencies, Martin County, St. Lucie County, other
 1905 interested parties, and other affected local governments.

1906 2. St. Lucie River Watershed Research and Water Quality
 1907 Monitoring Program.—The district, in cooperation with the other
 1908 coordinating agencies and local governments, shall establish a
 1909 St. Lucie River Watershed Research and Water Quality Monitoring
 1910 Program that builds upon the district's existing research
 1911 program and that is sufficient to carry out, comply with, or
 1912 assess the plans, programs, and other responsibilities created
 1913 by this subsection. The district shall also conduct an
 1914 assessment of the water volumes and timing from Lake Okeechobee
 1915 and the St. Lucie River watershed and their relative
 1916 contributions to the timing and volume of water delivered to the
 1917 estuary.

1918 (d) *St. Lucie River Watershed Basin Management Action*
 1919 *Plan.*—The basin management action plan for the St. Lucie River
 1920 watershed adopted pursuant to s. 403.067 shall be the St. Lucie
 1921 River Watershed Pollutant Control Program and shall be designed
 1922 to be a multifaceted approach to reducing pollutant loads by
 1923 improving the management of pollutant sources within the St.
 1924 Lucie River watershed through implementation of regulations and
 1925 best management practices, development and implementation of

1926 improved best management practices, improvement and restoration
1927 of the hydrologic function of natural and managed systems, and
1928 use of alternative technologies for pollutant reduction, such as
1929 cost-effective biologically based, hybrid wetland/chemical and
1930 other innovative nutrient control technologies. As provided in
1931 s. 403.067(7)(a)6., the St. Lucie River Watershed Basin
1932 Management Action Plan must include milestones for
1933 implementation and water quality improvement, and an associated
1934 water quality monitoring component sufficient to evaluate
1935 whether reasonable progress in pollutant load reductions is
1936 being achieved over time. An assessment of progress toward these
1937 milestones shall be conducted every 5 years and shall be
1938 provided to the Governor, the President of the Senate, and the
1939 Speaker of the House of Representatives. Revisions to the plan
1940 shall be made, as appropriate, as a result of each 5-year
1941 review. Revisions to the basin management action plan shall be
1942 made by the department in cooperation with the basin
1943 stakeholders. Revisions to best management practices or other
1944 measures must follow the procedures set forth in s.
1945 403.067(7)(c)4. Revised basin management action plans must be
1946 adopted pursuant to s. 403.067(7)(a)5. The department shall
1947 develop an implementation schedule establishing 5-year, 10-year,
1948 and 15-year measurable milestones and targets to achieve the
1949 total maximum daily load no more than 20 years after adoption of
1950 the plan. The initial implementation schedule shall be used to

1951 provide guidance for planning and funding purposes and is exempt
1952 from chapter 120. Upon the first 5-year review, the
1953 implementation schedule shall be adopted as part of the plan. If
1954 achieving the total maximum daily load within 20 years is not
1955 practicable, the implementation schedule must contain an
1956 explanation of the constraints that prevent achievement of the
1957 total maximum daily load within 20 years, an estimate of the
1958 time needed to achieve the total maximum daily load, and
1959 additional 5-year measurable milestones, as necessary. The
1960 coordinating agencies shall facilitate the use of federal
1961 programs that offer opportunities for water quality treatment,
1962 including preservation, restoration, or creation of wetlands on
1963 agricultural lands.

1964 1. Nonpoint source best management practices consistent
1965 with s. 403.067, designed to achieve the objectives of the St.
1966 Lucie River Watershed Protection Program, shall be implemented
1967 on an expedited basis. The coordinating agencies may develop an
1968 intergovernmental agreement with local governments to implement
1969 the nonagricultural nonpoint source best management practices
1970 within their respective geographic boundaries.

1971 2. This subsection does not preclude the department or the
1972 district from requiring compliance with water quality standards,
1973 adopted total maximum daily loads, or current best management
1974 practices requirements set forth in any applicable regulatory
1975 program authorized by law for the purpose of protecting water

1976 quality. This subsection applies only to the extent that it does
1977 not conflict with any rules adopted by the department or
1978 district which are necessary to maintain a federally delegated
1979 or approved program.

1980 3. Projects that make use of private lands, or lands held
1981 in trust for Indian tribes, to reduce pollutant loadings or
1982 concentrations within a basin, or that reduce the volume of
1983 harmful discharges by one or more of the following methods:
1984 restoring the natural hydrology of the basin, restoring wildlife
1985 habitat or impacted wetlands, reducing peak flows after storm
1986 events, or increasing aquifer recharge, are eligible for grants
1987 available under this section from the coordinating agencies.

1988 4. The St. Lucie River Watershed Basin Management Action
1989 Plan shall require assessment of current water management
1990 practices within the watershed and shall require development of
1991 recommendations for structural, nonstructural, and operational
1992 improvements. Such recommendations shall consider and balance
1993 water supply, flood control, estuarine salinity, aquatic
1994 habitat, and water quality considerations.

1995 5. The department may not authorize the disposal of
1996 domestic wastewater biosolids within the St. Lucie River
1997 watershed unless the applicant can affirmatively demonstrate
1998 that the nutrients in the biosolids will not add to nutrient
1999 loadings in the watershed. This demonstration shall be based on
2000 achieving a net balance between nutrient imports relative to

2001 exports on the permitted application site. Exports shall include
 2002 only nutrients removed from the St. Lucie River watershed
 2003 through products generated on the permitted application site.
 2004 This prohibition does not apply to Class AA biosolids that are
 2005 marketed and distributed as fertilizer products in accordance
 2006 with department rule.

2007 6. The Department of Health shall require all entities
 2008 disposing of septage within the St. Lucie River watershed to
 2009 develop and submit to that agency an agricultural use plan that
 2010 limits applications based upon nutrient loading consistent with
 2011 any basin management action plan adopted pursuant to s. 403.067.

2012 7. The Department of Agriculture and Consumer Services
 2013 shall initiate rulemaking requiring entities within the St.
 2014 Lucie River watershed which land-apply animal manure to develop
 2015 a resource management system level conservation plan, according
 2016 to United States Department of Agriculture criteria, which limit
 2017 such application. Such rules shall include criteria and
 2018 thresholds for the requirement to develop a conservation or
 2019 nutrient management plan, requirements for plan approval, site
 2020 inspection requirements, and recordkeeping requirements.

2021 8. The district shall initiate rulemaking to provide for a
 2022 monitoring program for nonpoint source dischargers required to
 2023 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
 2024 The results of such monitoring must be reported to the
 2025 coordinating agencies.

2026 (e) *River Watershed Protection Plan implementation.*—The
2027 coordinating agencies shall be jointly responsible for
2028 implementing the River Watershed Protection Plans, consistent
2029 with the statutory authority and responsibility of each agency.
2030 Annual funding priorities shall be jointly established, and the
2031 highest priority shall be assigned to programs and projects that
2032 have the greatest potential for achieving the goals and
2033 objectives of the plans. In determining funding priorities, the
2034 coordinating agencies shall also consider the need for
2035 regulatory compliance, the extent to which the program or
2036 project is ready to proceed, and the availability of federal or
2037 local government matching funds. Federal and other nonstate
2038 funding shall be maximized to the greatest extent practicable.

2039 (f) *Evaluation.*—Beginning March 1, 2020, and every 5 years
2040 thereafter, concurrent with the updates of the basin management
2041 action plans adopted pursuant to s. 403.067, the department, in
2042 cooperation with the other coordinating agencies, shall conduct
2043 an evaluation of any pollutant load reduction goals, as well as
2044 any other specific objectives and goals, as stated in the River
2045 Watershed Protection Programs. The district shall identify
2046 modifications to facilities of the River Watershed Construction
2047 Projects, as appropriate, or any other elements of the River
2048 Watershed Protection Programs. The evaluation shall be included
2049 in the annual progress report submitted pursuant to this
2050 section.

2051 (g) *Priorities and implementation schedules.*—The
 2052 coordinating agencies are authorized and directed to establish
 2053 priorities and implementation schedules for the achievement of
 2054 total maximum daily loads, the requirements of s. 403.067, and
 2055 compliance with applicable water quality standards within the
 2056 waters and watersheds subject to this section.

2057 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
 2058 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
 2059 department is directed to expedite development and adoption of
 2060 total maximum daily loads for the Caloosahatchee River and
 2061 estuary. The department is further directed to propose for final
 2062 agency action total maximum daily loads for nutrients in the
 2063 tidal portions of the Caloosahatchee River and estuary. The
 2064 department shall initiate development of basin management action
 2065 plans for Lake Okeechobee, the Caloosahatchee River watershed
 2066 and estuary, and the St. Lucie River watershed and estuary as
 2067 provided in s. 403.067 as follows:

2068 (a) Basin management action plans shall be developed as
 2069 soon as practicable as determined necessary by the department to
 2070 achieve the total maximum daily loads established for the Lake
 2071 Okeechobee watershed and the estuaries.

2072 (b) The Phase II technical plan development pursuant to
 2073 paragraph (3) (a), and the River Watershed Protection Plans
 2074 developed pursuant to paragraphs (4) (a) and (c), shall provide
 2075 the basis for basin management action plans developed by the

2076 department.

2077 (c) As determined necessary by the department to achieve
2078 the total maximum daily loads, additional or modified projects
2079 or programs that complement those in the legislatively ratified
2080 plans may be included during the development of the basin
2081 management action plan.

2082 (d) As provided in s. 403.067, management strategies and
2083 pollution reduction requirements set forth in a basin management
2084 action plan subject to permitting by the department under
2085 subsection (7) must be completed pursuant to the schedule set
2086 forth in the basin management action plan, as amended. The
2087 implementation schedule may extend beyond the 5-year permit
2088 term.

2089 (e) As provided in s. 403.067, management strategies and
2090 pollution reduction requirements set forth in a basin management
2091 action plan for a specific pollutant of concern are not subject
2092 to challenge under chapter 120 at the time they are
2093 incorporated, in an identical form, into a department or
2094 district issued permit or a permit modification issued in
2095 accordance with subsection (7).

2096 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in
2097 cooperation with the other coordinating agencies, shall report
2098 on implementation of this section as part of the consolidated
2099 annual report required in s. 373.036(7). The annual report shall
2100 include a summary of the conditions of the hydrology, water

2101 | quality, and aquatic habitat in the northern Everglades based on
 2102 | the results of the Research and Water Quality Monitoring
 2103 | Programs, the status of the Lake Okeechobee Watershed
 2104 | Construction Project, the status of the Caloosahatchee River
 2105 | Watershed Construction Project, and the status of the St. Lucie
 2106 | River Watershed Construction Project. In addition, the report
 2107 | shall contain an annual accounting of the expenditure of funds
 2108 | from the Save Our Everglades Trust Fund. At a minimum, the
 2109 | annual report shall provide detail by program and plan,
 2110 | including specific information concerning the amount and use of
 2111 | funds from federal, state, or local government sources. In
 2112 | detailing the use of these funds, the district shall indicate
 2113 | those designated to meet requirements for matching funds. The
 2114 | district shall prepare the report in cooperation with the other
 2115 | coordinating agencies and affected local governments. The
 2116 | department shall report on the status of the Lake Okeechobee
 2117 | Basin Management Action Plan, the Caloosahatchee River Watershed
 2118 | Basin Management Action Plan, and the St. Lucie River Watershed
 2119 | Basin Management Action Plan. The Department of Agriculture and
 2120 | Consumer Services shall report on the status of the
 2121 | implementation of the agricultural nonpoint source best
 2122 | management practices, including an implementation assurance
 2123 | report summarizing survey responses and response rates, site
 2124 | inspections, and other methods used to verify implementation of
 2125 | and compliance with best management practices in the Lake

2126 Okeechobee, Caloosahatchee River, and St. Lucie River
 2127 watersheds.

2128 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2129 (a) The Legislature finds that the Lake Okeechobee
 2130 Watershed Protection Program will benefit Lake Okeechobee and
 2131 downstream receiving waters and is in the public interest. The
 2132 Lake Okeechobee Watershed Construction Project and structures
 2133 discharging into or from Lake Okeechobee shall be constructed,
 2134 operated, and maintained in accordance with this section.

2135 (b) Permits obtained pursuant to this section are in lieu
 2136 of all other permits under this chapter or chapter 403, except
 2137 those issued under s. 403.0885, if applicable. Additional
 2138 permits are not required for the Lake Okeechobee Watershed
 2139 Construction Project, or structures discharging into or from
 2140 Lake Okeechobee, if such project or structures are permitted
 2141 under this section. Construction activities related to
 2142 implementation of the Lake Okeechobee Watershed Construction
 2143 Project may be initiated before final agency action, or notice
 2144 of intended agency action, on any permit from the department
 2145 under this section.

2146 (c)1. Owners or operators of existing structures which
 2147 discharge into or from Lake Okeechobee that were subject to
 2148 Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707,
 2149 and RT50-205564 and that are subject to s. 373.4592(4)(a) do not
 2150 require a permit under this section and shall be governed by

2151 permits issued under ss. 373.413 and 373.416 and the Lake
2152 Okeechobee Basin Management Action Plan adopted pursuant to s.
2153 403.067.

2154 2. For the purposes of this paragraph, owners and
2155 operators of existing structures which are subject to s.
2156 373.4592(4)(a) and which discharge into or from Lake Okeechobee
2157 shall be deemed in compliance with this paragraph if they are in
2158 full compliance with the conditions of permits under chapter
2159 40E-63, Florida Administrative Code.

2160 3. By January 1, 2017, the district shall submit to the
2161 department a complete application for a permit modification to
2162 the Lake Okeechobee structure permits to incorporate proposed
2163 changes necessary to ensure that discharges through the
2164 structures covered by this permit are consistent with the basin
2165 management action plan adopted pursuant to s. 403.067.

2166 (d) The department shall require permits for district
2167 regional projects that are part of the Lake Okeechobee Watershed
2168 Construction Project. However, projects that qualify as exempt
2169 pursuant to s. 373.406 do not require permits under this
2170 section. Such permits shall be issued for a term of 5 years upon
2171 the demonstration of reasonable assurances that:

2172 1. District regional projects that are part of the Lake
2173 Okeechobee Watershed Construction Project shall achieve the
2174 design objectives for phosphorus required in subparagraph
2175 (3)(a)1.;

2176 2. For water quality standards other than phosphorus, the
 2177 quality of water discharged from the facility is of equal or
 2178 better quality than the inflows;

2179 3. Discharges from the facility do not pose a serious
 2180 danger to public health, safety, or welfare; and

2181 4. Any impacts on wetlands or state-listed species
 2182 resulting from implementation of that facility of the Lake
 2183 Okeechobee Construction Project are minimized and mitigated, as
 2184 appropriate.

2185 (e) At least 60 days before the expiration of any permit
 2186 issued under this section, the permittee may apply for a renewal
 2187 thereof for a period of 5 years.

2188 (f) Permits issued under this section may include any
 2189 standard conditions provided by department rule which are
 2190 appropriate and consistent with this section.

2191 (g) Permits issued under this section may be modified, as
 2192 appropriate, upon review and approval by the department.

2193 (8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida
 2194 Water Management District shall not divert waters to the St.
 2195 Lucie River, the Indian River estuary, the Caloosahatchee River
 2196 or its estuary, or the Everglades National Park, in such a way
 2197 that the state water quality standards are violated, that the
 2198 nutrients in such diverted waters adversely affect indigenous
 2199 vegetation communities or wildlife, or that fresh waters
 2200 diverted to the St. Lucie River or the Caloosahatchee or Indian

2201 River estuaries adversely affect the estuarine vegetation or
 2202 wildlife, unless the receiving waters will biologically benefit
 2203 by the diversion. However, diversion is permitted when an
 2204 emergency is declared by the water management district, if the
 2205 Secretary of Environmental Protection concurs.

2206 (9) PRESERVATION OF PROVISIONS RELATING TO THE
 2207 EVERGLADES.—Nothing in this section shall be construed to modify
 2208 any provision of s. 373.4592.

2209 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this
 2210 section is intended to diminish or alter the governmental
 2211 authority and powers of the Seminole Tribe of Florida, or
 2212 diminish or alter the rights of that tribe, including, but not
 2213 limited to, rights under the water rights compact among the
 2214 Seminole Tribe of Florida, the state, and the South Florida
 2215 Water Management District as enacted by Pub. L. No. 100-228, 101
 2216 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in
 2217 s. 285.165, and rights under any other agreement between the
 2218 Seminole Tribe of Florida and the state or its agencies. No land
 2219 of the Seminole Tribe of Florida shall be used for water storage
 2220 or stormwater treatment without the consent of the tribe.

2221 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—
 2222 Nothing in this section shall be construed to modify any
 2223 existing state water quality standard or to modify the
 2224 provisions of s. 403.067(6) and (7) (a).

2225 (12) RULES.—The governing board of the district is

2226 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
 2227 to implement the provisions of this section.

2228 (13) PRESERVATION OF AUTHORITY.—Nothing in this section
 2229 shall be construed to restrict the authority otherwise granted
 2230 to agencies pursuant to this chapter and chapter 403, and
 2231 provisions of this section shall be deemed supplemental to the
 2232 authority granted to agencies pursuant to this chapter and
 2233 chapter 403.

2234 **Section 24. For the purpose of incorporating the amendment**
 2235 **made by this act to section 403.0872, Florida Statutes, in a**
 2236 **reference thereto, section 403.0873, Florida Statutes, is**
 2237 **reenacted to read:**

2238 403.0873 Florida Air-Operation License Fee Account.—The
 2239 "Florida Air-Operation License Fee Account" is established as a
 2240 nonlapsing account within the Department of Environmental
 2241 Protection's Air Pollution Control Trust Fund. All license fees
 2242 paid pursuant to s. 403.0872(11) shall be deposited in such
 2243 account and must be used solely by the department and approved
 2244 local programs under the advice and consent of the Legislature
 2245 to pay the direct and indirect costs required to develop and
 2246 administer the major stationary source air-operation permit
 2247 program. Any approved local pollution control program that
 2248 accepts funds from the department as reimbursement for services
 2249 it performs in the implementation of the major source air-
 2250 operation permit program, receives delegation from the

2251 department or the United States Environmental Protection Agency
 2252 for implementation of the major source air-operation permit
 2253 program, or performs functions, duties, or activities
 2254 substantially similar to or duplicative of the services
 2255 performed by the department or the United States Environmental
 2256 Protection Agency in the implementation of the major source air-
 2257 operation permit program is prohibited from collecting
 2258 additional fees attributable to such services from any source
 2259 permitted under s. 403.0872.

2260 **Section 25. For the purpose of incorporating the amendment**
 2261 **made by this act to section 403.1838, Florida Statutes, in a**
 2262 **reference thereto, paragraph (d) of subsection (3) of section**
 2263 **403.1835, Florida Statutes, is reenacted to read:**

2264 403.1835 Water pollution control financial assistance.—

2265 (3) The department may provide financial assistance
 2266 through any program authorized under 33 U.S.C. s. 1383, as
 2267 amended, including, but not limited to, making grants and loans,
 2268 providing loan guarantees, purchasing loan insurance or other
 2269 credit enhancements, and buying or refinancing local debt. This
 2270 financial assistance must be administered in accordance with
 2271 this section and applicable federal authorities.

2272 (d) The department may make grants to financially
 2273 disadvantaged small communities, as defined in s. 403.1838,
 2274 using funds made available from grant allocations on loans
 2275 authorized under subsection (4). The grants must be administered

2276 | in accordance with s. 403.1838.

2277 | **Section 26.** (1) The following rules are ratified for the
2278 | sole and exclusive purpose of satisfying any condition on the
2279 | effectiveness imposed under s. 120.541(3), Florida Statutes:
2280 | Rules 62-42.200 and 62-42.300, Florida Administrative Code,
2281 | titled "Definitions" and "The Lower Santa Fe and Ichetucknee
2282 | Rivers and Priority Springs," respectively, as filed for
2283 | adoption with the Department of State pursuant to the
2284 | certification package dated December 31, 2025.

2285 | (2) This section serves no other purpose and may not be
2286 | codified in the Florida Statutes. After this act becomes a law,
2287 | the enactment and effective dates of this section must be noted
2288 | in the Florida Administrative Code, the Florida Administrative
2289 | Register, or both, as appropriate. This section does not alter
2290 | rulemaking authority delegated by prior law, does not constitute
2291 | legislative preemption of or exception to any provision of law
2292 | governing adoption or enforcement of the rule cited, and is
2293 | intended to preserve the status of any cited rule as a rule
2294 | under chapter 120, Florida Statutes. This section does not cure
2295 | any rulemaking defect or preempt any challenge based on a lack
2296 | of authority or a violation of the legal requirements governing
2297 | the adoption of any rule cited.

2298 | **Section 27.** This act shall take effect July 1, 2026.