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1
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

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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

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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~~

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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

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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

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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

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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

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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.-

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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.

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- 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

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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,

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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

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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

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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

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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

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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

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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

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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.

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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.

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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

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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

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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~~

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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.

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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

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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,

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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

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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.

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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.~~

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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

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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

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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

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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

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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

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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.

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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

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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;

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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).

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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

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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

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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

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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.

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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

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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.

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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

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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

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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

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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.

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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,

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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

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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,

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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

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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

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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

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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

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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.

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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).

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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-

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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

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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.