

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.; specifying that  
17          commercial and residential properties of a specified  
18          size with existing onsite sewage treatment and  
19          disposal systems, and located in a certain area, must  
20          connect to a central sewer or upgrade to a specified  
21          type of nutrient-reducing wastewater treatment system;  
22          requiring a permitting agency to notify a property  
23          owner of such requirement if the agency, before a  
24          certain date, receives an application to repair,  
25          modify, or replace a conventional onsite sewage

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

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

62

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

64

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

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

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

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

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

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

97 (5) CONSTRUCTION BEST MANAGEMENT PRACTICES.—

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

101 and sediment control plan for the construction of a solar  
102 facility. Such plans must include, but are not limited to, all  
103 of the following:

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

106 b. Implementation of stormwater best management practices  
107 and related erosion controls for runoff during the construction  
108 of a solar facility that are based on rainfall amounts up to the  
109 100-year, 24-hour design storm for the project site.

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

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

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

124 (c) The operator of a solar facility or a proposed solar  
125 facility shall implement all construction and operational permit

126 requirements developed and applicable under paragraph (a).

127 Section 3. Paragraph (i) of subsection (1) of section  
128 255.065, Florida Statutes, is amended to read:

129 255.065 Public-private partnerships.—

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

131 (i) "Qualifying project" means:

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

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

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

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

149 380.0934(1); or

150 5.4. Notwithstanding any provision of this section, for

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

157 Section 4. Paragraph (d) of subsection (3) of section  
 158 373.469, Florida Statutes, is amended to read:

159 373.469 Indian River Lagoon Protection Program.—

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

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

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

176 system is available as defined in s. 381.0065(2) (a). Where  
177 central sewerage is not available, only enhanced nutrient-  
178 reducing onsite sewage treatment and disposal systems or other  
179 wastewater treatment systems that achieve at least 65 percent  
180 nitrogen reduction are authorized.

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

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

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

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

226 (2) To encourage investment from the private sector in  
227 coastal resiliency projects, the department may:

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

229 (b) Provide expedited permitting for construction.

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

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

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

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

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

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

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

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

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

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

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

301 portion of existing air-operation permit application fees  
302 remaining upon commencement of the annual licensing fees.

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

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

326 \$50 per year.

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

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

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

351 permit.

352 2. Implementing and enforcing the terms and conditions of

353 any such permit, excluding court costs or other costs associated

354 with any enforcement action.

355 3. Emissions and ambient monitoring.

356 4. Preparing generally applicable regulations or guidance.

357 5. Modeling, analyses, and demonstrations.

358 6. Preparing inventories and tracking emissions.

359 7. Implementing the Small Business Stationary Source

360 Technical and Environmental Compliance Assistance Program.

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

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

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

364 Environmental Protection Agency has given full approval of the

365 program to ascertain whether the annual operation license fees

366 collected by the department are used solely to support any

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

368 A program audit must be performed biennially after the first

369 audit.

370 Section 7. Section 403.804, Florida Statutes, is repealed.

371 Section 8. Subsection (6) of section 120.81, Florida

372 Statutes, is amended to read:

373 120.81 Exceptions and special requirements; general

374 areas.—

375 (6) RISK IMPACT STATEMENT.—The Department of Environmental

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

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

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

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

401 by the rule and shall identify and summarize the source of the  
402 scientific information used in evaluating that risk.

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

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

410 373.421 Delineation methods; formal determinations.—

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

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

451 (7)

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

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

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

476           3. This subsection shall not be applicable to lands:  
477           a. Within the geographical area to which an individual or  
478 general permit issued prior to June 1, 1994, under rules adopted  
479 pursuant to this part applies; or  
480           b. Within the geographical area to which a conceptual  
481 permit issued prior to June 1, 1994, under rules adopted  
482 pursuant to this part applies if wetland delineations were  
483 identified and approved by the conceptual permit as set forth in  
484 s. 373.414(12)(b)1. or 2.; or  
485           c. Where no development activity as defined in s.  
486 380.01(1) or (2)(a)-(d) and (f) has occurred within the project  
487 boundaries since October 1, 1986; or  
488           d. Of a project which is not in compliance with this part  
489 or the rules adopted pursuant to ss. 403.91-403.929, 1984  
490 Supplement to the Florida Statutes 1983, as amended.  
491           4. The wetland delineation methodology required in this  
492 subsection shall only apply within the geographical area of an  
493 individual permit issued by the United States Army Corps of  
494 Engineers under 33 U.S.C. s. 1344. The requirement to obtain  
495 such individual permit to secure the benefit of this subsection  
496 shall not apply to any activities exempt or not subject to  
497 regulation under 33 U.S.C. s. 1344.  
498           5. Notwithstanding subsection (1), the wetland delineation  
499 methodology required in this subsection and any wetland  
500 delineation pursuant thereto, shall only apply to agency action

501 under this part and shall not be binding on local governments  
 502 except in their implementation of this part.

503 Section 10. Paragraph (a) of subsection (1) of section  
 504 376.302, Florida Statutes, is amended to read:

505 376.302 Prohibited acts; penalties.—

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

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

512 Section 11. Paragraph (b) of subsection (23) of section  
 513 403.031, Florida Statutes, is amended to read:

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

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

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

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

551 ~~each appropriate county and the boundaries of such lands are~~  
552 ~~specifically considered and described for such designation.~~

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

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

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

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

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

601 department may adopt a standard that is stricter or more  
602 stringent than one set by the United States Environmental  
603 Protection Agency ~~if approved by the Governor and Cabinet in~~  
604 ~~accordance with the procedures of s. 403.804(2).~~

605

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

610 Section 13. Paragraph (c) of subsection (6) of section  
611 403.067, Florida Statutes, is amended to read:

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

614 (6) CALCULATION AND ALLOCATION.—

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

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

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

641 403.1838 Small Community Sewer Construction Assistance  
642 Act.—

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

651 expenses.

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

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

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

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

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

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

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

676 7. Provide for termination of grants when program  
677 requirements are not met.

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

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

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

701 ~~403.804(2) shall be followed.~~ The department may ~~shall~~ not,  
702 ~~however,~~ adopt hazardous waste rules for solid waste for which  
703 special studies were required before ~~prior to~~ October 1, 1988,  
704 under s. 8002 of the Resource Conservation and Recovery Act, 42  
705 U.S.C. s. 6982, as amended, until the studies are completed by  
706 the United States Environmental Protection Agency and the  
707 information is available to the department for consideration in  
708 adopting its own rule.

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

712 403.707 Permits.—

713 (3)

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

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

726 facilities. However, a permitted solid waste disposal unit that  
727 receives a significant amount of waste prior to the compliance  
728 deadline established in this schedule shall not be required to  
729 be retrofitted with liners or leachate control systems.

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

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

738 403.7222 Prohibition of hazardous waste landfills.—

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

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

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

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

751 verify the management practices of at least 20 percent of its  
 752 small quantity generators. The procedure for verification used  
 753 by the county must ~~shall~~ be developed as part of the guidance  
 754 established by the department under s. 403.7226. The department  
 755 may also regulate the waste management practices of small  
 756 quantity generators in order to ensure proper management of  
 757 hazardous waste in a manner consistent with federal  
 758 requirements, ~~except as provided under s. 403.804(2).~~

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

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

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

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

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

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

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

775 (5)~~(6)~~ "District" or "environmental district" means one of

776 the geographical areas, the boundaries of which are established  
777 pursuant to this act.

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

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

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

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

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

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

797 (12)~~(13)~~ "Standard" means any rule of the Department of  
798 Environmental Protection relating to air and water quality,  
799 noise, solid-waste management, and electric and magnetic fields  
800 associated with electrical transmission and distribution lines

801 and substation facilities. The term "standard" does not include  
802 rules of the department which relate exclusively to the internal  
803 management of the department, the procedural processing of  
804 applications, the administration of rulemaking or adjudicatory  
805 proceedings, the publication of notices, the conduct of  
806 hearings, or other procedural matters.

807 (13)~~(14)~~ "Swale" means a manmade trench which:

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

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

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

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

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

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

824 (1) The secretary shall have the powers and duties of  
825 heads of departments set forth in chapter 20, including the

826 authority to adopt rules pursuant to ss. 120.536(1) and 120.54  
827 to implement this chapter and ~~the provisions of chapters 253,~~  
828 ~~373, and 376 and this chapter. The secretary shall have~~  
829 ~~rulemaking responsibility under chapter 120, but shall submit~~  
830 ~~any proposed rule containing standards to the Environmental~~  
831 ~~Regulation Commission for approval, modification, or disapproval~~  
832 ~~pursuant to s. 403.804, except for total maximum daily load~~  
833 ~~calculations and allocations developed pursuant to s.~~  
834 ~~403.067(6).~~ The secretary shall have responsibility for final  
835 agency action regarding total maximum daily load calculations  
836 and allocations developed pursuant to s. 403.067(6). The  
837 secretary shall employ legal counsel to represent the department  
838 in matters affecting the department. Except for appeals on  
839 permits specifically assigned by this act to the Governor and  
840 Cabinet, and unless otherwise prohibited by law, the secretary  
841 may delegate the authority assigned to the department by this  
842 act to the assistant secretary, division directors, and district  
843 and branch office managers and to the water management  
844 districts.

845 (3) After adoption of proposed rule 62-302.531(9), Florida  
846 Administrative Code, a nonseverability and effective date  
847 provision approved by the commission on December 8, 2011, ~~in~~  
848 ~~accordance with the commission's legislative authority under s.~~  
849 ~~403.804,~~ notice of which was published by the department on  
850 December 22, 2011, in the Florida Administrative Register, Vol.

851 37, No. 51, page 4446, any subsequent rule or amendment altering  
852 the effect of such rule must ~~shall~~ be submitted to the President  
853 of the Senate and the Speaker of the House of Representatives no  
854 later than 30 days before the next regular legislative session,  
855 and such amendment may not take effect until it is ratified by  
856 the Legislature.

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

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

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

876 State. Substantive changes from the rules as noticed ~~shall~~  
877 require republishing of notice as required in this section.

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

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

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

893 (a) To promote conservation or natural beauty;

894 (b) To protect the environment, personal health, or other  
895 biological values;

896 (c) To preserve historical sites;

897 (d) To promote consumer interests;

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

899 or

900 (f) To promote orderly development;

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

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

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

920 403.814 General permits; delegation.—

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

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

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

936 |           373.4595 Northern Everglades and Estuaries Protection  
937 | Program.—

938 |       (1) FINDINGS AND INTENT.—

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

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

951 and the Caloosahatchee and St. Lucie Rivers and their estuaries.

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

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

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

974 (f) The Legislature finds that the Lake Okeechobee  
975 phosphorus loads set forth in the total maximum daily loads

976 established in accordance with s. 403.067 represent an  
977 appropriate basis for restoration of the Lake Okeechobee  
978 watershed.

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

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

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

1001 interest.

1002 (j) The Legislature finds that sufficient research has  
1003 been conducted and sufficient plans developed to immediately  
1004 expand and accelerate programs to address the hydrology and  
1005 water quality in the Lake Okeechobee watershed, the  
1006 Caloosahatchee River watershed, and the St. Lucie River  
1007 watershed.

1008 (k) The Legislature finds that a continuing source of  
1009 funding is needed to effectively implement the programs  
1010 developed and approved under this section which are needed to  
1011 address the hydrology and water quality problems within the Lake  
1012 Okeechobee watershed, the Caloosahatchee River watershed, and  
1013 the St. Lucie River watershed.

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

1026 management practices, refinement of existing regulations, and  
1027 structural and nonstructural projects, including public works.

1028 (m) It is the intent of the Legislature that this section  
1029 be implemented in coordination with the Comprehensive Everglades  
1030 Restoration Plan project components and other federal programs  
1031 in order to maximize opportunities for the most efficient and  
1032 timely expenditures of public funds.

1033 (n) It is the intent of the Legislature that the  
1034 coordinating agencies encourage and support the development of  
1035 creative public-private partnerships and programs, including  
1036 opportunities for water storage and quality improvement on  
1037 private lands and water quality credit trading, to facilitate or  
1038 further the restoration of the surface water resources of the  
1039 Lake Okeechobee watershed, the Caloosahatchee River watershed,  
1040 and the St. Lucie River watershed, consistent with s. 403.067.

1041 (2) DEFINITIONS.—As used in this section, the term:

1042 (a) "Best management practice" means a practice or  
1043 combination of practices determined by the coordinating  
1044 agencies, based on research, field-testing, and expert review,  
1045 to be the most effective and practicable on-location means,  
1046 including economic and technological considerations, for  
1047 improving water quality in agricultural and urban discharges.  
1048 Best management practices for agricultural discharges shall  
1049 reflect a balance between water quality improvements and  
1050 agricultural productivity.

1051 (b) "Biosolids" means the solid, semisolid, or liquid  
1052 residue generated during the treatment of domestic wastewater in  
1053 a domestic wastewater treatment facility, formerly known as  
1054 "domestic wastewater residuals" or "residuals," and includes  
1055 products and treated material from biosolids treatment  
1056 facilities and septage management facilities regulated by the  
1057 department. The term does not include the treated effluent or  
1058 reclaimed water from a domestic wastewater treatment facility,  
1059 solids removed from pump stations and lift stations, screenings  
1060 and grit removed from the preliminary treatment components of  
1061 domestic wastewater treatment facilities, or ash generated  
1062 during the incineration of biosolids.

1063 (c) "Caloosahatchee River watershed" means the  
1064 Caloosahatchee River, its tributaries, its estuary, and the area  
1065 within Charlotte, Glades, Hendry, and Lee Counties from which  
1066 surface water flow is directed or drains, naturally or by  
1067 constructed works, to the river, its tributaries, or its  
1068 estuary.

1069 (d) "Coordinating agencies" means the Department of  
1070 Agriculture and Consumer Services, the Department of  
1071 Environmental Protection, and the South Florida Water Management  
1072 District.

1073 (e) "Corps of Engineers" means the United States Army  
1074 Corps of Engineers.

1075 (f) "Department" means the Department of Environmental

1076 Protection.

1077 (g) "District" means the South Florida Water Management  
1078 District.

1079 (h) "Lake Okeechobee Watershed Construction Project" means  
1080 the construction project developed pursuant to this section.

1081 (i) "Lake Okeechobee Watershed Protection Plan" means the  
1082 Lake Okeechobee Watershed Construction Project and the Lake  
1083 Okeechobee Watershed Research and Water Quality Monitoring  
1084 Program.

1085 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
1086 tributaries, and the area within which surface water flow is  
1087 directed or drains, naturally or by constructed works, to the  
1088 lake or its tributaries.

1089 (k) "Northern Everglades" means the Lake Okeechobee  
1090 watershed, the Caloosahatchee River watershed, and the St. Lucie  
1091 River watershed.

1092 (l) "Project component" means any structural or  
1093 operational change, resulting from the Restudy, to the Central  
1094 and Southern Florida Project as it existed and was operated as  
1095 of January 1, 1999.

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

1101 South Florida Water Management District is authorized by s.  
1102 373.1501. The term includes all actions undertaken pursuant to  
1103 the aforementioned authorizations which will result in  
1104 recommendations for modifications or additions to the Central  
1105 and Southern Florida Project.

1106 (n) "River Watershed Protection Plans" means the  
1107 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
1108 River Watershed Protection Plan developed pursuant to this  
1109 section.

1110 (o) "Soil amendment" means any substance or mixture of  
1111 substances sold or offered for sale for soil enriching or  
1112 corrective purposes, intended or claimed to be effective in  
1113 promoting or stimulating plant growth, increasing soil or plant  
1114 productivity, improving the quality of crops, or producing any  
1115 chemical or physical change in the soil, except amendments,  
1116 conditioners, additives, and related products that are derived  
1117 solely from inorganic sources and that contain no recognized  
1118 plant nutrients.

1119 (p) "St. Lucie River watershed" means the St. Lucie River,  
1120 its tributaries, its estuary, and the area within Martin,  
1121 Okeechobee, and St. Lucie Counties from which surface water flow  
1122 is directed or drains, naturally or by constructed works, to the  
1123 river, its tributaries, or its estuary.

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

1126 allocations for nonpoint sources and natural background adopted  
1127 pursuant to s. 403.067. Before determining individual wasteload  
1128 allocations and load allocations, the maximum amount of a  
1129 pollutant that a water body or water segment can assimilate from  
1130 all sources without exceeding water quality standards must first  
1131 be calculated.

1132 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
1133 Okeechobee Watershed Protection Program shall consist of the  
1134 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
1135 Basin Management Action Plan adopted pursuant to s. 403.067, the  
1136 Lake Okeechobee Exotic Species Control Program, and the Lake  
1137 Okeechobee Internal Phosphorus Management Program. The Lake  
1138 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1139 403.067 shall be the component of the Lake Okeechobee Watershed  
1140 Protection Program that achieves phosphorus load reductions for  
1141 Lake Okeechobee. The Lake Okeechobee Watershed Protection  
1142 Program shall address the reduction of phosphorus loading to the  
1143 lake from both internal and external sources. Phosphorus load  
1144 reductions shall be achieved through a phased program of  
1145 implementation. In the development and administration of the  
1146 Lake Okeechobee Watershed Protection Program, the coordinating  
1147 agencies shall maximize opportunities provided by federal cost-  
1148 sharing programs and opportunities for partnerships with the  
1149 private sector.

1150 (a) *Lake Okeechobee Watershed Protection Plan.*—To protect

1151 and restore surface water resources, the district, in  
1152 cooperation with the other coordinating agencies, shall complete  
1153 a Lake Okeechobee Watershed Protection Plan in accordance with  
1154 this section and ss. 373.451-373.459. Beginning March 1, 2020,  
1155 and every 5 years thereafter, the district shall update the Lake  
1156 Okeechobee Watershed Protection Plan to ensure that it is  
1157 consistent with the Lake Okeechobee Basin Management Action Plan  
1158 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
1159 Protection Plan shall identify the geographic extent of the  
1160 watershed, be coordinated with the plans developed pursuant to  
1161 paragraphs (4) (a) and (c), and include the Lake Okeechobee  
1162 Watershed Construction Project and the Lake Okeechobee Watershed  
1163 Research and Water Quality Monitoring Program. The plan shall  
1164 consider and build upon a review and analysis of the performance  
1165 of projects constructed during Phase I and Phase II of the Lake  
1166 Okeechobee Watershed Construction Project, pursuant to  
1167 subparagraph 1.; relevant information resulting from the Lake  
1168 Okeechobee Basin Management Action Plan, pursuant to paragraph  
1169 (b); relevant information resulting from the Lake Okeechobee  
1170 Watershed Research and Water Quality Monitoring Program,  
1171 pursuant to subparagraph 2.; relevant information resulting from  
1172 the Lake Okeechobee Exotic Species Control Program, pursuant to  
1173 paragraph (c); and relevant information resulting from the Lake  
1174 Okeechobee Internal Phosphorus Management Program, pursuant to  
1175 paragraph (d).

1176           1. Lake Okeechobee Watershed Construction Project.—To  
1177 improve the hydrology and water quality of Lake Okeechobee and  
1178 downstream receiving waters, including the Caloosahatchee and  
1179 St. Lucie Rivers and their estuaries, the district, in  
1180 cooperation with the other coordinating agencies, shall design  
1181 and construct the Lake Okeechobee Watershed Construction  
1182 Project. The project shall include:

1183           a. Phase I.—Phase I of the Lake Okeechobee Watershed  
1184 Construction Project shall consist of a series of project  
1185 features consistent with the recommendations of the South  
1186 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
1187 Action Plan. Priority basins for such projects include S-191, S-  
1188 154, and Pools D and E in the Lower Kissimmee River. To obtain  
1189 phosphorus load reductions to Lake Okeechobee as soon as  
1190 possible, the following actions shall be implemented:

1191           (I) The district shall serve as a full partner with the  
1192 Corps of Engineers in the design and construction of the Grassy  
1193 Island Ranch and New Palm Dairy stormwater treatment facilities  
1194 as components of the Lake Okeechobee Water Retention/Phosphorus  
1195 Removal Critical Project. The Corps of Engineers shall have the  
1196 lead in design and construction of these facilities. Should  
1197 delays be encountered in the implementation of either of these  
1198 facilities, the district shall notify the department and  
1199 recommend corrective actions.

1200           (II) The district shall obtain permits and complete

1201 construction of two of the isolated wetland restoration projects  
1202 that are part of the Lake Okeechobee Water Retention/Phosphorus  
1203 Removal Critical Project. The additional isolated wetland  
1204 projects included in this critical project shall further reduce  
1205 phosphorus loading to Lake Okeechobee.

1206 (III) The district shall work with the Corps of Engineers  
1207 to expedite initiation of the design process for the Taylor  
1208 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
1209 Area, a project component of the Comprehensive Everglades  
1210 Restoration Plan. The district shall propose to the Corps of  
1211 Engineers that the district take the lead in the design and  
1212 construction of the Reservoir Assisted Stormwater Treatment Area  
1213 and receive credit towards the local share of the total cost of  
1214 the Comprehensive Everglades Restoration Plan.

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

1226 biologically based, hybrid wetland/chemical and other innovative  
1227 nutrient control technologies shall be incorporated in the plan  
1228 where appropriate. The detailed technical plan shall also  
1229 include a Process Development and Engineering component to  
1230 finalize the detail and design of Phase II projects and identify  
1231 additional measures needed to increase the certainty that the  
1232 overall objectives for improving water quality and quantity can  
1233 be met. Based on information and recommendations from the  
1234 Process Development and Engineering component, the Phase II  
1235 detailed technical plan shall be periodically updated. Phase II  
1236 shall include construction of additional facilities in the  
1237 priority basins identified in sub-subparagraph a., as well as  
1238 facilities for other basins in the Lake Okeechobee watershed.  
1239 The technical plan shall:

1240 (I) Identify Lake Okeechobee Watershed Construction  
1241 Project facilities designed to contribute to achieving all  
1242 applicable total maximum daily loads established pursuant to s.  
1243 403.067 within the Lake Okeechobee watershed.

1244 (II) Identify the size and location of all such Lake  
1245 Okeechobee Watershed Construction Project facilities.

1246 (III) Provide a construction schedule for all such Lake  
1247 Okeechobee Watershed Construction Project facilities, including  
1248 the sequencing and specific timeframe for construction of each  
1249 Lake Okeechobee Watershed Construction Project facility.

1250 (IV) Provide a schedule for the acquisition of lands or

1251 sufficient interests necessary to achieve the construction  
 1252 schedule.

1253 (V) Provide a detailed schedule of costs associated with  
 1254 the construction schedule.

1255 (VI) Identify, to the maximum extent practicable, impacts  
 1256 on wetlands and state-listed species expected to be associated  
 1257 with construction of such facilities, including potential  
 1258 alternatives to minimize and mitigate such impacts, as  
 1259 appropriate.

1260 (VII) Provide for additional measures, including voluntary  
 1261 water storage and quality improvements on private land, to  
 1262 increase water storage and reduce excess water levels in Lake  
 1263 Okeechobee and to reduce excess discharges to the estuaries.

1264 (VIII) Develop the appropriate water quantity storage goal  
 1265 to achieve the desired Lake Okeechobee range of lake levels and  
 1266 inflow volumes to the Caloosahatchee and St. Lucie estuaries  
 1267 while meeting the other water-related needs of the region,  
 1268 including water supply and flood protection.

1269 (IX) Provide for additional source controls needed to  
 1270 enhance performance of the Lake Okeechobee Watershed  
 1271 Construction Project facilities. Such additional source controls  
 1272 shall be incorporated into the Lake Okeechobee Basin Management  
 1273 Action Plan pursuant to paragraph (b).

1274 c. Evaluation.—Within 5 years after the adoption of the  
 1275 Lake Okeechobee Basin Management Action Plan pursuant to s.

1276 403.067 and every 5 years thereafter, the department, in  
 1277 cooperation with the other coordinating agencies, shall conduct  
 1278 an evaluation of the Lake Okeechobee Watershed Construction  
 1279 Project and identify any further load reductions necessary to  
 1280 achieve compliance with the Lake Okeechobee total maximum daily  
 1281 loads established pursuant to s. 403.067. The district shall  
 1282 identify modifications to facilities of the Lake Okeechobee  
 1283 Watershed Construction Project as appropriate to meet the total  
 1284 maximum daily loads. Modifications to the Lake Okeechobee  
 1285 Watershed Construction Project resulting from this evaluation  
 1286 shall be incorporated into the Lake Okeechobee Basin Management  
 1287 Action Plan and included in the applicable annual progress  
 1288 report submitted pursuant to subsection (6).

1289 d. Coordination and review.—To ensure the timely  
 1290 implementation of the Lake Okeechobee Watershed Construction  
 1291 Project, the design of project facilities shall be coordinated  
 1292 with the department and other interested parties, including  
 1293 affected local governments, to the maximum extent practicable.  
 1294 Lake Okeechobee Watershed Construction Project facilities shall  
 1295 be reviewed and commented upon by the department before the  
 1296 execution of a construction contract by the district for that  
 1297 facility.

1298 2. Lake Okeechobee Watershed Research and Water Quality  
 1299 Monitoring Program.—The coordinating agencies shall implement a  
 1300 Lake Okeechobee Watershed Research and Water Quality Monitoring

1301 Program. Results from the program shall be used by the  
1302 department, in cooperation with the other coordinating agencies,  
1303 to make modifications to the Lake Okeechobee Basin Management  
1304 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
1305 program shall:

1306 a. Evaluate all available existing water quality data  
1307 concerning total phosphorus in the Lake Okeechobee watershed,  
1308 develop a water quality baseline to represent existing  
1309 conditions for total phosphorus, monitor long-term ecological  
1310 changes, including water quality for total phosphorus, and  
1311 measure compliance with water quality standards for total  
1312 phosphorus, including any applicable total maximum daily load  
1313 for the Lake Okeechobee watershed as established pursuant to s.  
1314 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
1315 the department shall reevaluate water quality and quantity data  
1316 to ensure that the appropriate projects are being designated and  
1317 incorporated into the Lake Okeechobee Basin Management Action  
1318 Plan adopted pursuant to s. 403.067. The district shall  
1319 implement a total phosphorus monitoring program at appropriate  
1320 structures owned or operated by the district and within the Lake  
1321 Okeechobee watershed.

1322 b. Develop a Lake Okeechobee water quality model that  
1323 reasonably represents the phosphorus dynamics of Lake Okeechobee  
1324 and incorporates an uncertainty analysis associated with model  
1325 predictions.

1326 c. Determine the relative contribution of phosphorus from  
1327 all identifiable sources and all primary and secondary land  
1328 uses.

1329 d. Conduct an assessment of the sources of phosphorus from  
1330 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their  
1331 relative contribution to the water quality of Lake Okeechobee.  
1332 The results of this assessment shall be used by the coordinating  
1333 agencies as part of the Lake Okeechobee Basin Management Action  
1334 Plan adopted pursuant to s. 403.067 to develop interim measures,  
1335 best management practices, or regulations, as applicable.

1336 e. Assess current water management practices within the  
1337 Lake Okeechobee watershed and develop recommendations for  
1338 structural and operational improvements. Such recommendations  
1339 shall balance water supply, flood control, estuarine salinity,  
1340 maintenance of a healthy lake littoral zone, and water quality  
1341 considerations.

1342 f. Evaluate the feasibility of alternative nutrient  
1343 reduction technologies, including sediment traps, canal and  
1344 ditch maintenance, fish production or other aquaculture,  
1345 bioenergy conversion processes, and algal or other biological  
1346 treatment technologies and include any alternative nutrient  
1347 reduction technologies determined to be feasible in the Lake  
1348 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1349 403.067.

1350 g. Conduct an assessment of the water volumes and timing

1351 from the Lake Okeechobee watershed and their relative  
1352 contribution to the water level changes in Lake Okeechobee and  
1353 to the timing and volume of water delivered to the estuaries.

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

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

1401 Consumer Services taking the lead on agricultural interim  
1402 measures, best management practices, and other measures adopted  
1403 pursuant to s. 403.067. The interagency agreement must specify  
1404 how best management practices for nonagricultural nonpoint  
1405 sources are developed and how all best management practices are  
1406 implemented and verified consistent with s. 403.067 and this  
1407 section and must address measures to be taken by the  
1408 coordinating agencies during any best management practice  
1409 reevaluation performed pursuant to subparagraphs 5. and 10. The  
1410 department shall use best professional judgment in making the  
1411 initial determination of best management practice effectiveness.  
1412 The coordinating agencies may develop an intergovernmental  
1413 agreement with local governments to implement nonagricultural  
1414 nonpoint source best management practices within their  
1415 respective geographic boundaries. The coordinating agencies  
1416 shall facilitate the application of federal programs that offer  
1417 opportunities for water quality treatment, including  
1418 preservation, restoration, or creation of wetlands on  
1419 agricultural lands.

1420 1. Agricultural nonpoint source best management practices,  
1421 developed in accordance with s. 403.067 and designed to achieve  
1422 the objectives of the Lake Okeechobee Watershed Protection  
1423 Program as part of a phased approach of management strategies  
1424 within the Lake Okeechobee Basin Management Action Plan, shall  
1425 be implemented on an expedited basis.

1426           2. As provided in s. 403.067, the Department of  
1427 Agriculture and Consumer Services, in consultation with the  
1428 department, the district, and affected parties, shall initiate  
1429 rule development for interim measures, best management  
1430 practices, conservation plans, nutrient management plans, or  
1431 other measures necessary for Lake Okeechobee watershed total  
1432 maximum daily load reduction. The rule shall include thresholds  
1433 for requiring conservation and nutrient management plans and  
1434 criteria for the contents of such plans. Development of  
1435 agricultural nonpoint source best management practices shall  
1436 initially focus on those priority basins listed in sub-  
1437 subparagraph (a)1.a. The Department of Agriculture and Consumer  
1438 Services, in consultation with the department, the district, and  
1439 affected parties, shall conduct an ongoing program for  
1440 improvement of existing and development of new agricultural  
1441 nonpoint source interim measures and best management practices.  
1442 The Department of Agriculture and Consumer Services shall adopt  
1443 such practices by rule. The Department of Agriculture and  
1444 Consumer Services shall work with the University of Florida  
1445 Institute of Food and Agriculture Sciences to review and, where  
1446 appropriate, develop revised nutrient application rates for all  
1447 agricultural soil amendments in the watershed.

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

1451 Services, the owner or operator of an agricultural nonpoint  
1452 source addressed by such rule shall either implement interim  
1453 measures or best management practices or demonstrate compliance  
1454 with state water quality standards addressed by the Lake  
1455 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1456 403.067 by conducting monitoring prescribed by the department or  
1457 the district. Owners or operators of agricultural nonpoint  
1458 sources who implement interim measures or best management  
1459 practices adopted by rule of the Department of Agriculture and  
1460 Consumer Services shall be subject to s. 403.067.

1461 4. The district or department shall conduct monitoring at  
1462 representative sites to verify the effectiveness of agricultural  
1463 nonpoint source best management practices.

1464 5. Where water quality problems are detected for  
1465 agricultural nonpoint sources despite the appropriate  
1466 implementation of adopted best management practices, a  
1467 reevaluation of the best management practices shall be conducted  
1468 pursuant to s. 403.067(7)(c)4. If the reevaluation determines  
1469 that the best management practices or other measures require  
1470 modification, the rule shall be revised to require  
1471 implementation of the modified practice within a reasonable  
1472 period as specified in the rule.

1473 6. As provided in s. 403.067, nonagricultural nonpoint  
1474 source best management practices, developed in accordance with  
1475 s. 403.067 and designed to achieve the objectives of the Lake

1476 Okeechobee Watershed Protection Program as part of a phased  
1477 approach of management strategies within the Lake Okeechobee  
1478 Basin Management Action Plan, shall be implemented on an  
1479 expedited basis.

1480 7. The department and the district are directed to work  
1481 with the University of Florida Institute of Food and  
1482 Agricultural Sciences to develop appropriate nutrient  
1483 application rates for all nonagricultural soil amendments in the  
1484 watershed. As provided in s. 403.067, the department, in  
1485 consultation with the district and affected parties, shall  
1486 develop nonagricultural nonpoint source interim measures, best  
1487 management practices, or other measures necessary for Lake  
1488 Okeechobee watershed total maximum daily load reduction.  
1489 Development of nonagricultural nonpoint source best management  
1490 practices shall initially focus on those priority basins listed  
1491 in sub-subparagraph (a)1.a. The department, the district, and  
1492 affected parties shall conduct an ongoing program for  
1493 improvement of existing and development of new interim measures  
1494 and best management practices. The department or the district  
1495 shall adopt such practices by rule.

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

1501 403.067.

1502 9. As provided in s. 403.067, the district or the  
1503 department shall conduct monitoring at representative sites to  
1504 verify the effectiveness of nonagricultural nonpoint source best  
1505 management practices.

1506 10. Where water quality problems are detected for  
1507 nonagricultural nonpoint sources despite the appropriate  
1508 implementation of adopted best management practices, a  
1509 reevaluation of the best management practices shall be conducted  
1510 pursuant to s. 403.067(7)(c)4. If the reevaluation determines  
1511 that the best management practices or other measures require  
1512 modification, the rule shall be revised to require  
1513 implementation of the modified practice within a reasonable time  
1514 period as specified in the rule.

1515 11. Subparagraphs 2. and 7. do not preclude the department  
1516 or the district from requiring compliance with water quality  
1517 standards or with current best management practices requirements  
1518 set forth in any applicable regulatory program authorized by law  
1519 for the purpose of protecting water quality. Subparagraphs 2.  
1520 and 7. are applicable only to the extent that they do not  
1521 conflict with any rules adopted by the department that are  
1522 necessary to maintain a federally delegated or approved program.

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

1526 Okeechobee watershed. An entity in compliance with the best  
1527 management practices set forth in the Everglades Program of the  
1528 district may elect to use that permit in lieu of the  
1529 requirements of this paragraph. The provisions of subparagraph  
1530 5. apply to this subparagraph. This subparagraph does not alter  
1531 any requirement of s. 373.4592.

1532 13. The Department of Agriculture and Consumer Services,  
1533 in cooperation with the department and the district, shall  
1534 provide technical and financial assistance for implementation of  
1535 agricultural best management practices, subject to the  
1536 availability of funds. The department and district shall provide  
1537 technical and financial assistance for implementation of  
1538 nonagricultural nonpoint source best management practices,  
1539 subject to the availability of funds.

1540 14. Projects that reduce the phosphorus load originating  
1541 from domestic wastewater systems within the Lake Okeechobee  
1542 watershed shall be given funding priority in the department's  
1543 revolving loan program under s. 403.1835. The department shall  
1544 coordinate and provide assistance to those local governments  
1545 seeking financial assistance for such priority projects.

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

1551 storm events, increasing aquifer recharge, or protecting range  
1552 and timberland from conversion to development, are eligible for  
1553 grants available under this section from the coordinating  
1554 agencies. For projects of otherwise equal priority, special  
1555 funding priority will be given to those projects that make best  
1556 use of the methods outlined above that involve public-private  
1557 partnerships or that obtain federal match money. Preference  
1558 ranking above the special funding priority will be given to  
1559 projects located in a rural area of opportunity designated by  
1560 the Governor. Grant applications may be submitted by any person  
1561 or tribal entity, and eligible projects may include, but are not  
1562 limited to, the purchase of conservation and flowage easements,  
1563 hydrologic restoration of wetlands, creating treatment wetlands,  
1564 development of a management plan for natural resources, and  
1565 financial support to implement a management plan.

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

1576 the biosolids will not add to phosphorus loadings in Lake  
1577 Okeechobee or its tributaries. This demonstration shall be based  
1578 on achieving a net balance between phosphorus imports relative  
1579 to exports on the permitted application site. Exports shall  
1580 include only phosphorus removed from the Lake Okeechobee  
1581 watershed through products generated on the permitted  
1582 application site. This prohibition does not apply to Class AA  
1583 biosolids that are marketed and distributed as fertilizer  
1584 products in accordance with department rule.

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

1601 method treatment facility is located. The fee shall be  
1602 calculated to be no higher than that necessary to recover the  
1603 facility's prudent cost of providing the service. Upon request  
1604 by an affected county commission, the Florida Public Service  
1605 Commission will provide assistance in establishing the fee.  
1606 Further, for utilities and utility authorities that use the  
1607 additional line item environmental protection disposal fee, such  
1608 fee may not be considered a rate increase under the rules of the  
1609 Public Service Commission and shall be exempt from such rules.  
1610 Utilities using this section may immediately include in their  
1611 sewer invoicing the new environmental protection disposal fee.  
1612 Proceeds from this environmental protection disposal fee shall  
1613 be used for treatment and disposal of wastewater biosolids,  
1614 including any treatment technology that helps reduce the volume  
1615 of biosolids that require final disposal, but such proceeds may  
1616 not be used for transportation or shipment costs for disposal or  
1617 any costs relating to the land application of biosolids in the  
1618 Lake Okeechobee watershed.

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

1626 methodology used in establishing the environmental protection  
1627 disposal fee. The Florida Public Service Commission or the  
1628 county commission shall, within 120 days after completion of an  
1629 audit, file the audit report with the President of the Senate  
1630 and the Speaker of the House of Representatives and shall  
1631 provide copies to the county commissions of the counties set  
1632 forth in subparagraph 17. The books and records of any  
1633 facilities receiving compensation from an environmental  
1634 protection disposal fee shall be open to the Florida Public  
1635 Service Commission and the Auditor General for review upon  
1636 request.

1637         19. The Department of Health shall require all entities  
1638 disposing of septage within the Lake Okeechobee watershed to  
1639 develop and submit to that agency an agricultural use plan that  
1640 limits applications based upon phosphorus loading consistent  
1641 with the Lake Okeechobee Basin Management Action Plan adopted  
1642 pursuant to s. 403.067.

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

1651 inspection requirements, and recordkeeping requirements.

1652         21. The district shall revise chapter 40E-61, Florida  
1653 Administrative Code, to be consistent with this section and s.  
1654 403.067; provide for a monitoring program for nonpoint source  
1655 dischargers required to monitor water quality by s. 403.067; and  
1656 provide for the results of such monitoring to be reported to the  
1657 coordinating agencies.

1658         (c) *Lake Okeechobee Exotic Species Control Program.*—The  
1659 coordinating agencies shall identify the exotic species that  
1660 threaten the native flora and fauna within the Lake Okeechobee  
1661 watershed and develop and implement measures to protect the  
1662 native flora and fauna.

1663         (d) *Lake Okeechobee Internal Phosphorus Management*  
1664 *Program.*—The district, in cooperation with the other  
1665 coordinating agencies and interested parties, shall evaluate the  
1666 feasibility of Lake Okeechobee internal phosphorus load removal  
1667 projects. The evaluation shall be based on technical  
1668 feasibility, as well as economic considerations, and shall  
1669 consider all reasonable methods of phosphorus removal. If  
1670 projects are found to be feasible, the district shall  
1671 immediately pursue the design, funding, and permitting for  
1672 implementing such projects.

1673         (e) *Lake Okeechobee Watershed Protection Program*  
1674 *implementation.*—The coordinating agencies shall be jointly  
1675 responsible for implementing the Lake Okeechobee Watershed

1676 Protection Program, consistent with the statutory authority and  
1677 responsibility of each agency. Annual funding priorities shall  
1678 be jointly established, and the highest priority shall be  
1679 assigned to programs and projects that address sources that have  
1680 the highest relative contribution to loading and the greatest  
1681 potential for reductions needed to meet the total maximum daily  
1682 loads. In determining funding priorities, the coordinating  
1683 agencies shall also consider the need for regulatory compliance,  
1684 the extent to which the program or project is ready to proceed,  
1685 and the availability of federal matching funds or other nonstate  
1686 funding, including public-private partnerships. Federal and  
1687 other nonstate funding shall be maximized to the greatest extent  
1688 practicable.

1689 (f) *Priorities and implementation schedules.*—The  
1690 coordinating agencies are authorized and directed to establish  
1691 priorities and implementation schedules for the achievement of  
1692 total maximum daily loads, compliance with the requirements of  
1693 s. 403.067, and compliance with applicable water quality  
1694 standards within the waters and watersheds subject to this  
1695 section.

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

1701 restoration of natural hydrology, and compliance with applicable  
1702 state water quality standards. The program shall be achieved  
1703 through a phased program of implementation. In addition,  
1704 pollutant load reductions based upon adopted total maximum daily  
1705 loads established in accordance with s. 403.067 shall serve as a  
1706 program objective. In the development and administration of the  
1707 program, the coordinating agencies shall maximize opportunities  
1708 provided by federal and local government cost-sharing programs  
1709 and opportunities for partnerships with the private sector and  
1710 local government. The program shall include a goal for salinity  
1711 envelopes and freshwater inflow targets for the estuaries based  
1712 upon existing research and documentation. The goal may be  
1713 revised as new information is available. This goal shall seek to  
1714 reduce the frequency and duration of undesirable salinity ranges  
1715 while meeting the other water-related needs of the region,  
1716 including water supply and flood protection, while recognizing  
1717 the extent to which water inflows are within the control and  
1718 jurisdiction of the district.

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

1726 paragraph (3) (a) and paragraph (c) of this subsection, and  
1727 include the Caloosahatchee River Watershed Construction Project  
1728 and the Caloosahatchee River Watershed Research and Water  
1729 Quality Monitoring Program.

1730 1. Caloosahatchee River Watershed Construction Project.—To  
1731 improve the hydrology, water quality, and aquatic habitats  
1732 within the watershed, the district shall, no later than January  
1733 1, 2012, plan, design, and construct the initial phase of the  
1734 Watershed Construction Project. In doing so, the district shall:

1735 a. Develop and designate the facilities to be constructed  
1736 to achieve stated goals and objectives of the Caloosahatchee  
1737 River Watershed Protection Plan.

1738 b. Conduct scientific studies that are necessary to  
1739 support the design of the Caloosahatchee River Watershed  
1740 Construction Project facilities.

1741 c. Identify the size and location of all such facilities.

1742 d. Provide a construction schedule for all such  
1743 facilities, including the sequencing and specific timeframe for  
1744 construction of each facility.

1745 e. Provide a schedule for the acquisition of lands or  
1746 sufficient interests necessary to achieve the construction  
1747 schedule.

1748 f. Provide a schedule of costs and benefits associated  
1749 with each construction project and identify funding sources.

1750 g. To ensure timely implementation, coordinate the design,

1751 scheduling, and sequencing of project facilities with the  
1752 coordinating agencies, Lee County, other affected counties and  
1753 municipalities, and other affected parties.

1754 2. Caloosahatchee River Watershed Research and Water  
1755 Quality Monitoring Program.—The district, in cooperation with  
1756 the other coordinating agencies and local governments, shall  
1757 implement a Caloosahatchee River Watershed Research and Water  
1758 Quality Monitoring Program that builds upon the district's  
1759 existing research program and that is sufficient to carry out,  
1760 comply with, or assess the plans, programs, and other  
1761 responsibilities created by this subsection. The program shall  
1762 also conduct an assessment of the water volumes and timing from  
1763 Lake Okeechobee and the Caloosahatchee River watershed and their  
1764 relative contributions to the timing and volume of water  
1765 delivered to the estuary.

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

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

1801 planning and funding purposes and is exempt from chapter 120.  
1802 Upon the first 5-year review, the implementation schedule shall  
1803 be adopted as part of the plans. If achieving the total maximum  
1804 daily load within 20 years is not practicable, the  
1805 implementation schedule must contain an explanation of the  
1806 constraints that prevent achievement of the total maximum daily  
1807 load within 20 years, an estimate of the time needed to achieve  
1808 the total maximum daily load, and additional 5-year measurable  
1809 milestones, as necessary. The coordinating agencies shall  
1810 facilitate the use of federal programs that offer opportunities  
1811 for water quality treatment, including preservation,  
1812 restoration, or creation of wetlands on agricultural lands.

1813 1. Nonpoint source best management practices consistent  
1814 with s. 403.067, designed to achieve the objectives of the  
1815 Caloosahatchee River Watershed Protection Program, shall be  
1816 implemented on an expedited basis. The coordinating agencies may  
1817 develop an intergovernmental agreement with local governments to  
1818 implement the nonagricultural, nonpoint source best management  
1819 practices within their respective geographic boundaries.

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

1826 | not conflict with any rules adopted by the department or  
1827 | district which are necessary to maintain a federally delegated  
1828 | or approved program.

1829 |         3. Projects that make use of private lands, or lands held  
1830 | in trust for Indian tribes, to reduce pollutant loadings or  
1831 | concentrations within a basin, or that reduce the volume of  
1832 | harmful discharges by one or more of the following methods:  
1833 | restoring the natural hydrology of the basin, restoring wildlife  
1834 | habitat or impacted wetlands, reducing peak flows after storm  
1835 | events, or increasing aquifer recharge, are eligible for grants  
1836 | available under this section from the coordinating agencies.

1837 |         4. The Caloosahatchee River Watershed Basin Management  
1838 | Action Plans shall require assessment of current water  
1839 | management practices within the watershed and shall require  
1840 | development of recommendations for structural, nonstructural,  
1841 | and operational improvements. Such recommendations shall  
1842 | consider and balance water supply, flood control, estuarine  
1843 | salinity, aquatic habitat, and water quality considerations.

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

1851 only nutrients removed from the watershed through products  
1852 generated on the permitted application site. This prohibition  
1853 does not apply to Class AA biosolids that are marketed and  
1854 distributed as fertilizer products in accordance with department  
1855 rule.

1856 6. The Department of Health shall require all entities  
1857 disposing of septage within the Caloosahatchee River watershed  
1858 to develop and submit to that agency an agricultural use plan  
1859 that limits applications based upon nutrient loading consistent  
1860 with any basin management action plan adopted pursuant to s.  
1861 403.067.

1862 7. The Department of Agriculture and Consumer Services  
1863 shall require entities within the Caloosahatchee River watershed  
1864 which land-apply animal manure to develop a resource management  
1865 system level conservation plan, according to United States  
1866 Department of Agriculture criteria, which limit such  
1867 application. Such rules shall include criteria and thresholds  
1868 for the requirement to develop a conservation or nutrient  
1869 management plan, requirements for plan approval, site inspection  
1870 requirements, and recordkeeping requirements.

1871 8. The district shall initiate rulemaking to provide for a  
1872 monitoring program for nonpoint source dischargers required to  
1873 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.  
1874 The results of such monitoring must be reported to the  
1875 coordinating agencies.

1876 (c) *St. Lucie River Watershed Protection Plan.*—The  
1877 district, in cooperation with the other coordinating agencies,  
1878 Martin County, and affected counties and municipalities shall  
1879 complete a plan in accordance with this subsection. The St.  
1880 Lucie River Watershed Protection Plan shall identify the  
1881 geographic extent of the watershed, be coordinated as needed  
1882 with the plans developed pursuant to paragraph (3) (a) and  
1883 paragraph (a) of this subsection, and include the St. Lucie  
1884 River Watershed Construction Project and St. Lucie River  
1885 Watershed Research and Water Quality Monitoring Program.

1886 1. St. Lucie River Watershed Construction Project.—To  
1887 improve the hydrology, water quality, and aquatic habitats  
1888 within the watershed, the district shall, no later than January  
1889 1, 2012, plan, design, and construct the initial phase of the  
1890 Watershed Construction Project. In doing so, the district shall:

1891 a. Develop and designate the facilities to be constructed  
1892 to achieve stated goals and objectives of the St. Lucie River  
1893 Watershed Protection Plan.

1894 b. Identify the size and location of all such facilities.

1895 c. Provide a construction schedule for all such  
1896 facilities, including the sequencing and specific timeframe for  
1897 construction of each facility.

1898 d. Provide a schedule for the acquisition of lands or  
1899 sufficient interests necessary to achieve the construction  
1900 schedule.

1901 e. Provide a schedule of costs and benefits associated  
1902 with each construction project and identify funding sources.

1903 f. To ensure timely implementation, coordinate the design,  
1904 scheduling, and sequencing of project facilities with the  
1905 coordinating agencies, Martin County, St. Lucie County, other  
1906 interested parties, and other affected local governments.

1907 2. St. Lucie River Watershed Research and Water Quality  
1908 Monitoring Program.—The district, in cooperation with the other  
1909 coordinating agencies and local governments, shall establish a  
1910 St. Lucie River Watershed Research and Water Quality Monitoring  
1911 Program that builds upon the district's existing research  
1912 program and that is sufficient to carry out, comply with, or  
1913 assess the plans, programs, and other responsibilities created  
1914 by this subsection. The district shall also conduct an  
1915 assessment of the water volumes and timing from Lake Okeechobee  
1916 and the St. Lucie River watershed and their relative  
1917 contributions to the timing and volume of water delivered to the  
1918 estuary.

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

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

1951 the plan. The initial implementation schedule shall be used to  
1952 provide guidance for planning and funding purposes and is exempt  
1953 from chapter 120. Upon the first 5-year review, the  
1954 implementation schedule shall be adopted as part of the plan. If  
1955 achieving the total maximum daily load within 20 years is not  
1956 practicable, the implementation schedule must contain an  
1957 explanation of the constraints that prevent achievement of the  
1958 total maximum daily load within 20 years, an estimate of the  
1959 time needed to achieve the total maximum daily load, and  
1960 additional 5-year measurable milestones, as necessary. The  
1961 coordinating agencies shall facilitate the use of federal  
1962 programs that offer opportunities for water quality treatment,  
1963 including preservation, restoration, or creation of wetlands on  
1964 agricultural lands.

1965 1. Nonpoint source best management practices consistent  
1966 with s. 403.067, designed to achieve the objectives of the St.  
1967 Lucie River Watershed Protection Program, shall be implemented  
1968 on an expedited basis. The coordinating agencies may develop an  
1969 intergovernmental agreement with local governments to implement  
1970 the nonagricultural nonpoint source best management practices  
1971 within their respective geographic boundaries.

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

1976 program authorized by law for the purpose of protecting water  
1977 quality. This subsection applies only to the extent that it does  
1978 not conflict with any rules adopted by the department or  
1979 district which are necessary to maintain a federally delegated  
1980 or approved program.

1981 3. Projects that make use of private lands, or lands held  
1982 in trust for Indian tribes, to reduce pollutant loadings or  
1983 concentrations within a basin, or that reduce the volume of  
1984 harmful discharges by one or more of the following methods:  
1985 restoring the natural hydrology of the basin, restoring wildlife  
1986 habitat or impacted wetlands, reducing peak flows after storm  
1987 events, or increasing aquifer recharge, are eligible for grants  
1988 available under this section from the coordinating agencies.

1989 4. The St. Lucie River Watershed Basin Management Action  
1990 Plan shall require assessment of current water management  
1991 practices within the watershed and shall require development of  
1992 recommendations for structural, nonstructural, and operational  
1993 improvements. Such recommendations shall consider and balance  
1994 water supply, flood control, estuarine salinity, aquatic  
1995 habitat, and water quality considerations.

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

2001 achieving a net balance between nutrient imports relative to  
2002 exports on the permitted application site. Exports shall include  
2003 only nutrients removed from the St. Lucie River watershed  
2004 through products generated on the permitted application site.  
2005 This prohibition does not apply to Class AA biosolids that are  
2006 marketed and distributed as fertilizer products in accordance  
2007 with department rule.

2008         6. The Department of Health shall require all entities  
2009 disposing of septage within the St. Lucie River watershed to  
2010 develop and submit to that agency an agricultural use plan that  
2011 limits applications based upon nutrient loading consistent with  
2012 any basin management action plan adopted pursuant to s. 403.067.

2013         7. The Department of Agriculture and Consumer Services  
2014 shall initiate rulemaking requiring entities within the St.  
2015 Lucie River watershed which land-apply animal manure to develop  
2016 a resource management system level conservation plan, according  
2017 to United States Department of Agriculture criteria, which limit  
2018 such application. Such rules shall include criteria and  
2019 thresholds for the requirement to develop a conservation or  
2020 nutrient management plan, requirements for plan approval, site  
2021 inspection requirements, and recordkeeping requirements.

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

2026 coordinating agencies.

2027 (e) *River Watershed Protection Plan implementation.*—The  
2028 coordinating agencies shall be jointly responsible for  
2029 implementing the River Watershed Protection Plans, consistent  
2030 with the statutory authority and responsibility of each agency.  
2031 Annual funding priorities shall be jointly established, and the  
2032 highest priority shall be assigned to programs and projects that  
2033 have the greatest potential for achieving the goals and  
2034 objectives of the plans. In determining funding priorities, the  
2035 coordinating agencies shall also consider the need for  
2036 regulatory compliance, the extent to which the program or  
2037 project is ready to proceed, and the availability of federal or  
2038 local government matching funds. Federal and other nonstate  
2039 funding shall be maximized to the greatest extent practicable.

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

2051 section.

2052 (g) *Priorities and implementation schedules.*—The  
 2053 coordinating agencies are authorized and directed to establish  
 2054 priorities and implementation schedules for the achievement of  
 2055 total maximum daily loads, the requirements of s. 403.067, and  
 2056 compliance with applicable water quality standards within the  
 2057 waters and watersheds subject to this section.

2058 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
 2059 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
 2060 department is directed to expedite development and adoption of  
 2061 total maximum daily loads for the Caloosahatchee River and  
 2062 estuary. The department is further directed to propose for final  
 2063 agency action total maximum daily loads for nutrients in the  
 2064 tidal portions of the Caloosahatchee River and estuary. The  
 2065 department shall initiate development of basin management action  
 2066 plans for Lake Okeechobee, the Caloosahatchee River watershed  
 2067 and estuary, and the St. Lucie River watershed and estuary as  
 2068 provided in s. 403.067 as follows:

2069 (a) Basin management action plans shall be developed as  
 2070 soon as practicable as determined necessary by the department to  
 2071 achieve the total maximum daily loads established for the Lake  
 2072 Okeechobee watershed and the estuaries.

2073 (b) The Phase II technical plan development pursuant to  
 2074 paragraph (3) (a), and the River Watershed Protection Plans  
 2075 developed pursuant to paragraphs (4) (a) and (c), shall provide

2076 | the basis for basin management action plans developed by the  
2077 | department.

2078 |       (c) As determined necessary by the department to achieve  
2079 | the total maximum daily loads, additional or modified projects  
2080 | or programs that complement those in the legislatively ratified  
2081 | plans may be included during the development of the basin  
2082 | management action plan.

2083 |       (d) As provided in s. 403.067, management strategies and  
2084 | pollution reduction requirements set forth in a basin management  
2085 | action plan subject to permitting by the department under  
2086 | subsection (7) must be completed pursuant to the schedule set  
2087 | forth in the basin management action plan, as amended. The  
2088 | implementation schedule may extend beyond the 5-year permit  
2089 | term.

2090 |       (e) As provided in s. 403.067, management strategies and  
2091 | pollution reduction requirements set forth in a basin management  
2092 | action plan for a specific pollutant of concern are not subject  
2093 | to challenge under chapter 120 at the time they are  
2094 | incorporated, in an identical form, into a department or  
2095 | district issued permit or a permit modification issued in  
2096 | accordance with subsection (7).

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

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

2126 and compliance with best management practices in the Lake  
2127 Okeechobee, Caloosahatchee River, and St. Lucie River  
2128 watersheds.

2129 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2130 (a) The Legislature finds that the Lake Okeechobee  
2131 Watershed Protection Program will benefit Lake Okeechobee and  
2132 downstream receiving waters and is in the public interest. The  
2133 Lake Okeechobee Watershed Construction Project and structures  
2134 discharging into or from Lake Okeechobee shall be constructed,  
2135 operated, and maintained in accordance with this section.

2136 (b) Permits obtained pursuant to this section are in lieu  
2137 of all other permits under this chapter or chapter 403, except  
2138 those issued under s. 403.0885, if applicable. Additional  
2139 permits are not required for the Lake Okeechobee Watershed  
2140 Construction Project, or structures discharging into or from  
2141 Lake Okeechobee, if such project or structures are permitted  
2142 under this section. Construction activities related to  
2143 implementation of the Lake Okeechobee Watershed Construction  
2144 Project may be initiated before final agency action, or notice  
2145 of intended agency action, on any permit from the department  
2146 under this section.

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

2151 require a permit under this section and shall be governed by  
2152 permits issued under ss. 373.413 and 373.416 and the Lake  
2153 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2154 403.067.

2155 2. For the purposes of this paragraph, owners and  
2156 operators of existing structures which are subject to s.  
2157 373.4592(4)(a) and which discharge into or from Lake Okeechobee  
2158 shall be deemed in compliance with this paragraph if they are in  
2159 full compliance with the conditions of permits under chapter  
2160 40E-63, Florida Administrative Code.

2161 3. By January 1, 2017, the district shall submit to the  
2162 department a complete application for a permit modification to  
2163 the Lake Okeechobee structure permits to incorporate proposed  
2164 changes necessary to ensure that discharges through the  
2165 structures covered by this permit are consistent with the basin  
2166 management action plan adopted pursuant to s. 403.067.

2167 (d) The department shall require permits for district  
2168 regional projects that are part of the Lake Okeechobee Watershed  
2169 Construction Project. However, projects that qualify as exempt  
2170 pursuant to s. 373.406 do not require permits under this  
2171 section. Such permits shall be issued for a term of 5 years upon  
2172 the demonstration of reasonable assurances that:

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

2176 (3) (a) 1.;

2177 2. For water quality standards other than phosphorus, the  
 2178 quality of water discharged from the facility is of equal or  
 2179 better quality than the inflows;

2180 3. Discharges from the facility do not pose a serious  
 2181 danger to public health, safety, or welfare; and

2182 4. Any impacts on wetlands or state-listed species  
 2183 resulting from implementation of that facility of the Lake  
 2184 Okeechobee Construction Project are minimized and mitigated, as  
 2185 appropriate.

2186 (e) At least 60 days before the expiration of any permit  
 2187 issued under this section, the permittee may apply for a renewal  
 2188 thereof for a period of 5 years.

2189 (f) Permits issued under this section may include any  
 2190 standard conditions provided by department rule which are  
 2191 appropriate and consistent with this section.

2192 (g) Permits issued under this section may be modified, as  
 2193 appropriate, upon review and approval by the department.

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

2201 diverted to the St. Lucie River or the Caloosahatchee or Indian  
 2202 River estuaries adversely affect the estuarine vegetation or  
 2203 wildlife, unless the receiving waters will biologically benefit  
 2204 by the diversion. However, diversion is permitted when an  
 2205 emergency is declared by the water management district, if the  
 2206 Secretary of Environmental Protection concurs.

2207 (9) PRESERVATION OF PROVISIONS RELATING TO THE  
 2208 EVERGLADES.—Nothing in this section shall be construed to modify  
 2209 any provision of s. 373.4592.

2210 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this  
 2211 section is intended to diminish or alter the governmental  
 2212 authority and powers of the Seminole Tribe of Florida, or  
 2213 diminish or alter the rights of that tribe, including, but not  
 2214 limited to, rights under the water rights compact among the  
 2215 Seminole Tribe of Florida, the state, and the South Florida  
 2216 Water Management District as enacted by Pub. L. No. 100-228, 101  
 2217 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in  
 2218 s. 285.165, and rights under any other agreement between the  
 2219 Seminole Tribe of Florida and the state or its agencies. No land  
 2220 of the Seminole Tribe of Florida shall be used for water storage  
 2221 or stormwater treatment without the consent of the tribe.

2222 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—  
 2223 Nothing in this section shall be construed to modify any  
 2224 existing state water quality standard or to modify the  
 2225 provisions of s. 403.067(6) and (7)(a).

2226 (12) RULES.—The governing board of the district is  
 2227 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54  
 2228 to implement the provisions of this section.

2229 (13) PRESERVATION OF AUTHORITY.—Nothing in this section  
 2230 shall be construed to restrict the authority otherwise granted  
 2231 to agencies pursuant to this chapter and chapter 403, and  
 2232 provisions of this section shall be deemed supplemental to the  
 2233 authority granted to agencies pursuant to this chapter and  
 2234 chapter 403.

2235 Section 24. For the purpose of incorporating the amendment  
 2236 made by this act to section 403.0872, Florida Statutes, in a  
 2237 reference thereto, section 403.0873, Florida Statutes, is  
 2238 reenacted to read:

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

2251 operation permit program, receives delegation from the  
2252 department or the United States Environmental Protection Agency  
2253 for implementation of the major source air-operation permit  
2254 program, or performs functions, duties, or activities  
2255 substantially similar to or duplicative of the services  
2256 performed by the department or the United States Environmental  
2257 Protection Agency in the implementation of the major source air-  
2258 operation permit program is prohibited from collecting  
2259 additional fees attributable to such services from any source  
2260 permitted under s. 403.0872.

2261 Section 25. For the purpose of incorporating the amendment  
2262 made by this act to section 403.1838, Florida Statutes, in a  
2263 reference thereto, paragraph (d) of subsection (3) of section  
2264 403.1835, Florida Statutes, is reenacted to read:

2265 403.1835 Water pollution control financial assistance.—

2266 (3) The department may provide financial assistance  
2267 through any program authorized under 33 U.S.C. s. 1383, as  
2268 amended, including, but not limited to, making grants and loans,  
2269 providing loan guarantees, purchasing loan insurance or other  
2270 credit enhancements, and buying or refinancing local debt. This  
2271 financial assistance must be administered in accordance with  
2272 this section and applicable federal authorities.

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

2276 authorized under subsection (4). The grants must be administered  
2277 in accordance with s. 403.1838.

2278       Section 26. (1) The following rules are ratified for the  
2279 sole and exclusive purpose of satisfying any condition on the  
2280 effectiveness imposed under s. 120.541(3), Florida Statutes:  
2281 Rules 62-42.200 and 62-42.300, Florida Administrative Code,  
2282 titled "Definitions" and "The Lower Santa Fe and Ichetucknee  
2283 Rivers and Priority Springs," respectively, as filed for  
2284 adoption with the Department of State pursuant to the  
2285 certification package dated December 31, 2025.

2286       (2) This section serves no other purpose and may not be  
2287 codified in the Florida Statutes. After this act becomes a law,  
2288 the enactment and effective dates of this section must be noted  
2289 in the Florida Administrative Code, the Florida Administrative  
2290 Register, or both, as appropriate. This section does not alter  
2291 rulemaking authority delegated by prior law, does not constitute  
2292 legislative preemption of or exception to any provision of law  
2293 governing adoption or enforcement of the rule cited, and is  
2294 intended to preserve the status of any cited rule as a rule  
2295 under chapter 120, Florida Statutes. This section does not cure  
2296 any rulemaking defect or preempt any challenge based on a lack  
2297 of authority or a violation of the legal requirements governing  
2298 the adoption of any rule cited.

2299       Section 27. This act shall take effect July 1, 2026.