

By Senator Massullo

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30 revising the definition of the term "community  
31 eligible for a reduced cost share"; providing for a  
32 type 2 transfer of powers and functions of the Florida  
33 Communities Trust from the department to the  
34 Acquisition and Restoration Council; amending s.  
35 380.502, F.S.; revising legislative findings and  
36 intent for the Florida Communities Trust; providing  
37 for the transfer of the administration and oversight  
38 of the trust from the department to the Acquisition  
39 and Restoration Council for a specified purpose;  
40 amending s. 380.504, F.S.; deleting provisions  
41 relating to the membership, appointments, and  
42 organizational structure of the governing board of the  
43 trust; providing the purpose of the trust; amending s.  
44 380.507, F.S.; deleting provisions authorizing the  
45 trust to make certain loans; revising the powers of  
46 the trust; repealing ss. 380.512, 380.513, and  
47 380.514, F.S., relating to an annual report, corporate  
48 existence, and inconsistent provisions of other laws  
49 superseded, respectively; reenacting and amending s.  
50 381.0065, F.S.; authorizing the department to annually  
51 review and audit certain inspection and maintenance  
52 reports for certain systems; authorizing the  
53 department to adopt rules that establish certain  
54 procedures; requiring the department to concurrently  
55 process operating permits and construction permits  
56 under certain circumstances; requiring that an  
57 operating permit be obtained before the use of an  
58 engineer-designed performance-based system; providing

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59 a timeframe for the validity of certain operating  
60 permits; requiring an operating permit modification  
61 upon certain changes or modifications; providing  
62 requirements for subsequent property owners when a  
63 property with an onsite sewage treatment and disposal  
64 system that requires an operating permit is sold or  
65 transferred; requiring certain subsequent property  
66 owners to provide notice and proof of ownership to the  
67 department within a certain timeframe; providing an  
68 exception to certain fees under certain circumstances;  
69 requiring a maintenance entity permitted by the  
70 department to submit a report to the department on a  
71 specified basis; providing requirements for fees  
72 submitted with an engineer-designed performance-based  
73 system inspection report; deleting a requirement for a  
74 property owner to obtain a certain permit from the  
75 department for certain onsite sewage treatment and  
76 disposal systems; revising the approval criteria for  
77 certain onsite sewage treatment and disposal systems;  
78 requiring an aerobic treatment unit maintenance entity  
79 to submit an inspection report to the department under  
80 certain circumstances; subjecting real estate  
81 transactions for the transfer of title to properties  
82 with a certain onsite sewage treatment and disposal  
83 system to certain requirements; deleting a requirement  
84 that the department contract with or delegate its  
85 powers and duties to a county only; amending s.  
86 403.067, F.S.; conforming a provision to changes made  
87 by the act; providing a timeframe within which a basin

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88 management action plan or plan amendment becomes  
89 effective; prohibiting certain activities within a  
90 basin management action plan, a reasonable assurance  
91 plan, or a pollution reduction plan; making a  
92 technical change; amending s. 403.0671, F.S.;  
93 conforming a provision to changes made by the act;  
94 amending s. 403.0872, F.S.; revising the date by which  
95 major permitted sources of air pollution operating in  
96 this state must pay an annual operation license fee;  
97 authorizing the department to impose penalties if it  
98 does not receive such fee by the specified date;  
99 deleting provisions relating to costs for  
100 administering air pollution construction permits;  
101 amending s. 403.1838, F.S.; conforming provisions to  
102 changes made by the act; repealing s. 403.804, F.S.,  
103 relating to the powers and duties of the Environmental  
104 Regulation Commission; amending s. 403.9301, F.S.;  
105 revising the definition of the term "wastewater  
106 services"; revising requirements for certain needs  
107 analyses; amending s. 576.041, F.S.; revising the  
108 requirements for inspection fees for fertilizers;  
109 providing requirements for the calculation of  
110 inspection fees paid for Class AA biosolids; amending  
111 s. 576.045, F.S.; requiring licensees to pay a certain  
112 fee for Class AA biosolids; amending ss. 120.81,  
113 373.421, 403.031, 403.061, 403.704, 403.707, 403.7222,  
114 403.7234, 403.803, 403.805, 403.8055, and 403.814,  
115 F.S.; conforming provisions to changes made by the  
116 act; amending ss. 376.302 and 380.5105, F.S.;

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117 conforming cross-references; reenacting s.  
118 381.0066(2) (k), F.S., relating to onsite sewage  
119 treatment and disposal system fees, to incorporate the  
120 amendment made to s. 381.0065, F.S., in a reference  
121 thereto; reenacting s. 373.4595, F.S., relating to the  
122 Northern Everglades and Estuaries Protection Program,  
123 to incorporate the amendment made to s. 403.067, F.S.,  
124 in a reference thereto; reenacting s. 403.0873, F.S.,  
125 relating to the Florida Air-Operation License Fee  
126 Account, to incorporate the amendment made to s.  
127 403.0872, F.S., in a reference thereto; reenacting s.  
128 403.1835(3) (d), F.S., relating to water pollution  
129 control financial assistance, to incorporate the  
130 amendment made to s. 403.1838, F.S., in a reference  
131 thereto; providing an effective date.  
132

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

134  
135 Section 1. Subsection (6) of section 20.255, Florida  
136 Statutes, is amended to read:

137 20.255 Department of Environmental Protection.—There is  
138 created a Department of Environmental Protection.

139 ~~(6) There is created as a part of the Department of~~  
140 ~~Environmental Protection an Environmental Regulation Commission.~~  
141 ~~The commission shall be composed of seven residents of this~~  
142 ~~state appointed by the Governor, subject to confirmation by the~~  
143 ~~Senate. In making appointments, the Governor shall provide~~  
144 ~~reasonable representation from all sections of the state.~~  
145 ~~Membership shall be representative of agriculture, the~~

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146 ~~development industry, local government, the environmental~~  
147 ~~community, lay citizens, and members of the scientific and~~  
148 ~~technical community who have substantial expertise in the areas~~  
149 ~~of the fate and transport of water pollutants, toxicology,~~  
150 ~~epidemiology, geology, biology, environmental sciences, or~~  
151 ~~engineering. The Governor shall appoint the chair, and the vice~~  
152 ~~chair shall be elected from among the membership. All~~  
153 ~~appointments shall be for 4-year terms. The Governor may at any~~  
154 ~~time fill a vacancy for the unexpired term. The members of the~~  
155 ~~commission shall serve without compensation, but shall be paid~~  
156 ~~travel and per diem as provided in s. 112.061 while in the~~  
157 ~~performance of their official duties. Administrative, personnel,~~  
158 ~~and other support services necessary for the commission shall be~~  
159 ~~furnished by the department. The commission may employ~~  
160 ~~independent counsel and contract for the services of outside~~  
161 ~~technical consultants.~~

162       Section 2. Paragraph (a) of subsection (1) and subsections  
163 (2), (3), and (5) of section 259.035, Florida Statutes, are  
164 amended to read:

165       259.035 Acquisition and Restoration Council.—

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

168       (a) The council shall be composed of 12 ~~10~~ voting members,  
169 ~~6~~ 4 of whom shall be appointed by the Governor. Of these 6 ~~four~~  
170 appointees, 3 ~~must~~ ~~three~~ shall be from scientific disciplines  
171 related to land, water, or environmental sciences, 1 ~~must~~ and  
172 ~~the fourth~~ shall have at least 5 years of experience in managing  
173 lands for both active and passive types of recreation, 1 ~~must~~ be  
174 a former elected official of a county, and 1 ~~must~~ be a former

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175        elected official of a metropolitan municipality. As used in this  
176        paragraph, the term "metropolitan" has the same meaning as in s.  
177        380.503. They shall serve 4-year terms, except that, initially,  
178        to provide for staggered terms, 2 ~~two~~ of the appointees shall  
179        serve 2-year terms. All subsequent appointments shall be for 4-  
180        year terms. An appointee may not serve more than 6 years. The  
181        Governor may at any time fill a vacancy for the unexpired term  
182        of a member appointed under this paragraph.

183        (2) The 6 ~~four~~ members of the council appointed pursuant to  
184        paragraph (1)(a) and the 2 ~~two~~ members of the council appointed  
185        pursuant to paragraph (1)(c) shall receive reimbursement for  
186        expenses and per diem for travel, to attend council meetings, as  
187        allowed state officers and employees while in the performance of  
188        their duties, pursuant to s. 112.061.

189        (3) The council shall:

190            (a) Provide assistance to the board in reviewing the  
191        recommendations and plans for state-owned conservation lands  
192        required under s. 253.034 and this chapter. The council shall,  
193        in reviewing such plans, consider the optimization of multiple-  
194        use and conservation strategies to accomplish the provisions  
195        funded pursuant to former s. 259.101(3)(a), Florida Statutes  
196        2014, and to s. 259.105(3)(b).

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

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204 state's conservation priorities.205 (5) An affirmative vote of ~~6~~ ~~five~~ members of the council is  
206 required in order to change a project boundary or to place a  
207 proposed project on a list developed pursuant to subsection (4).  
208 Any member of the council, who by family or a business  
209 relationship has a connection with all or a portion of any  
210 proposed project, shall declare the interest before voting on  
211 its inclusion on a list.212 Section 3. Paragraph (i) of subsection (4) of section  
213 259.105, Florida Statutes, is amended to read:

214 259.105 The Florida Forever Act.—

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

220 259.035(4):

221 (i) Mitigate the effects of natural disasters and floods in  
222 developed areas, as measured by:223 1. The number of acres acquired within a 100-year  
224 floodplain or a coastal high hazard area;225 2. The number of acres acquired or developed to serve dual  
226 functions as:227 a. Flow ways or temporary water storage areas during  
228 flooding or high water events, not including permanent  
229 reservoirs; and230 b. Greenways or open spaces available to the public for  
231 recreation;

232 3. The number of acres that protect existing open spaces

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233 and natural buffer areas within a floodplain that also serve as  
234 natural flow ways or natural temporary water storage areas; and

235 4. The percentage of the land acquired within the project  
236 boundary that creates additional open spaces, natural buffer  
237 areas, and greenways within a floodplain, while precluding  
238 rebuilding in areas that repeatedly flood.

239

240 Florida Forever projects and acquisitions funded pursuant to  
241 paragraph (3)(c) shall be measured by goals developed by rule by  
242 the Florida Communities Trust ~~Governing Board created in s.~~  
243 ~~380.504.~~

244 Section 4. Paragraph (d) of subsection (3) of section  
245 373.469, Florida Statutes, is amended to read:

246 373.469 Indian River Lagoon Protection Program.—

247 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian  
248 River Lagoon Protection Program consists of the Banana River  
249 Lagoon Basin Management Action Plan, Central Indian River Lagoon  
250 Basin Management Action Plan, North Indian River Lagoon Basin  
251 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
252 Plan, and such plans are the components of the Indian River  
253 Lagoon Protection Program which achieve phosphorous and nitrogen  
254 load reductions for the Indian River Lagoon.

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

256 1. Beginning on January 1, 2024, unless previously  
257 permitted, the installation of new onsite sewage treatment and  
258 disposal systems is prohibited within the Banana River Lagoon  
259 Basin Management Action Plan, Central Indian River Lagoon Basin  
260 Management Action Plan, North Indian River Lagoon Basin  
261 Management Action Plan, and Mosquito Lagoon Reasonable Assurance

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

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

284 Section 5. Paragraph (a) of subsection (1) of section  
285 373.807, Florida Statutes, is amended to read:

286 373.807 Protection of water quality in Outstanding Florida  
287 Springs.—By July 1, 2016, the department shall initiate  
288 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
289 Springs or spring systems for which an impairment determination  
290 has not been made under the numeric nutrient standards in effect

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

292 (1) (a) Concurrent with the adoption of a nutrient total  
293 maximum daily load for an Outstanding Florida Spring, the  
294 department, or the department in conjunction with a water  
295 management district, shall initiate development of a basin  
296 management action plan, as specified in s. 403.067. For an  
297 Outstanding Florida Spring with a nutrient total maximum daily  
298 load adopted before July 1, 2016, the department, or the  
299 department in conjunction with a water management district,  
300 shall initiate development of a basin management action plan by  
301 July 1, 2016. During the development of a basin management  
302 action plan, if the department identifies onsite sewage  
303 treatment and disposal systems as contributors of at least 20  
304 percent of nonpoint source nitrogen pollution or if the  
305 department determines remediation is necessary to achieve the  
306 total maximum daily load, the basin management action plan must  
307 shall include an onsite sewage treatment and disposal system  
308 remediation plan pursuant to subsection (3) for those systems  
309 identified as requiring remediation. For residential properties  
310 greater than 10 acres located outside the boundary of an  
311 established priority focus area of an Outstanding Florida  
312 Spring, such remediation plans may not prohibit the construction  
313 and installation of new conventional onsite sewage treatment and  
314 disposal systems, unless central sewer is available, or require  
315 existing conventional onsite sewage treatment and disposal  
316 systems to upgrade to a nutrient-reducing onsite sewage  
317 treatment and disposal system.

318 Section 6. Section 373.811, Florida Statutes, is repealed.

319 Section 7. Paragraph (e) of subsection (5) of section

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320 380.093, Florida Statutes, is amended to read:

321 380.093 Resilient Florida Grant Program; comprehensive  
322 statewide flood vulnerability and sea level rise data set and  
323 assessment; Statewide Flooding and Sea Level Rise Resilience  
324 Plan; regional resilience entities.—

325 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.—

326 (e) Each project included in the plan must have a minimum  
327 50 percent cost share unless the project assists or is within a  
328 community eligible for a reduced cost share. For purposes of  
329 this section, the term "community eligible for a reduced cost  
330 share" means:

331 1. A municipality that has a population of less than 10,000  
332 ~~or fewer~~, according to the most recent April 1 population  
333 estimates posted on the Office of Economic and Demographic  
334 Research's website, and a per capita annual income that is less  
335 than the state's per capita annual income as shown in the most  
336 recent release from the Bureau of the Census of the United  
337 States Department of Commerce that includes both measurements;

338 2. A county that has a population of less than 50,000 ~~or~~  
339 ~~fewer~~, according to the most recent April 1 population estimates  
340 posted on the Office of Economic and Demographic Research's  
341 website, and a per capita annual income ~~that is~~ less than the  
342 state's per capita annual income as shown in the most recent  
343 release from the Bureau of the Census of the United States  
344 Department of Commerce that includes both measurements; ~~or~~

345 3. A municipality or county that has a per capita annual  
346 income ~~that is~~ equal to or less than 75 percent of the state's  
347 per capita annual income as shown in the most recent release  
348 from the Bureau of the Census of the United States Department of

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349 Commerce; or

350 4. A municipality or county that is a rural community as  
351 defined in s. 288.0656(2).352 Section 8. Subsection (3) of section 380.502, Florida  
353 Statutes, is amended to read:

354 380.502 Legislative findings and intent.—

355 (3) The Legislature further finds that the goals of land  
356 conservation and community development are best served through  
357 coordinated decisionmaking and streamlined oversight. It is  
358 therefore the intent of the Legislature to transfer the  
359 administration and oversight of the Florida Communities Trust  
360 from the Department of Environmental Protection to the  
361 Acquisition and Restoration Council to improve consistency and  
362 effectiveness in conservation land acquisition and resource  
363 stewardship. It is the intent of the Legislature to establish a  
364 nonregulatory agency that will assist local governments in  
365 bringing local comprehensive plans into compliance and  
366 implementing the goals, objectives, and policies of the  
367 conservation, recreation and open space, and coastal elements of  
368 local comprehensive plans, or in conserving natural resources  
369 and resolving land use conflicts by:370 (a) Responding promptly and creatively to opportunities to  
371 correct undesirable development patterns, restore degraded  
372 natural areas, enhance resource values, restore deteriorated or  
373 deteriorating urban waterfronts, preserve working waterfronts,  
374 reserve lands for later purchase, participate in and promote the  
375 use of innovative land acquisition methods, and provide public  
376 access to surface waters.

377 (b) Providing financial and technical assistance to local

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378 governments, state agencies, and nonprofit organizations to  
379 carry out projects and activities and to develop programs  
380 authorized by this part.

381 ~~(e) Involving local governments and private interests in  
382 voluntarily resolving land use conflicts and issues.~~

383 Section 9. Section 380.504, Florida Statutes, is amended to  
384 read:

385 380.504 Florida Communities Trust; creation; membership;  
386 expenses.—

387 (1) There is created ~~within the Department of Environmental~~  
388 ~~Protection a nonregulatory state agency and instrumentality,~~  
389 ~~which shall be a public body corporate and politic, known as the~~  
390 ~~"Florida Communities Trust, -"~~ administered by the Acquisition  
391 and Restoration Council ~~The governing body of the trust shall~~  
392 ~~consist of:~~

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

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

396  
397 ~~The Governor shall appoint a former elected official of a county~~  
398 ~~government, a former elected official of a metropolitan~~  
399 ~~municipal government, a representative of a nonprofit~~  
400 ~~organization as defined in this part, and a representative of~~  
401 ~~the development industry. The Secretary of Environmental~~  
402 ~~Protection may appoint his or her deputy secretary, the director~~  
403 ~~of the Division of State Lands, or the director of the Division~~  
404 ~~of Recreation and Parks to serve in his or her absence. The~~  
405 ~~Secretary of Environmental Protection shall be the chair of the~~  
406 ~~governing body of the trust. The Governor shall make his or her~~

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407 ~~appointments upon the expiration of any current terms or within~~  
408 ~~60 days after the effective date of the resignation of any~~  
409 ~~member.~~

410 (2) The purpose of the trust is to assist local governments  
411 in bringing into compliance and implementing the conservation,  
412 recreation and open space, and coastal elements of their  
413 comprehensive plans or in conserving natural resources and  
414 resolving land use conflicts by providing financial assistance  
415 to local governments and nonprofit environmental organizations  
416 to carry out projects and activities authorized by this part ~~of~~  
417 ~~the initial governing body members, two of the Governor's~~  
418 ~~appointees shall serve for a term of 2 years and the remaining~~  
419 ~~one shall serve for a term of 4 years from the date of~~  
420 ~~appointment. Thereafter, governing body members whom the~~  
421 ~~Governor appoints shall serve for terms of 4 years. The Governor~~  
422 ~~may fill any vacancy for an unexpired term.~~

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

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

430 380.507 Powers of the trust.—The trust shall have all the  
431 powers necessary or convenient to carry out the purposes and  
432 provisions of this part, including:

433 (6) To award grants ~~and make loans~~ to local governments and  
434 nonprofit organizations for the purposes listed in subsection  
435 (2) and for acquiring fee title and less than fee title, such as

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436 conservation easements or other interests in land, for the  
437 purposes of this part.

438 (7) To provide by grant ~~or loan~~ up to the total cost of any  
439 project approved according to this part, including the local  
440 share of federally supported projects. The trust may require  
441 local funding participation in projects. The trust shall  
442 determine the funding it will provide by considering the total  
443 amount of funding available for the project, the fiscal  
444 resources of other project participants, the urgency of the  
445 project relative to other eligible projects, and other factors  
446 which the trust shall have prescribed by rule. The trust may  
447 fund up to 100 percent of any local government land acquisition  
448 costs, if part of an approved project.

449 (9) To review project recommendations and funding  
450 priorities and provide acquisition decisions ~~To invest any funds~~  
451 ~~held in reserves or sinking funds, or any funds not required for~~  
452 ~~immediate disbursement, in such investments as may be authorized~~  
453 ~~for trust funds under s. 215.47, and in any other authorized~~  
454 ~~investments, if such investments are made on behalf of the trust~~  
455 ~~by the State Board of Administration.~~

456 (10) To contract for and to accept donations ~~gifts~~, grants,  
457 loans, or other aid from the United States Government or any  
458 person or corporation, including donations ~~gifts~~ of real  
459 property or any interest in real property.

460 (11) To submit project recommendations, funding priorities,  
461 and acquisition decisions to the Acquisition and Restoration  
462 Council, which shall have final approval authority over trust  
463 expenditures and acquisitions ~~to make rules necessary to carry~~  
464 ~~out the purposes of this part and to exercise any power granted~~

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465 in this part, pursuant to chapter 120. The trust shall adopt  
466 rules governing the acquisition of lands with proceeds from the  
467 Florida Forever Trust Fund, consistent with the intent expressed  
468 in the Florida Forever Act. Such rules for land acquisition must  
469 include, but are not limited to, procedures for appraisals and  
470 confidentiality consistent with ss. 125.355(1)(a) and (b) and  
471 166.045(1)(a) and (b), a method of determining a maximum  
472 purchase price, and procedures to assure that the land is  
473 acquired in a voluntarily negotiated transaction, surveyed,  
474 conveyed with marketable title, and examined for hazardous  
475 materials contamination. Land acquisition procedures of a local  
476 land authority created pursuant to s. 380.0663 may be used for  
477 the land acquisition programs described in former s.  
478 259.101(3)(c), Florida Statutes 2014, and in s. 259.105 if  
479 within areas of critical state concern designated pursuant to s.  
480 380.05, subject to approval of the trust.

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

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

489 Section 11. Section 380.512, Florida Statutes, is repealed.

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

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

492 Section 14. Paragraph (n) of subsection (3), and  
493 subsections (4) and (9) of section 381.0065, Florida Statutes,

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494 are amended, and subsection (7) of that section is reenacted, to  
495 read:

496 381.0065 Onsite sewage treatment and disposal systems;  
497 regulation.—

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

500 (n) Regulate and permit maintenance entities for  
501 performance-based treatment systems and aerobic treatment unit  
502 systems. To ensure systems are maintained and operated according  
503 to manufacturer's specifications and designs, the department  
504 shall establish by rule minimum qualifying criteria for  
505 maintenance entities. The criteria shall include training,  
506 access to approved spare parts and components, access to  
507 manufacturer's maintenance and operation manuals, and service  
508 response time. The maintenance entity shall employ a contractor  
509 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
510 a state-licensed wastewater plant operator, who is responsible  
511 for maintenance and repair of all systems under contract. The  
512 department may annually review and audit up to 25 percent of all  
513 inspection and maintenance reports submitted by such maintenance  
514 entities for performance-based treatment systems and aerobic  
515 treatment unit systems. The department may adopt rules to  
516 establish procedures for such audits.

517 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not  
518 construct, repair, modify, abandon, or operate an onsite sewage  
519 treatment and disposal system without first obtaining a permit  
520 approved by the department. The department may issue permits to  
521 carry out this section, except that the issuance of a permit for  
522 work seaward of the coastal construction control line

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523 established under s. 161.053 shall be contingent upon receipt of  
524 any required coastal construction control line permit from the  
525 department. A construction permit is valid for 18 months after  
526 the date of issuance and may be extended by the department for  
527 one 90-day period under rules adopted by the department. A  
528 repair permit is valid for 90 days after the date of issuance.  
529 When a person jointly applies for a construction permit and an  
530 operating permit for the same onsite sewage treatment and  
531 disposal system, the department shall concurrently process the  
532 operating permit with the construction permit. An operating  
533 permit must be obtained before the use of any aerobic treatment  
534 unit or engineer-designed performance-based system, or if the  
535 establishment generates commercial waste. Buildings or  
536 establishments that use an aerobic treatment unit or generate  
537 commercial waste shall be inspected by the department at least  
538 annually to ensure assure compliance with the terms of the  
539 operating permit. The operating permit for a residential or  
540 other non-commercial onsite sewage treatment and disposal system  
541 or aerobic treatment unit is valid for the lifetime of the  
542 installation; however, any subsequent change in occupancy of the  
543 property or any modification of the wastewater system requires  
544 an operating permit modification upon such change. When an  
545 onsite sewage treatment and disposal system that requires an  
546 operating permit is sold or transferred, the subsequent owner  
547 with a controlling interest shall provide written notice and  
548 proof of ownership to the department to amend the operating  
549 permit information within 60 days of such property sale or  
550 transfer commercial wastewater system is valid for 1 year after  
551 the date of issuance and must be renewed annually. The operating

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552 ~~permit for an aerobic treatment unit is valid for 2 years after~~  
553 ~~the date of issuance and must be renewed every 2 years.~~ If all  
554 information pertaining to the siting, location, and installation  
555 conditions or repair of an onsite sewage treatment and disposal  
556 system remains the same, a construction or repair permit for the  
557 onsite sewage treatment and disposal system may be transferred  
558 to another person, if the transferee files, within 60 days after  
559 the transfer of ownership, an amended application providing all  
560 corrected information and proof of ownership of the property. A  
561 fee is not associated with the processing of this supplemental  
562 information if only ownership information is updated to reflect  
563 a permit transfer for a construction, repair, or an operating  
564 permit. A person may not contract to construct, modify, alter,  
565 repair, service, abandon, or maintain any portion of an onsite  
566 sewage treatment and disposal system without being registered  
567 under part III of chapter 489. A property owner who personally  
568 performs construction, maintenance, or repairs to a system  
569 serving his or her own owner-occupied single-family residence is  
570 exempt from registration requirements for performing such  
571 construction, maintenance, or repairs on that residence, but is  
572 subject to all permitting requirements. A municipality or  
573 political subdivision of the state may not issue a building or  
574 plumbing permit for any building that requires the use of an  
575 onsite sewage treatment and disposal system unless the owner or  
576 builder has received a construction permit for such system from  
577 the department. A building or structure may not be occupied and  
578 a municipality, political subdivision, or any state or federal  
579 agency may not authorize occupancy until the department approves  
580 the final installation of the onsite sewage treatment and

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581       disposal system. A municipality or political subdivision of the  
582       state may not approve any change in occupancy or tenancy of a  
583       building that uses an onsite sewage treatment and disposal  
584       system until the department has reviewed the use of the system  
585       with the proposed change, approved the change, and amended the  
586       operating permit.

587       (a) Subdivisions and lots in which each lot has a minimum  
588       area of at least one-half acre and either a minimum dimension of  
589       100 feet or a mean of at least 100 feet of the side bordering  
590       the street and the distance formed by a line parallel to the  
591       side bordering the street drawn between the two most distant  
592       points of the remainder of the lot may be developed with a water  
593       system regulated under s. 381.0062 and onsite sewage treatment  
594       and disposal systems, provided the projected daily sewage flow  
595       does not exceed an average of 1,500 gallons per acre per day,  
596       and provided satisfactory drinking water can be obtained and all  
597       distance and setback, soil condition, water table elevation, and  
598       other related requirements of this section and rules adopted  
599       under this section can be met.

600       (b) Subdivisions and lots using a public water system as  
601       defined in s. 403.852 may use onsite sewage treatment and  
602       disposal systems, provided there are no more than four lots per  
603       acre, provided the projected daily sewage flow does not exceed  
604       an average of 2,500 gallons per acre per day, and provided that  
605       all distance and setback, soil condition, water table elevation,  
606       and other related requirements that are generally applicable to  
607       the use of onsite sewage treatment and disposal systems are met.

608       (c) Notwithstanding paragraphs (a) and (b), for  
609       subdivisions platted of record on or before October 1, 1991,

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610 when a developer or other appropriate entity has previously made  
611 or makes provisions, including financial assurances or other  
612 commitments, acceptable to the department, that a central water  
613 system will be installed by a regulated public utility based on  
614 a density formula, private potable wells may be used with onsite  
615 sewage treatment and disposal systems until the agreed-upon  
616 densities are reached. In a subdivision regulated by this  
617 paragraph, the average daily sewage flow may not exceed 2,500  
618 gallons per acre per day. This section does not affect the  
619 validity of existing prior agreements. After October 1, 1991,  
620 the exception provided under this paragraph is not available to  
621 a developer or other appropriate entity.

622 (d) Paragraphs (a) and (b) do not apply to any proposed  
623 residential subdivision with more than 50 lots or to any  
624 proposed commercial subdivision with more than 5 lots where a  
625 publicly owned or investor-owned sewage treatment system is  
626 available. This paragraph does not allow development of  
627 additional proposed subdivisions in order to evade the  
628 requirements of this paragraph.

629 (e) The department shall adopt rules relating to the  
630 location of onsite sewage treatment and disposal systems,  
631 including establishing setback distances, to prevent groundwater  
632 contamination and surface water contamination and to preserve  
633 the public health. The rules must consider conventional and  
634 enhanced nutrient-reducing onsite sewage treatment and disposal  
635 system designs, impaired or degraded water bodies, domestic  
636 wastewater and drinking water infrastructure, potable water  
637 sources, nonpotable wells, stormwater infrastructure, the onsite  
638 sewage treatment and disposal system remediation plans developed

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639 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the  
640 recommendations of the onsite sewage treatment and disposal  
641 systems technical advisory committee established pursuant to  
642 former s. 381.00652. The rules must also allow a person to apply  
643 for and receive a variance from a rule requirement upon  
644 demonstration that the requirement would cause an undue hardship  
645 and granting the variance would not cause or contribute to the  
646 exceedance of a total maximum daily load.

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

649 1. Seventy-five feet from a private potable well.

650 2. Two hundred feet from a public potable well serving a  
651 residential or nonresidential establishment having a total  
652 sewage flow of greater than 2,000 gallons per day.

653 3. One hundred feet from a public potable well serving a  
654 residential or nonresidential establishment having a total  
655 sewage flow of less than or equal to 2,000 gallons per day.

656 4. Fifty feet from any nonpotable well.

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

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

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

664 8. Fifteen feet from the design high-water line of  
665 retention areas, detention areas, or swales designed to contain  
666 standing or flowing water for less than 72 hours after a  
667 rainfall or the design high-water level of normally dry drainage

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668 ditches or normally dry individual lot stormwater retention  
669 areas.

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

674 1. Any residential lot that was platted and recorded on or  
675 after January 1, 1972, or that is part of a residential  
676 subdivision that was approved by the appropriate permitting  
677 agency on or after January 1, 1972, and that was eligible for an  
678 onsite sewage treatment and disposal system construction permit  
679 on the date of such platting and recording or approval shall be  
680 eligible for an onsite sewage treatment and disposal system  
681 construction permit, regardless of when the application for a  
682 permit is made. If rules in effect at the time the permit  
683 application is filed cannot be met, residential lots platted and  
684 recorded or approved on or after January 1, 1972, shall, to the  
685 maximum extent possible, comply with the rules in effect at the  
686 time the permit application is filed. At a minimum, however,  
687 those residential lots platted and recorded or approved on or  
688 after January 1, 1972, but before January 1, 1983, shall comply  
689 with those rules in effect on January 1, 1983, and those  
690 residential lots platted and recorded or approved on or after  
691 January 1, 1983, shall comply with those rules in effect at the  
692 time of such platting and recording or approval. In determining  
693 the maximum extent of compliance with current rules that is  
694 possible, the department shall allow structures and  
695 appurtenances thereto which were authorized at the time such  
696 lots were platted and recorded or approved.

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

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

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

706        (h)1. The department may grant variances in hardship cases  
707 which may be less restrictive than the provisions specified in  
708 this section. If a variance is granted and the onsite sewage  
709 treatment and disposal system construction permit has been  
710 issued, the variance may be transferred with the system  
711 construction permit, if the transferee files, within 60 days  
712 after the transfer of ownership, an amended construction permit  
713 application providing all corrected information and proof of  
714 ownership of the property and if the same variance would have  
715 been required for the new owner of the property as was  
716 originally granted to the original applicant for the variance. A  
717 fee is not associated with the processing of this supplemental  
718 information. A variance may not be granted under this section  
719 until the department is satisfied that:

720        a. The hardship was not caused intentionally by the action  
721 of the applicant;

722        b. A reasonable alternative, taking into consideration  
723 factors such as cost, does not exist for the treatment of the  
724 sewage; and

725        c. The discharge from the onsite sewage treatment and

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726 disposal system will not adversely affect the health of the  
727 applicant or the public or significantly degrade the groundwater  
728 or surface waters.

729

730 Where soil conditions, water table elevation, and setback  
731 provisions are determined by the department to be satisfactory,  
732 special consideration must be given to those lots platted before  
733 1972.

734 2. The department shall appoint and staff a variance review  
735 and advisory committee, which shall meet monthly to recommend  
736 agency action on variance requests. The committee shall make its  
737 recommendations on variance requests at the meeting in which the  
738 application is scheduled for consideration, except for an  
739 extraordinary change in circumstances, the receipt of new  
740 information that raises new issues, or when the applicant  
741 requests an extension. The committee shall consider the criteria  
742 in subparagraph 1. in its recommended agency action on variance  
743 requests and shall also strive to allow property owners the full  
744 use of their land where possible.

745 a. The committee is composed of the following:

746 (I) The Secretary of Environmental Protection or his or her  
747 designee.

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

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

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

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

754 (VI) A representative from the real estate industry who is

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755 also a developer in this state who develops lots using onsite  
756 sewage treatment and disposal systems, recommended by the  
757 Florida Association of Realtors.

758 (VII) A representative from the engineering profession  
759 recommended by the Florida Engineering Society.

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

765 3. The variance review and advisory committee is not  
766 responsible for reviewing water well permitting. However, the  
767 committee shall consider all requirements of law related to  
768 onsite sewage treatment and disposal systems when making  
769 recommendations on variance requests for onsite sewage treatment  
770 and disposal system permits.

771 (i) A construction permit may not be issued for an onsite  
772 sewage treatment and disposal system in any area zoned or used  
773 for industrial or manufacturing purposes, or its equivalent,  
774 where a publicly owned or investor-owned sewage treatment system  
775 is available, or where a likelihood exists that the system will  
776 receive toxic, hazardous, or industrial waste. An existing  
777 onsite sewage treatment and disposal system may be repaired if a  
778 publicly owned or investor-owned sewage treatment system is not  
779 available within 500 feet of the building sewer stub-out and if  
780 system construction and operation standards can be met. This  
781 paragraph does not require publicly owned or investor-owned  
782 sewage treatment systems to accept anything other than domestic  
783 wastewater.

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784        1. A building located in an area zoned or used for  
785 industrial or manufacturing purposes, or its equivalent, when  
786 such building is served by an onsite sewage treatment and  
787 disposal system, must not be occupied until the owner or tenant  
788 has obtained written approval from the department. The  
789 department may not grant approval when the proposed use of the  
790 system is to dispose of toxic, hazardous, or industrial  
791 wastewater or toxic or hazardous chemicals.

792        2. Each person who owns or operates a business or facility  
793 in an area zoned or used for industrial or manufacturing  
794 purposes, or its equivalent, or who owns or operates a business  
795 that has the potential to generate toxic, hazardous, or  
796 industrial wastewater or toxic or hazardous chemicals, and uses  
797 an onsite sewage treatment and disposal system that is installed  
798 on or after July 5, 1989, must obtain an annual system operating  
799 permit from the department. A person who owns or operates a  
800 business that uses an onsite sewage treatment and disposal  
801 system that was installed and approved before July 5, 1989, does  
802 not need to obtain a system operating permit. However, upon  
803 change of ownership or tenancy, the new owner or operator must  
804 notify the department of the change, and the new owner or  
805 operator must obtain an annual system operating permit,  
806 regardless of the date that the system was installed or  
807 approved.

808        3. The department shall periodically review and evaluate  
809 the continued use of onsite sewage treatment and disposal  
810 systems in areas zoned or used for industrial or manufacturing  
811 purposes, or its equivalent, and may require the collection and  
812 analyses of samples from within and around such systems. If the

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813 department finds that toxic or hazardous chemicals or toxic,  
814 hazardous, or industrial wastewater have been or are being  
815 disposed of through an onsite sewage treatment and disposal  
816 system, the department shall initiate enforcement actions  
817 against the owner or tenant to ensure adequate cleanup,  
818 treatment, and disposal.

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

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

836 2. A person electing to use an engineer-designed system  
837 shall, upon completion of the system design, submit such design,  
838 certified by a registered professional engineer, to the county  
839 health department. The county health department may use an  
840 outside consultant to review the engineer-designed system, with  
841 the actual cost of such review to be borne by the applicant.

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842 Within 5 working days after receiving an engineer-designed  
843 system permit application, the county health department shall  
844 request additional information if the application is not  
845 complete. Within 15 working days after receiving a complete  
846 application for an engineer-designed system, the county health  
847 department shall issue the permit or, if it determines that the  
848 system does not comply with the performance criteria, shall  
849 notify the applicant of that determination and refer the  
850 application to the department for a determination as to whether  
851 the system should be approved, disapproved, or approved with  
852 modification. The department engineer's determination shall  
853 prevail over the action of the county health department. The  
854 applicant shall be notified in writing of the department's  
855 determination and of the applicant's rights to pursue a variance  
856 or seek review under the provisions of chapter 120.

857 3. The owner of an engineer-designed performance-based  
858 system must maintain a current maintenance service agreement  
859 with a maintenance entity permitted by the department. The  
860 maintenance entity shall inspect each system at least twice each  
861 year and shall submit an inspection report to the department  
862 ~~each time the system is inspected which states report quarterly~~  
863 ~~to the department on~~ the number of systems inspected and  
864 serviced. The reports may be submitted electronically, and the  
865 fee for such submittals may not exceed an inflation-adjusted  
866 cost that would have otherwise been required for biennial  
867 operating permit renewals prior to July 1, 2026.

868 4. The property owner of an owner-occupied, single-family  
869 residence may be approved and permitted by the department as a  
870 maintenance entity for his or her own performance-based

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871 treatment system upon written certification from the system  
872 manufacturer's approved representative that the property owner  
873 has received training on the proper installation and service of  
874 the system. The maintenance service agreement must conspicuously  
875 disclose that the property owner has the right to maintain his  
876 or her own system and is exempt from contractor registration  
877 requirements for performing construction, maintenance, or  
878 repairs on the system but is subject to all permitting  
879 requirements.

880 5. ~~The property owner shall obtain a biennial system~~  
881 ~~operating permit from the department for each system.~~ The  
882 department may ~~shall~~ inspect the system at least annually, or on  
883 such periodic basis as the fee collected permits, and may  
884 collect system-effluent samples if appropriate to determine  
885 compliance with the performance criteria. The fee for the  
886 biennial operating permit must ~~shall~~ be collected beginning with  
887 the second year of system operation.

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

892 (k) An innovative system may be approved in conjunction  
893 with an engineer-designed site-specific system that is certified  
894 by the engineer to meet the performance-based criteria adopted  
895 by the department.

896 (l) For the Florida Keys, the department shall adopt a  
897 special rule for the construction, installation, modification,  
898 operation, repair, maintenance, and performance of onsite sewage  
899 treatment and disposal systems which considers the unique soil

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900 conditions and water table elevations, densities, and setback  
901 requirements. On lots where a setback distance of 75 feet from  
902 surface waters, saltmarsh, and buttonwood association habitat  
903 areas cannot be met, an injection well, approved and permitted  
904 by the department, may be used for disposal of effluent from  
905 onsite sewage treatment and disposal systems. The following  
906 additional requirements apply to onsite sewage treatment and  
907 disposal systems in Monroe County:

908 1. The county, each municipality, and those special  
909 districts established for the purpose of the collection,  
910 transmission, treatment, or disposal of sewage shall ensure, in  
911 accordance with the specific schedules adopted by the  
912 Administration Commission under s. 380.0552, the completion of  
913 onsite sewage treatment and disposal system upgrades to meet the  
914 requirements of this paragraph.

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

920 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
921 b. Suspended Solids of 10 mg/l.

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

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

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

932 3. In areas not scheduled to be served by a central  
933 sewerage system, onsite sewage treatment and disposal systems  
934 must, by December 31, 2015, comply with department rules and  
935 provide the level of treatment described in subparagraph 2.

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

942 a. The existing tanks must be pumped and inspected and  
943 certified as being watertight and free of defects in accordance  
944 with department rule; and

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

947 5. Onsite sewage treatment and disposal systems must be  
948 monitored for total nitrogen and total phosphorus concentrations  
949 as required by department rule.

950 6. The department shall enforce proper installation,  
951 operation, and maintenance of onsite sewage treatment and  
952 disposal systems pursuant to this chapter, including ensuring  
953 that the appropriate level of treatment described in  
954 subparagraph 2. is met.

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

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958 Florida.

959       8. Notwithstanding any other law, an onsite sewage  
960 treatment and disposal system installed after July 1, 2010, in  
961 unincorporated Monroe County, excluding special wastewater  
962 districts, that complies with the standards in subparagraph 2.  
963 is not required to connect to a central sewerage system until  
964 December 31, 2020.

965       (m) A product sold in the state for use in onsite sewage  
966 treatment and disposal systems may not contain any substance in  
967 concentrations or amounts that would interfere with or prevent  
968 the successful operation of such system, or that would cause  
969 discharges from such systems to violate applicable water quality  
970 standards. The department shall publish criteria for products  
971 known or expected to meet the conditions of this paragraph. If a  
972 product does not meet such criteria, such product may be sold if  
973 the manufacturer satisfactorily demonstrates to the department  
974 that the conditions of this paragraph are met.

975       (n) Evaluations for determining the seasonal high-water  
976 table elevations or the suitability of soils for the use of a  
977 new onsite sewage treatment and disposal system shall be  
978 performed by department personnel, professional engineers  
979 registered in the state, or such other persons with expertise,  
980 as defined by rule, in making such evaluations. Evaluations for  
981 determining mean annual flood lines shall be performed by those  
982 persons identified in paragraph (2)(1). The department shall  
983 accept evaluations submitted by professional engineers and such  
984 other persons as meet the expertise established by this section  
985 or by rule unless the department has a reasonable scientific  
986 basis for questioning the accuracy or completeness of the

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987 evaluation.

988 (o) An application for an onsite sewage treatment and  
989 disposal system permit shall be completed in full, signed by the  
990 owner or the owner's authorized representative, or by a  
991 contractor licensed under chapter 489, and shall be accompanied  
992 by all required exhibits and fees. Specific documentation of  
993 property ownership is not required as a prerequisite to the  
994 review of an application or the issuance of a permit. The  
995 issuance of a permit does not constitute determination by the  
996 department of property ownership.997 (p) The department may not require any form of subdivision  
998 analysis of property by an owner, developer, or subdivider  
999 before submission of an application for an onsite sewage  
1000 treatment and disposal system.1001 (q) This section does not limit the power of a municipality  
1002 or county to enforce other laws for the protection of the public  
1003 health and safety.1004 (r) In the siting of onsite sewage treatment and disposal  
1005 systems, including drainfields, shoulders, and slopes, guttering  
1006 may not be required on single-family residential dwelling units  
1007 for systems located greater than 5 feet from the roof drip line  
1008 of the house. If guttering is used on residential dwelling  
1009 units, the downspouts shall be directed away from the  
1010 drainfield.1011 (s) Notwithstanding subparagraph (g)1., onsite sewage  
1012 treatment and disposal systems located in floodways of the  
1013 Suwannee and Aucilla Rivers must adhere to the following  
1014 requirements:

1015 1. The absorption surface of the drainfield may not be

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1016 subject to flooding based on 10-year flood elevations. Provided,  
1017 however, for lots or parcels created by the subdivision of land  
1018 in accordance with applicable local government regulations  
1019 before January 17, 1990, if an applicant cannot construct a  
1020 drainfield system with the absorption surface of the drainfield  
1021 at an elevation equal to or above 10-year flood elevation, the  
1022 department shall issue a permit for an onsite sewage treatment  
1023 and disposal system within the 10-year floodplain of rivers,  
1024 streams, and other bodies of flowing water if all of the  
1025 following criteria are met:

1026 a. The lot is at least one-half acre in size;

1027 b. The bottom of the drainfield is at least 36 inches above  
1028 the 2-year flood elevation; and

1029 c. The applicant installs a waterless, incinerating, or  
1030 organic waste composting toilet and a graywater system and  
1031 drainfield in accordance with department rules; an aerobic  
1032 treatment unit and drainfield in accordance with department  
1033 rules; a system that is capable of reducing effluent nitrate by  
1034 at least 50 percent in accordance with department rules; or a  
1035 system other than a system using alternative drainfield  
1036 materials in accordance with department rules. The United States  
1037 Department of Agriculture Soil Conservation Service soil maps,  
1038 State of Florida Water Management District data, and Federal  
1039 Emergency Management Agency Flood Insurance maps are resources  
1040 that shall be used to identify flood-prone areas.

1041 2. The use of fill or mounding to elevate a drainfield  
1042 system out of the 10-year floodplain of rivers, streams, or  
1043 other bodies of flowing water may not be permitted if such a  
1044 system lies within a regulatory floodway of the Suwannee and

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1045 Aucilla Rivers. In cases where the 10-year flood elevation does  
1046 not coincide with the boundaries of the regulatory floodway, the  
1047 regulatory floodway will be considered for the purposes of this  
1048 subsection to extend at a minimum to the 10-year flood  
1049 elevation.

1050 (t)1. The owner of an aerobic treatment unit system shall  
1051 maintain a current maintenance service agreement with an aerobic  
1052 treatment unit maintenance entity permitted by the department.  
1053 The maintenance entity shall inspect each aerobic treatment unit  
1054 system at least twice each year and shall submit an inspection  
1055 report to the department each time the system is inspected  
1056 ~~stating report quarterly to the department on~~ the number of  
1057 aerobic treatment unit systems inspected and serviced. The  
1058 reports may be submitted electronically, and the fee for such  
1059 submittals may not exceed an inflation-adjusted cost that would  
1060 have otherwise been required for biennial operating permit  
1061 renewals prior to July 1, 2026.

1062 2. The property owner of an owner-occupied, single-family  
1063 residence may be approved and permitted by the department as a  
1064 maintenance entity for his or her own aerobic treatment unit  
1065 system upon written certification from the system manufacturer's  
1066 approved representative that the property owner has received  
1067 training on the proper installation and service of the system.  
1068 The maintenance entity service agreement must conspicuously  
1069 disclose that the property owner has the right to maintain his  
1070 or her own system and is exempt from contractor registration  
1071 requirements for performing construction, maintenance, or  
1072 repairs on the system but is subject to all permitting  
1073 requirements.

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1074       3. A septic tank contractor licensed under part III of  
1075 chapter 489, if approved by the manufacturer, may not be denied  
1076 access by the manufacturer to aerobic treatment unit system  
1077 training or spare parts for maintenance entities. After the  
1078 original warranty period, component parts for an aerobic  
1079 treatment unit system may be replaced with parts that meet  
1080 manufacturer's specifications but are manufactured by others.  
1081 The maintenance entity shall maintain documentation of the  
1082 substitute part's equivalency for 2 years and shall provide such  
1083 documentation to the department upon request.

1084       4. The owner of an aerobic treatment unit system shall  
1085 obtain a system operating permit from the department and allow  
1086 the department to inspect during reasonable hours each aerobic  
1087 treatment unit system at least annually, and such inspection may  
1088 include collection and analysis of system-effluent samples for  
1089 performance criteria established by rule of the department.

1090       (u) The department may require the submission of detailed  
1091 system construction plans that are prepared by a professional  
1092 engineer registered in this state. The department shall  
1093 establish by rule criteria for determining when such a  
1094 submission is required.

1095       (v) Any permit issued and approved by the department for  
1096 the installation, modification, or repair of an onsite sewage  
1097 treatment and disposal system transfers shall transfer with the  
1098 title to the property in a real estate transaction. For any such  
1099 transfer of title to a property that has an onsite sewage  
1100 treatment and disposal system that has not been abandoned in  
1101 accordance with the section, or which is subject to a permit for  
1102 the installation, modification, repair, or operation of such a

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1103 system, the real estate transaction is subject to the following  
1104 requirements:

1105       1. A title may not be encumbered at the time of transfer by  
1106 new permit requirements by a governmental entity for an onsite  
1107 sewage treatment and disposal system which differ from the  
1108 permitting requirements in effect at the time the system was  
1109 permitted, modified, or repaired.

1110       2. An inspection of a system may not be mandated by a  
1111 governmental entity at the point of sale in a real estate  
1112 transaction.

1113       3. At or before the time of such real estate transaction,  
1114 the following notifications must be provided to the persons  
1115 receiving ownership of the property:

1116       a. A disclosure statement clearly identifying that the  
1117 property is subject to regulations for an onsite sewage  
1118 treatment and disposal system;

1119       b. Information indicating the nature and location of any  
1120 existing onsite sewage treatment and disposal system components;

1121       c. If applicable, a statement that the property is subject  
1122 to an onsite sewage treatment and disposal system operating  
1123 permit and that one or more of the persons receiving a  
1124 controlling interest in the property are required pursuant to  
1125 this subsection to provide written notice and proof of ownership  
1126 to update the operating permit information within 60 days of  
1127 such real estate transaction; and

1128       d. A copy of any valid permit for the installation,  
1129 modification, repair, or operation of an onsite sewage treatment  
1130 and disposal system which will transfer pursuant to this  
1131 paragraph.

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1132

1133 This paragraph does not affect a septic tank phase-out deferral  
1134 program implemented by a consolidated government as defined in  
1135 s. 9, Art. VIII of the State Constitution of 1885.

1136 (w) A governmental entity, including a municipality,  
1137 county, or statutorily created commission, may not require an  
1138 engineer-designed performance-based treatment system, excluding  
1139 a passive engineer-designed performance-based treatment system,  
1140 before the completion of the Florida Onsite Sewage Nitrogen  
1141 Reduction Strategies Project. This paragraph does not apply to a  
1142 governmental entity, including a municipality, county, or  
1143 statutorily created commission, which adopted a local law,  
1144 ordinance, or regulation on or before January 31, 2012.  
1145 Notwithstanding this paragraph, an engineer-designed  
1146 performance-based treatment system may be used to meet the  
1147 requirements of the variance review and advisory committee  
1148 recommendations.

1149 (x)1. An onsite sewage treatment and disposal system is not  
1150 considered abandoned if the system is disconnected from a  
1151 structure that was made unusable or destroyed following a  
1152 disaster and if the system was properly functioning at the time  
1153 of disconnection and was not adversely affected by the disaster.  
1154 The onsite sewage treatment and disposal system may be  
1155 reconnected to a rebuilt structure if:

1156 a. The reconnection of the system is to the same type of  
1157 structure which contains the same number of bedrooms or fewer,  
1158 if the square footage of the structure is less than or equal to  
1159 110 percent of the original square footage of the structure that  
1160 existed before the disaster;

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1161                   b. The system is not a sanitary nuisance; and  
1162                   c. The system has not been altered without prior  
1163 authorization.

1164               2. An onsite sewage treatment and disposal system that  
1165 serves a property that is foreclosed upon is not considered  
1166 abandoned.

1167               (y) If an onsite sewage treatment and disposal system  
1168 permittee receives, relies upon, and undertakes construction of  
1169 a system based upon a validly issued construction permit under  
1170 rules applicable at the time of construction but a change to a  
1171 rule occurs within 5 years after the approval of the system for  
1172 construction but before the final approval of the system, the  
1173 rules applicable and in effect at the time of construction  
1174 approval apply at the time of final approval if fundamental site  
1175 conditions have not changed between the time of construction  
1176 approval and final approval.

1177               (z) An existing-system inspection or evaluation and  
1178 assessment, or a modification, replacement, or upgrade of an  
1179 onsite sewage treatment and disposal system is not required for  
1180 a remodeling addition or modification to a single-family home if  
1181 a bedroom is not added. However, a remodeling addition or  
1182 modification to a single-family home may not cover any part of  
1183 the existing system or encroach upon a required setback or the  
1184 unobstructed area. To determine if a setback or the unobstructed  
1185 area is impacted, the local health department shall review and  
1186 verify a floor plan and site plan of the proposed remodeling  
1187 addition or modification to the home submitted by a remodeler  
1188 which shows the location of the system, including the distance  
1189 of the remodeling addition or modification to the home from the

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1190 onsite sewage treatment and disposal system. The local health  
1191 department may visit the site or otherwise determine the best  
1192 means of verifying the information submitted. A verification of  
1193 the location of a system is not an inspection or evaluation and  
1194 assessment of the system. The review and verification must be  
1195 completed within 7 business days after receipt by the local  
1196 health department of a floor plan and site plan. If the review  
1197 and verification is not completed within such time, the  
1198 remodeling addition or modification to the single-family home,  
1199 for the purposes of this paragraph, is approved.

1200 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE  
1201 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a  
1202 total maximum daily load, the department shall implement a fast-  
1203 track approval process of no longer than 6 months for the  
1204 determination of the use of American National Standards  
1205 Institute 245 systems approved by NSF International before July  
1206 1, 2020. The department shall also establish an enhanced  
1207 nutrient-reducing onsite sewage treatment and disposal system  
1208 approval program that will expeditiously evaluate and approve  
1209 such systems for use in this state to comply with ss.  
1210 403.067(7)(a)10. and 373.469(3)(d).

1211 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may  
1212 contract with or delegate its powers and duties under this  
1213 section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

1214 Section 15. Paragraph (c) of subsection (6) and paragraph  
1215 (a) of subsection (7) of section 403.067, Florida Statutes, are  
1216 amended to read:

1217 403.067 Establishment and implementation of total maximum  
1218 daily loads.—

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## 1219 (6) CALCULATION AND ALLOCATION.—

1220 (c) Adoption of rules. The total maximum daily load  
1221 calculations and allocations established under this subsection  
1222 for each water body or water body segment shall be adopted by  
1223 rule by the secretary pursuant to ss. 120.536(1), 120.54, and  
1224 403.805. Where additional data collection and analysis are  
1225 needed to increase the scientific precision and accuracy of the  
1226 total maximum daily load, the department is authorized to adopt  
1227 phased total maximum daily loads that are subject to change as  
1228 additional data becomes available. Where phased total maximum  
1229 daily loads are proposed, the department shall, in the detailed  
1230 statement of facts and circumstances justifying the rule,  
1231 explain why the data are inadequate so as to justify a phased  
1232 total maximum daily load. The rules adopted pursuant to this  
1233 paragraph are not ~~subject to approval by the Environmental~~  
1234 ~~Regulation Commission and are not subject to the provisions of~~  
1235 s. 120.541(3). As part of the rule development process, the  
1236 department shall hold at least one public workshop in the  
1237 vicinity of the water body or water body segment for which the  
1238 total maximum daily load is being developed. Notice of the  
1239 public workshop shall be published not less than 5 days nor more  
1240 than 15 days before the public workshop in a newspaper of  
1241 general circulation in the county or counties containing the  
1242 water bodies or water body segments for which the total maximum  
1243 daily load calculation and allocation are being developed.

1244 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
1245 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—1246 (a) *Basin management action plans.*—

1247 1. In developing and implementing the total maximum daily

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1248 load for a waterbody, the department, or the department in  
1249 conjunction with a water management district, may develop a  
1250 basin management action plan that addresses some or all of the  
1251 watersheds and basins tributary to the waterbody. Such plan must  
1252 integrate the appropriate management strategies available to the  
1253 state through existing water quality protection programs to  
1254 achieve the total maximum daily loads and may provide for phased  
1255 implementation of these management strategies to promote timely,  
1256 cost-effective actions as provided for in s. 403.151. The plan  
1257 must establish a schedule implementing the management  
1258 strategies, establish a basis for evaluating the plan's  
1259 effectiveness, and identify feasible funding strategies for  
1260 implementing the plan's management strategies. The management  
1261 strategies may include regional treatment systems or other  
1262 public works, when appropriate, and voluntary trading of water  
1263 quality credits to achieve the needed pollutant load reductions.

1264 2. A basin management action plan must equitably allocate,  
1265 pursuant to paragraph (6)(b), pollutant reductions to individual  
1266 basins, as a whole to all basins, or to each identified point  
1267 source or category of nonpoint sources, as appropriate. For  
1268 nonpoint sources for which best management practices have been  
1269 adopted, the initial requirement specified by the plan must be  
1270 those practices developed pursuant to paragraph (c). When  
1271 appropriate, the plan may take into account the benefits of  
1272 pollutant load reduction achieved by point or nonpoint sources  
1273 that have implemented management strategies to reduce pollutant  
1274 loads, including best management practices, before the  
1275 development of the basin management action plan. The plan must  
1276 also identify the mechanisms that will address potential future

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1277 increases in pollutant loading.

1278       3. The basin management action planning process is intended  
1279 to involve the broadest possible range of interested parties,  
1280 with the objective of encouraging the greatest amount of  
1281 cooperation and consensus possible. In developing a basin  
1282 management action plan, the department shall assure that key  
1283 stakeholders, including, but not limited to, applicable local  
1284 governments, water management districts, the Department of  
1285 Agriculture and Consumer Services, other appropriate state  
1286 agencies, local soil and water conservation districts,  
1287 environmental groups, regulated interests, and affected  
1288 pollution sources, are invited to participate in the process.  
1289 The department shall hold at least one public meeting in the  
1290 vicinity of the watershed or basin to discuss and receive  
1291 comments during the planning process and shall otherwise  
1292 encourage public participation to the greatest practicable  
1293 extent. Notice of the public meeting must be published in a  
1294 newspaper of general circulation in each county in which the  
1295 watershed or basin lies at least 5 days, but not more than 15  
1296 days, before the public meeting. A basin management action plan  
1297 does not supplant or otherwise alter any assessment made under  
1298 subsection (3) or subsection (4) or any calculation or initial  
1299 allocation.

1300       4. Each new or revised basin management action plan must  
1301 include all of the following:

1302        a. The appropriate management strategies available through  
1303 existing water quality protection programs to achieve total  
1304 maximum daily loads, which may provide for phased implementation  
1305 to promote timely, cost-effective actions as provided for in s.

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1306 403.151.

1307       b. A description of best management practices adopted by  
1308 rule.

1309       c. For the applicable 5-year implementation milestone, a  
1310 list of projects that will achieve the pollutant load reductions  
1311 needed to meet the total maximum daily load or the load  
1312 allocations established pursuant to subsection (6). Each project  
1313 must include a planning-level cost estimate and an estimated  
1314 date of completion.

1315       d. A list of projects developed pursuant to paragraph (e),  
1316 if applicable.

1317       e. The source and amount of financial assistance to be made  
1318 available by the department, a water management district, or  
1319 other entity for each listed project, if applicable.

1320       f. A planning-level estimate of each listed project's  
1321 expected load reduction, if applicable.

1322       5. The department shall adopt all or any part of a basin  
1323 management action plan and any amendment to such plan by  
1324 secretarial order pursuant to chapter 120 to implement this  
1325 section. A basin management action plan and any amendment to  
1326 such plan become effective 60 days after the date the  
1327 secretarial order is filed.

1328       6. The basin management action plan must include 5-year  
1329 milestones for implementation and water quality improvement, and  
1330 an associated water quality monitoring component sufficient to  
1331 evaluate whether reasonable progress in pollutant load  
1332 reductions is being achieved over time. An assessment of  
1333 progress toward these milestones shall be conducted every 5  
1334 years, and revisions to the plan shall be made as appropriate.

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1335 Any entity with a specific pollutant load reduction requirement  
1336 established in a basin management action plan shall identify the  
1337 projects or strategies that such entity will undertake to meet  
1338 current 5-year pollution reduction milestones, beginning with  
1339 the first 5-year milestone for new basin management action  
1340 plans, and submit such projects to the department for inclusion  
1341 in the appropriate basin management action plan. Each project  
1342 identified must include an estimated amount of nutrient  
1343 reduction that is reasonably expected to be achieved based on  
1344 the best scientific information available. Revisions to the  
1345 basin management action plan shall be made by the department in  
1346 cooperation with basin stakeholders. Revisions to the management  
1347 strategies required for nonpoint sources must follow the  
1348 procedures in subparagraph (c)4. Revised basin management action  
1349 plans must be adopted pursuant to subparagraph 5.

1350 7. In accordance with procedures adopted by rule under  
1351 paragraph (9)(c), basin management action plans, and other  
1352 pollution control programs under local, state, or federal  
1353 authority as provided in subsection (4), may allow point or  
1354 nonpoint sources that will achieve greater pollutant reductions  
1355 than required by an adopted total maximum daily load or  
1356 wasteload allocation to generate, register, and trade water  
1357 quality credits for the excess reductions to enable other  
1358 sources to achieve their allocation; however, the generation of  
1359 water quality credits does not remove the obligation of a source  
1360 or activity to meet applicable technology requirements or  
1361 adopted best management practices. Such plans must allow trading  
1362 between NPDES permittees, and trading that may or may not  
1363 involve NPDES permittees, where the generation or use of the

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1364 credits involve an entity or activity not subject to department  
1365 water discharge permits whose owner voluntarily elects to obtain  
1366 department authorization for the generation and sale of credits.

1367 8. The department's rule relating to the equitable  
1368 abatement of pollutants into surface waters do not apply to  
1369 water bodies or waterbody segments for which a basin management  
1370 plan that takes into account future new or expanded activities  
1371 or discharges has been adopted under this section.

1372 9. In order to promote resilient wastewater utilities, if  
1373 the department identifies domestic wastewater treatment  
1374 facilities or onsite sewage treatment and disposal systems as  
1375 contributors of at least 20 percent of point source or nonpoint  
1376 source nutrient pollution or if the department determines  
1377 remediation is necessary to achieve the total maximum daily  
1378 load, a basin management action plan for a nutrient total  
1379 maximum daily load must include the following:

1380 a. A domestic wastewater treatment plan developed by each  
1381 local government, in cooperation with the department, the water  
1382 management district, and the public and private domestic  
1383 wastewater treatment facilities providing services or located  
1384 within the jurisdiction of the local government, which addresses  
1385 domestic wastewater. Private domestic wastewater facilities and  
1386 special districts providing domestic wastewater services must  
1387 provide the required wastewater facility information to the  
1388 applicable local governments. The domestic wastewater treatment  
1389 plan must:

1390 (I) Provide for construction, expansion, or upgrades  
1391 necessary to achieve the total maximum daily load requirements  
1392 applicable to the domestic wastewater treatment facility.

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1393 (II) Include the permitted capacity in average annual  
1394 gallons per day for the domestic wastewater treatment facility;  
1395 the average nutrient concentration and the estimated average  
1396 nutrient load of the domestic wastewater; a projected timeline  
1397 of the dates by which the construction of any facility  
1398 improvements will begin and be completed and the date by which  
1399 operations of the improved facility will begin; the estimated  
1400 cost of the improvements; and the identity of responsible  
1401 parties.

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

1415           b. An onsite sewage treatment and disposal system  
1416 remediation plan developed by each local government in  
1417 cooperation with the department, the Department of Health, water  
1418 management districts, and public and private domestic wastewater  
1419 treatment facilities.

1420 (I) The onsite sewage treatment and disposal system  
1421 remediation plan must identify cost-effective and financially

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1422 feasible projects necessary to achieve the nutrient load  
1423 reductions required for onsite sewage treatment and disposal  
1424 systems. To identify cost-effective and financially feasible  
1425 projects for remediation of onsite sewage treatment and disposal  
1426 systems, the local government shall:

1427 (A) Include an inventory of onsite sewage treatment and  
1428 disposal systems based on the best information available;

1429 (B) Identify onsite sewage treatment and disposal systems  
1430 that would be eliminated through connection to existing or  
1431 future central domestic wastewater infrastructure in the  
1432 jurisdiction or domestic wastewater service area of the local  
1433 government, that would be replaced with or upgraded to enhanced  
1434 nutrient-reducing onsite sewage treatment and disposal systems,  
1435 or that would remain on conventional onsite sewage treatment and  
1436 disposal systems;

1437 (C) Estimate the costs of potential onsite sewage treatment  
1438 and disposal system connections, upgrades, or replacements; and

1439 (D) Identify deadlines and interim milestones for the  
1440 planning, design, and construction of projects.

1441 (II) The department shall adopt the onsite sewage treatment  
1442 and disposal system remediation plan as part of the basin  
1443 management action plan no later than July 1, 2025, or as  
1444 required for Outstanding Florida Springs under s. 373.807.

1445 10. The following activities are prohibited within a basin  
1446 management action plan adopted under this section, a reasonable  
1447 assurance plan, or a pollution reduction plan:

1448 a. The installation of new onsite sewage treatment and  
1449 disposal systems ~~constructed within a basin management action~~  
1450 ~~plan area adopted under this section, a reasonable assurance~~

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1451 ~~plan, or a pollution reduction plan is prohibited where~~  
1452 ~~connection to a publicly owned or investor-owned sewerage system~~  
1453 ~~is available as defined in s. 381.0065(2)(a). On lots of 1 acre~~  
1454 ~~or less within a basin management action plan adopted under this~~  
1455 ~~section, a reasonable assurance plan, or a pollution reduction~~  
1456 ~~plan where a publicly owned or investor-owned sewerage system is~~  
1457 ~~not available, the installation of enhanced nutrient-reducing~~  
1458 ~~onsite sewage treatment and disposal systems, distributed~~  
1459 ~~wastewater treatment systems as defined in s. 403.814(13), or~~  
1460 ~~other wastewater treatment systems that achieve at least 65~~  
1461 ~~percent nitrogen reduction is required.~~

1462 b. The construction or installation of new domestic  
1463 wastewater disposal facilities, including rapid infiltration  
1464 basins, with permitted capacities of 100,000 or more gallons per  
1465 day, except for those facilities that meet an advanced  
1466 wastewater treatment standard of no more than 3 mg/l total  
1467 nitrogen and 1 mg/l total phosphorus on an annual permitted  
1468 basis, or a more stringent treatment standard if the department  
1469 determines the more stringent standard is necessary to attain a  
1470 total maximum daily load.

1471 c. The construction or installation of new facilities for  
1472 the disposal of hazardous waste.

1473 11. When identifying wastewater projects in a basin  
1474 management action plan, the department may not require the  
1475 higher cost option if it achieves the same nutrient load  
1476 reduction as a lower cost option. A regulated entity may choose  
1477 a different cost option if it complies with the pollutant  
1478 reduction requirements of an adopted total maximum daily load  
1479 and meets or exceeds the pollution reduction requirement of the

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1480 original project.

1481       12. Annually, local governments subject to a basin  
1482 management action plan or located within the basin of a  
1483 waterbody not attaining nutrient or nutrient-related standards  
1484 must provide to the department an update on the status of  
1485 construction of sanitary sewers to serve such areas, in a manner  
1486 prescribed by the department.

1487       Section 16. Paragraph (e) of subsection (1) of section  
1488 403.0671, Florida Statutes, is amended to read:

1489       403.0671 Basin management action plan wastewater reports.—

1490       (1) By July 1, 2021, the department, in coordination with  
1491 the county health departments, wastewater treatment facilities,  
1492 and other governmental entities, shall submit a report to the  
1493 Governor, the President of the Senate, and the Speaker of the  
1494 House of Representatives evaluating the costs of wastewater  
1495 projects identified in the basin management action plans  
1496 developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
1497 sewage treatment and disposal system remediation plans and other  
1498 restoration plans developed to meet the total maximum daily  
1499 loads required under s. 403.067. The report must include all of  
1500 the following:

1501       (e) The projected costs of installing enhanced nutrient-  
1502 reducing onsite sewage treatment and disposal systems on  
1503 buildable lots in priority focus areas ~~to comply with s.~~  
1504 ~~373.811.~~

1505       Section 17. Subsection (11) of section 403.0872, Florida  
1506 Statutes, is amended to read:

1507       403.0872 Operation permits for major sources of air  
1508 pollution; annual operation license fee.—Provided that program

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1509 approval pursuant to 42 U.S.C. s. 7661a has been received from  
1510 the United States Environmental Protection Agency, beginning  
1511 January 2, 1995, each major source of air pollution, including  
1512 electrical power plants certified under s. 403.511, must obtain  
1513 from the department an operation permit for a major source of  
1514 air pollution under this section. This operation permit is the  
1515 only department operation permit for a major source of air  
1516 pollution required for such source; provided, at the applicant's  
1517 request, the department shall issue a separate acid rain permit  
1518 for a major source of air pollution that is an affected source  
1519 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
1520 for major sources of air pollution, except general permits  
1521 issued pursuant to s. 403.814, must be issued in accordance with  
1522 the procedures contained in this section and in accordance with  
1523 chapter 120; however, to the extent that chapter 120 is  
1524 inconsistent with this section, the procedures contained in this  
1525 section prevail.

1526 (11) Each major source of air pollution permitted to  
1527 operate in this state must pay by June 30 ~~between January 15 and~~  
1528 ~~April 1~~ of each year, upon written notice from the department,  
1529 an annual operation license fee in an amount determined by  
1530 department rule. The annual operation license fee shall be  
1531 terminated immediately in the event the United States  
1532 Environmental Protection Agency imposes annual fees solely to  
1533 implement and administer the major source air-operation permit  
1534 program in Florida under 40 C.F.R. s. 70.10(d).

1535 (a) The annual fee must be assessed based upon the source's  
1536 previous year's emissions and must be calculated by multiplying  
1537 the applicable annual operation license fee factor times the

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1538 tons of each regulated air pollutant actually emitted, as  
1539 calculated in accordance with the department's emissions  
1540 computation and reporting rules. The annual fee shall only apply  
1541 to those regulated pollutants, except carbon monoxide and  
1542 greenhouse gases, for which an allowable numeric emission  
1543 limiting standard is specified in the source's most recent  
1544 construction or operation permit; provided, however, that:

1545 1. The license fee factor is \$25 or another amount  
1546 determined by department rule which ensures that the revenue  
1547 provided by each year's operation license fees is sufficient to  
1548 cover all reasonable direct and indirect costs of the major  
1549 stationary source air-operation permit program established by  
1550 this section. The license fee factor may be increased beyond \$25  
1551 only if the secretary of the department affirmatively finds that  
1552 a shortage of revenue for support of the major stationary source  
1553 air-operation permit program will occur in the absence of a fee  
1554 factor adjustment. The annual license fee factor may never  
1555 exceed \$35.

1556 2. The amount of each regulated air pollutant in excess of  
1557 4,000 tons per year emitted by any source, or group of sources  
1558 belonging to the same Major Group as described in the Standard  
1559 Industrial Classification Manual, 1987, may not be included in  
1560 the calculation of the fee. Any source, or group of sources,  
1561 which does not emit any regulated air pollutant in excess of  
1562 4,000 tons per year, is allowed a one-time credit not to exceed  
1563 25 percent of the first annual licensing fee for the prorated  
1564 portion of existing air-operation permit application fees  
1565 remaining upon commencement of the annual licensing fees.

1566 3. If the department has not received the fee by ~~March 1 of~~

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1567 the calendar year, the permittee must be sent a written warning  
1568 of the consequences for failing to pay the fee by April 1. If  
1569 the fee is not postmarked by June 30 April 1 of the calendar  
1570 year, the department shall impose, in addition to the fee, a  
1571 penalty of 50 percent of the amount of the fee, plus interest on  
1572 such amount computed in accordance with s. 220.807. The  
1573 department may not impose such penalty or interest on any amount  
1574 underpaid, provided that the permittee has timely remitted  
1575 payment of at least 90 percent of the amount determined to be  
1576 due and remits full payment within 60 days after receipt of  
1577 notice of the amount underpaid. The department may waive the  
1578 collection of underpayment and may not be required to refund  
1579 overpayment of the fee, if the amount due is less than 1 percent  
1580 of the fee, up to \$50. The department may revoke any major air  
1581 pollution source operation permit if it finds that the  
1582 permitholder has failed to timely pay any required annual  
1583 operation license fee, penalty, or interest.

1584 4. Notwithstanding the computational provisions of this  
1585 subsection, the annual operation license fee for any source  
1586 subject to this section may not be less than \$250, except that  
1587 the annual operation license fee for sources permitted solely  
1588 through general permits issued under s. 403.814 may not exceed  
1589 \$50 per year.

1590 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes  
1591 air pollution construction permit fees, the department may not  
1592 require such fees for changes or additions to a major source of  
1593 air pollution permitted pursuant to this section, unless the  
1594 activity triggers permitting requirements under Title I, Part C  
1595 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-

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1596 7514a. Costs to issue and administer such permits shall be  
1597 considered direct and indirect costs of the major stationary  
1598 source air operation permit program under s. 403.0873. The  
1599 department shall, however, require fees pursuant to s.  
1600 403.087(7)(a)5.a. for the construction of a new major source of  
1601 air pollution that will be subject to the permitting  
1602 requirements of this section once constructed and for activities  
1603 triggering permitting requirements under Title I, Part C or Part  
1604 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

1605 (b) Annual operation license fees collected by the  
1606 department must be sufficient to cover all reasonable direct and  
1607 indirect costs required to develop and administer the major  
1608 stationary source air-operation permit program, which shall  
1609 consist of the following elements to the extent that they are  
1610 reasonably related to the regulation of major stationary air  
1611 pollution sources, in accordance with United States  
1612 Environmental Protection Agency regulations and guidelines:

- 1613 1. Reviewing and acting upon any application for such a  
1614 permit.
- 1615 2. Implementing and enforcing the terms and conditions of  
1616 any such permit, excluding court costs or other costs associated  
1617 with any enforcement action.
- 1618 3. Emissions and ambient monitoring.
- 1619 4. Preparing generally applicable regulations or guidance.
- 1620 5. Modeling, analyses, and demonstrations.
- 1621 6. Preparing inventories and tracking emissions.
- 1622 7. Implementing the Small Business Stationary Source  
1623 Technical and Environmental Compliance Assistance Program.
- 1624 8. Any audits conducted under paragraph (c).

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1625 (c) An audit of the major stationary source air-operation  
1626 permit program must be conducted 2 years after the United States  
1627 Environmental Protection Agency has given full approval of the  
1628 program to ascertain whether the annual operation license fees  
1629 collected by the department are used solely to support any  
1630 reasonable direct and indirect costs as listed in paragraph (b).  
1631 A program audit must be performed biennially after the first  
1632 audit.

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

1635 403.1838 Small Community Sewer Construction Assistance  
1636 Act.-

1637 (3) (a) In accordance with rules adopted by the department  
1638 ~~Environmental Regulation Commission under this section~~, the  
1639 department may provide grants, from funds specifically  
1640 appropriated for this purpose, to financially disadvantaged  
1641 small communities for up to 100 percent of the costs of  
1642 planning, designing, constructing, upgrading, or replacing  
1643 wastewater collection, transmission, treatment, disposal, and  
1644 reuse facilities, including necessary legal and administrative  
1645 expenses.

1646 (b) The rules of the department Environmental Regulation  
1647 Commission must:

1648 1. Require that projects to plan, design, construct,  
1649 upgrade, or replace wastewater collection, transmission,  
1650 treatment, disposal, and reuse facilities be cost-effective,  
1651 environmentally sound, permittable, and implementable.

1652        2. Require appropriate user charges, connection fees, and  
1653 other charges sufficient to ensure the long-term operation,

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1654 maintenance, and replacement of the facilities constructed under  
1655 each grant.

1656 3. Require grant applications to be submitted on  
1657 appropriate forms with appropriate supporting documentation, and  
1658 require records to be maintained.

1659 4. Establish a system to determine eligibility of grant  
1660 applications.

1661 5. Establish a system to determine the relative priority of  
1662 grant applications. The system must consider public health  
1663 protection and water pollution prevention or abatement and must  
1664 prioritize projects that plan for the installation of wastewater  
1665 transmission facilities to be constructed concurrently with  
1666 other construction projects occurring within or along a  
1667 transportation facility right-of-way.

1668 6. Establish requirements for competitive procurement of  
1669 engineering and construction services, materials, and equipment.

1670 7. Provide for termination of grants when program  
1671 requirements are not met.

1672 Section 19. Section 403.804, Florida Statutes, is repealed.

1673 Section 20. Paragraph (d) of subsection (2) and paragraph  
1674 (a) of subsection (3) of section 403.9301, Florida Statutes, are  
1675 amended to read:

1676 403.9301 Wastewater services projections.—

1677 (2) As used in this section, the term:

1678 (d) "Wastewater services" means service to a sewerage  
1679 system, as defined in s. 403.031, or service to domestic  
1680 wastewater treatment works, including services to manage  
1681 domestic septage from residences and establishments served by  
1682 onsite treatment and disposal systems.

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(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing wastewater services shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall include the following:

(a) A detailed description of the facilities used to provide wastewater services, including analysis of domestic biosolids and septage generation, treatment, management, use, and disposal in the corresponding service area.

Section 21. Subsection (1) of section 576.041, Florida Statutes, is amended to read:

576.041 Inspection fees; records.—

(1) Every licensee must shall pay to the department an inspection fee in the amount of \$1 per ton for fertilizer sold in this the state, except fertilizer products containing or composed of Class AA biosolids produced by a domestic wastewater or biosolids treatment facility in this state, raw ground phosphate rock, soft phosphate, colloidal phosphate, phosphatic clays and all other untreated phosphatic materials, gypsum, hydrated lime, limestone, and dolomite when sold or used for agricultural purposes, for on which the inspection fee is shall be 30 cents per ton. The inspection fees paid for Class AA biosolids-composed fertilizers must be based on the equivalent dry tons of material sold. All fees paid to the department under this section shall be deposited into the State Treasury to be placed in the General Inspection Trust Fund to be used for the sole purpose of funding the fertilizer inspection program.

Section 22. Paragraph (a) of subsection (2) of section 576.045, Florida Statutes, is amended to read:

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1712        576.045 Nitrogen and phosphorus; findings and intent; fees;  
1713 purpose; best management practices; waiver of liability;  
1714 compliance; rules; exclusions; expiration.—

1715        (2) FEES.—

1716        (a) In addition to the fees imposed under ss. 576.021 and  
1717 576.041, the following supplemental fees shall be collected and  
1718 paid by licensees for the sole purpose of implementing this  
1719 section:

1720        1. One hundred dollars for each license to distribute  
1721 fertilizer.

1722        2. One hundred dollars for each specialty fertilizer  
1723 registration.

1724        3. Fifty cents per ton for all fertilizer that contains  
1725 nitrogen or phosphorus and that is sold in this state.

1726        4. Twenty-five cents per ton for Class AA biosolids  
1727 produced by a domestic wastewater facility, calculated based on  
1728 equivalent dry tons of the Class AA biosolids-derived product.

1729        Section 23. Subsection (6) of section 120.81, Florida  
1730 Statutes, is amended to read:

1731        120.81 Exceptions and special requirements; general areas.—

1732        (6) RISK IMPACT STATEMENT.—The Department of Environmental  
1733 Protection shall prepare a risk impact statement for any rule  
1734 that is proposed for adoption which approval by the  
1735 ~~Environmental Regulation Commission~~ and that establishes or  
1736 changes standards or criteria based on impacts to or effects  
1737 upon human health. The Department of Agriculture and Consumer  
1738 Services shall prepare a risk impact statement for any rule that  
1739 is proposed for adoption that establishes standards or criteria  
1740 based on impacts to or effects upon human health.

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1741 (a) This subsection does not apply to rules adopted  
1742 pursuant to federally delegated or mandated programs where such  
1743 rules are identical or substantially identical to the federal  
1744 regulations or laws being adopted or implemented by the  
1745 Department of Environmental Protection or Department of  
1746 Agriculture and Consumer Services, as applicable. However, the  
1747 Department of Environmental Protection and the Department of  
1748 Agriculture and Consumer Services shall identify any risk  
1749 analysis information available to them from the Federal  
1750 Government that has formed the basis of such a rule.

1751 (b) This subsection does not apply to emergency rules  
1752 adopted pursuant to this chapter.

1753 (c) The Department of Environmental Protection and the  
1754 Department of Agriculture and Consumer Services shall prepare  
1755 and publish notice of the availability of a clear and concise  
1756 risk impact statement for all applicable rules. The risk impact  
1757 statement must explain the risk to the public health addressed  
1758 by the rule and shall identify and summarize the source of the  
1759 scientific information used in evaluating that risk.

1760 (d) Nothing in this subsection shall be construed to create  
1761 a new cause of action or basis for challenging a rule nor  
1762 diminish any existing cause of action or basis for challenging a  
1763 rule.

1764 Section 24. Subsection (1) of section 373.421, Florida  
1765 Statutes, is amended, and paragraph (b) of subsection (7) of  
1766 that section is reenacted, to read:

1767 373.421 Delineation methods; formal determinations.—

1768 (1) The department's Environmental Regulation Commission  
1769 shall adopt a unified statewide methodology for the delineation

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1770 of the extent of wetlands as defined in s. 373.019(27).~~This~~  
1771 ~~methodology~~ shall consider regional differences in the types of  
1772 soils and vegetation that may serve as indicators of the extent  
1773 of wetlands. This methodology shall also include provisions for  
1774 determining the extent of surface waters other than wetlands for  
1775 the purposes of regulation under s. 373.414. This methodology  
1776 shall not become effective until ratified by the Legislature.  
1777 Subsequent to legislative ratification, the wetland definition  
1778 in s. 373.019(27) and the adopted wetland methodology shall be  
1779 binding on the department, the water management districts, local  
1780 governments, and any other governmental entities. Upon  
1781 ratification of such wetland methodology, the Legislature  
1782 preempts the authority of any water management district, state  
1783 or regional agency, or local government to define wetlands or  
1784 develop a delineation methodology to implement the definition  
1785 and determines that the exclusive definition and delineation  
1786 methodology for wetlands shall be that established pursuant to  
1787 s. 373.019(27) and this section. Upon such legislative  
1788 ratification, any existing wetlands definition or wetland  
1789 delineation methodology shall be superseded by the wetland  
1790 definition and delineation methodology established pursuant to  
1791 this chapter. Subsequent to legislative ratification, a  
1792 delineation of the extent of a surface water or wetland by the  
1793 department or a water management district, pursuant to a formal  
1794 determination under subsection (2), or pursuant to a permit  
1795 issued under this part in which the delineation was field-  
1796 verified by the permitting agency and specifically approved in  
1797 the permit, shall be binding on all other governmental entities  
1798 for the duration of the formal determination or permit. All

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1799 existing rules and methodologies of the department, the water  
1800 management districts, and local governments, regarding surface  
1801 water or wetland definition and delineation shall remain in full  
1802 force and effect until the common methodology rule becomes  
1803 effective. However, this shall not be construed to limit any  
1804 power of the department, the water management districts, and  
1805 local governments to amend or adopt a surface water or wetland  
1806 definition or delineation methodology until the common  
1807 methodology rule becomes effective.

1808 (7)

1809 (b) Wetlands contiguous to surface waters of the state as  
1810 defined in s. 403.031(13), Florida Statutes (1991), shall be  
1811 delineated pursuant to the department's rules as such rules  
1812 existed prior to January 24, 1984, while wetlands not contiguous  
1813 to surface waters of the state as defined in s. 403.031(13),  
1814 Florida Statutes (1991), shall be delineated pursuant to the  
1815 applicable methodology ratified by s. 373.4211 for any  
1816 development which obtains an individual permit from the United  
1817 States Army Corps of Engineers under 33 U.S.C. s. 1344:

1818 1. Where a jurisdictional determination validated by the  
1819 department pursuant to rule 17-301.400(8), Florida  
1820 Administrative Code, as it existed in rule 17-4.022, Florida  
1821 Administrative Code, on April 1, 1985, is revalidated pursuant  
1822 to s. 373.414(13) and the affected lands are part of a project  
1823 for which a vested rights determination has been issued pursuant  
1824 to s. 380.06, or

1825 2. Where the lands affected were grandfathered pursuant to  
1826 s. 403.913(6), Florida Statutes (1991), and proof of prior  
1827 notification pursuant to s. 403.913(6), Florida Statutes (1991),

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1828 is submitted to the department within 180 days of the  
1829 publication of a notice by the department of the existence of  
1830 this provision. Failure to timely submit the proof of prior  
1831 notification to the department serves as a waiver of the  
1832 benefits conferred by this subsection.

1833 3. This subsection shall not be applicable to lands:

1834 a. Within the geographical area to which an individual or  
1835 general permit issued prior to June 1, 1994, under rules adopted  
1836 pursuant to this part applies; or

1837 b. Within the geographical area to which a conceptual  
1838 permit issued prior to June 1, 1994, under rules adopted  
1839 pursuant to this part applies if wetland delineations were  
1840 identified and approved by the conceptual permit as set forth in  
1841 s. 373.414(12)(b)1. or 2.; or

1842 c. Where no development activity as defined in s. 380.01(1)  
1843 or (2)(a)-(d) and (f) has occurred within the project boundaries  
1844 since October 1, 1986; or

1845 d. Of a project which is not in compliance with this part  
1846 or the rules adopted pursuant to ss. 403.91-403.929, 1984  
1847 Supplement to the Florida Statutes 1983, as amended.

1848 4. The wetland delineation methodology required in this  
1849 subsection shall only apply within the geographical area of an  
1850 individual permit issued by the United States Army Corps of  
1851 Engineers under 33 U.S.C. s. 1344. The requirement to obtain  
1852 such individual permit to secure the benefit of this subsection  
1853 shall not apply to any activities exempt or not subject to  
1854 regulation under 33 U.S.C. s. 1344.

1855 5. Notwithstanding subsection (1), the wetland delineation  
1856 methodology required in this subsection and any wetland

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1857 delineation pursuant thereto, shall only apply to agency action  
1858 under this part and shall not be binding on local governments  
1859 except in their implementation of this part.

1860 Section 25. Paragraph (b) of subsection (23) of section  
1861 403.031, Florida Statutes, is amended to read:

1862 403.031 Definitions.—In construing this chapter, or rules  
1863 and regulations adopted pursuant hereto, the following words,  
1864 phrases, or terms, unless the context otherwise indicates, have  
1865 the following meanings:

1866 (23) "Waters" include, but are not limited to, rivers,  
1867 lakes, streams, springs, impoundments, wetlands, and all other  
1868 waters or bodies of water, including fresh, brackish, saline,  
1869 tidal, surface, or underground waters. Waters owned entirely by  
1870 one person other than the state are included only in regard to  
1871 possible discharge on other property or water. Underground  
1872 waters include, but are not limited to, all underground waters  
1873 passing through pores of rock or soils or flowing through in  
1874 channels, whether manmade or natural. Solely for purposes of s.  
1875 403.0885, waters of the state also include navigable waters or  
1876 waters of the contiguous zone as used in s. 502 of the Clean  
1877 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in  
1878 existence on January 1, 1993, except for those navigable waters  
1879 seaward of the boundaries of the state set forth in s. 1, Art.  
1880 II of the State Constitution. Solely for purposes of this  
1881 chapter, waters of the state also include the area bounded by  
1882 the following:

1883 (b) The area bounded by the line described in paragraph (a)  
1884 generally includes those waters to be known as waters of the  
1885 state. The landward extent of these waters shall be determined

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1886 by the delineation methodology ratified in s. 373.4211. Any  
1887 waters which are outside the general boundary line described in  
1888 paragraph (a) but which are contiguous thereto by virtue of the  
1889 presence of a wetland, watercourse, or other surface water, as  
1890 determined by the delineation methodology ratified in s.  
1891 373.4211, shall be a part of this waterbody. Any areas within  
1892 the line described in paragraph (a) which are neither a wetland  
1893 nor surface water, as determined by the delineation methodology  
1894 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~  
1895 ~~Florida Environmental Regulation Commission designates the~~  
1896 ~~waters within the boundaries an Outstanding Florida Water,~~  
1897 ~~waters outside the boundaries may not be included as part of~~  
1898 ~~such designation unless a hearing is held pursuant to notice in~~  
1899 ~~each appropriate county and the boundaries of such lands are~~  
1900 ~~specifically considered and described for such designation.~~

1901 Section 26. Subsections (7) and (32) of section 403.061,  
1902 Florida Statutes, are amended to read:

1903 403.061 Department; powers and duties.—The department shall  
1904 have the power and the duty to control and prohibit pollution of  
1905 air and water in accordance with the law and rules adopted and  
1906 promulgated by it and, for this purpose, to:

1907 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1908 implement this act. Any rule adopted pursuant to this act must  
1909 be consistent with the provisions of federal law, if any,  
1910 relating to control of emissions from motor vehicles, effluent  
1911 limitations, pretreatment requirements, or standards of  
1912 performance. A county, municipality, or political subdivision  
1913 may not adopt or enforce any local ordinance, special law, or  
1914 local regulation requiring the installation of Stage II vapor

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1915 recovery systems, as currently defined by department rule,  
1916 unless such county, municipality, or political subdivision is or  
1917 has been in the past designated by federal regulation as a  
1918 moderate, serious, or severe ozone nonattainment area. Rules  
1919 adopted pursuant to this act may not require dischargers of  
1920 waste into waters of the state to improve natural background  
1921 conditions. The department shall adopt rules to reasonably  
1922 limit, reduce, and eliminate domestic wastewater collection and  
1923 transmission system pipe leakages and inflow and infiltration.  
1924 Discharges from steam electric generating plants existing or  
1925 licensed under this chapter on July 1, 1984, may not be required  
1926 to be treated to a greater extent than may be necessary to  
1927 assure that the quality of nonthermal components of discharges  
1928 from nonrecirculated cooling water systems is as high as the  
1929 quality of the makeup waters; that the quality of nonthermal  
1930 components of discharges from recirculated cooling water systems  
1931 is no lower than is allowed for blowdown from such systems; or  
1932 that the quality of noncooling system discharges which receive  
1933 makeup water from a receiving body of water which does not meet  
1934 applicable department water quality standards is as high as the  
1935 quality of the receiving body of water. ~~The department may not~~  
1936 ~~adopt standards more stringent than federal regulations, except~~  
1937 ~~as provided in s. 403.804.~~

1938 (32) Adopt rules necessary to obtain approval from the  
1939 United States Environmental Protection Agency to administer the  
1940 Federal National Pollution Discharge Elimination System (NPDES)  
1941 permitting program in Florida under ss. 318, 402, and 405 of the  
1942 federal Clean Water Act, Pub. L. No. 92-500, as amended. This  
1943 authority shall be implemented consistent with the provisions of

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1944 part II, which shall be applicable to facilities certified  
1945 thereunder. The department shall establish all rules, standards,  
1946 and requirements that regulate the discharge of pollutants into  
1947 waters of the United States as defined by and in a manner  
1948 consistent with federal regulations; provided, however, that the  
1949 department may adopt a standard that is stricter or more  
1950 stringent than one set by the United States Environmental  
1951 Protection Agency ~~if approved by the Governor and Cabinet in~~  
1952 ~~accordance with the procedures of s. 403.804(2).~~

1953

1954 The department shall implement such programs in conjunction with  
1955 its other powers and duties and shall place special emphasis on  
1956 reducing and eliminating contamination that presents a threat to  
1957 humans, animals or plants, or to the environment.

1958 Section 27. Subsection (9) of section 403.704, Florida  
1959 Statutes, is amended to read:

1960 403.704 Powers and duties of the department.—The department  
1961 shall have responsibility for the implementation and enforcement  
1962 of this act. In addition to other powers and duties, the  
1963 department shall:

1964 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1965 implement and enforce this act, including requirements for the  
1966 classification, construction, operation, maintenance, and  
1967 closure of solid waste management facilities and requirements  
1968 for, and conditions on, solid waste disposal in this state,  
1969 whether such solid waste is generated within this state or  
1970 outside this state as long as such requirements and conditions  
1971 are not based on the out-of-state origin of the waste and are  
1972 consistent with applicable law. When classifying solid waste

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1973 management facilities, the department shall consider the  
1974 hydrogeology of the site for the facility, the types of wastes  
1975 to be handled by the facility, and methods used to control the  
1976 types of waste to be handled by the facility and shall seek to  
1977 minimize the adverse effects of solid waste management on the  
1978 environment. ~~Whenever the department adopts any rule stricter or~~  
1979 ~~more stringent than one that has been set by the United States~~  
1980 ~~Environmental Protection Agency, the procedures set forth in s.~~  
1981 ~~403.804(2) shall be followed. The department may shall not,~~  
1982 ~~however,~~ adopt hazardous waste rules for solid waste for which  
1983 special studies were required before prior to October 1, 1988,  
1984 under s. 8002 of the Resource Conservation and Recovery Act, 42  
1985 U.S.C. s. 6982, as amended, until the studies are completed by  
1986 the United States Environmental Protection Agency and the  
1987 information is available to the department for consideration in  
1988 adopting its own rule.

1989 Section 28. Paragraph (d) of subsection (3) and paragraph  
1990 (h) of subsection (9) of section 403.707, Florida Statutes, are  
1991 amended to read:

1992 403.707 Permits.—

1993 (3)

1994 (d) The department may adopt rules to administer this  
1995 subsection. ~~However, the department is not required to submit~~  
1996 ~~such rules to the Environmental Regulation Commission for~~  
1997 ~~approval. Notwithstanding the limitations of s. 403.087(7)(a),~~  
1998 permit fee caps for solid waste management facilities must shall  
1999 be prorated to reflect the extended permit term authorized by  
2000 this subsection.

2001 (9) The department shall establish a separate category for

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2002 solid waste management facilities that accept only construction  
2003 and demolition debris for disposal or recycling. The department  
2004 shall establish a reasonable schedule for existing facilities to  
2005 comply with this section to avoid undue hardship to such  
2006 facilities. However, a permitted solid waste disposal unit that  
2007 receives a significant amount of waste prior to the compliance  
2008 deadline established in this schedule shall not be required to  
2009 be retrofitted with liners or leachate control systems.

2010 (h) The department shall ensure that the requirements of  
2011 this section are applied and interpreted consistently throughout  
2012 this the state. In accordance with s. 20.255, The Division of  
2013 Waste Management shall direct the district offices and bureaus  
2014 on matters relating to the interpretation and applicability of  
2015 this section.

2016 Section 29. Subsection (3) of section 403.7222, Florida  
2017 Statutes, is amended to read:

2018 403.7222 Prohibition of hazardous waste landfills.—

2019 (3) This section does not prohibit the department from  
2020 banning the disposal of hazardous waste in other types of waste  
2021 management units in a manner consistent with federal  
2022 requirements, ~~except as provided under s. 403.804(2).~~

2023 Section 30. Subsection (4) of section 403.7234, Florida  
2024 Statutes, is amended to read:

2025 403.7234 Small quantity generator notification and  
2026 verification program.—

2027 (4) Within 30 days of receipt of a notification, which  
2028 includes a survey form, a small quantity generator shall  
2029 disclose its management practices and the types and quantities  
2030 of waste to the county government. Annually, each county shall

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2031 verify the management practices of at least 20 percent of its  
2032 small quantity generators. The procedure for verification used  
2033 by the county must shall be developed as part of the guidance  
2034 established by the department under s. 403.7226. The department  
2035 may also regulate the waste management practices of small  
2036 quantity generators in order to ensure proper management of  
2037 hazardous waste in a manner consistent with federal  
2038 requirements, ~~except as provided under s. 403.804(2).~~

2039 Section 31. Section 403.803, Florida Statutes, is amended  
2040 to read:

2041 403.803 Definitions.—When used in this part ~~act~~, the term,  
2042 phrase, or word:

2043 (1) "Branch office" means a geographical area, the  
2044 boundaries of which may be established as a part of a district.

2045 (2) "Canal" is a manmade trench, the bottom of which is  
2046 normally covered by water with the upper edges of its sides  
2047 normally above water.

2048 (3) "Channel" is a trench, the bottom of which is normally  
2049 covered entirely by water, with the upper edges of its sides  
2050 normally below water.

2051 (4) ~~"Commission"~~ means the Environmental Regulation  
2052 ~~Commission.~~

2053 (5) "Department" means the Department of Environmental  
2054 Protection.

2055 (5)(6) "District" or "environmental district" means one of  
2056 the geographical areas, the boundaries of which are established  
2057 pursuant to this act.

2058 (6)(7) "Drainage ditch" or "irrigation ditch" is a manmade  
2059 trench dug for the purpose of draining water from the land or

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2060 for transporting water for use on the land and is not built for  
2061 navigational purposes.

2062 (7)+(8) "Environmental district center" means the facilities  
2063 and personnel which are centralized in each district for the  
2064 purposes of carrying out the provisions of this act.

2065 (8)+(9) "Headquarters" means the physical location of the  
2066 offices of the secretary and the division directors of the  
2067 department.

2068 (9)+(10) "Insect control impoundment dikes" means artificial  
2069 structures, including earthen berms, constructed and used to  
2070 impound waters for the purpose of insect control.

2071 (10)+(11) "Manager" means the head of an environmental  
2072 district or branch office who shall supervise all environmental  
2073 functions of the department within such environmental district  
2074 or branch office.

2075 (11)+(12) "Secretary" means the Secretary of Environmental  
2076 Protection.

2077 (12)+(13) "Standard" means any rule of the Department of  
2078 Environmental Protection relating to air and water quality,  
2079 noise, solid-waste management, and electric and magnetic fields  
2080 associated with electrical transmission and distribution lines  
2081 and substation facilities. The term "standard" does not include  
2082 rules of the department which relate exclusively to the internal  
2083 management of the department, the procedural processing of  
2084 applications, the administration of rulemaking or adjudicatory  
2085 proceedings, the publication of notices, the conduct of  
2086 hearings, or other procedural matters.

2087 (13)+(14) "Swale" means a manmade trench which:

2088 (a) Has a top width-to-depth ratio of the cross-section

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2089 equal to or greater than 6:1, or side slopes equal to or greater  
2090 than 3 feet horizontal to 1 foot vertical;

2091 (b) Contains contiguous areas of standing or flowing water  
2092 only following a rainfall event;

2093 (c) Is planted with or has stabilized vegetation suitable  
2094 for soil stabilization, stormwater treatment, and nutrient  
2095 uptake; and

2096 (d) Is designed to take into account the soil erodibility,  
2097 soil percolation, slope, slope length, and drainage area so as  
2098 to prevent erosion and reduce pollutant concentration of any  
2099 discharge.

2100 Section 32. Subsections (1) and (3) of section 403.805,  
2101 Florida Statutes, are amended to read:

2102 403.805 Secretary; powers and duties; review of specified  
2103 rules.—

2104 (1) The secretary shall have the powers and duties of heads  
2105 of departments set forth in chapter 20, including the authority  
2106 to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
2107 implement this chapter and the provisions of chapters 161, 253,  
2108 258, 260, 369, 373, 376, 377, 378, and 380 ~~253, 373, and 376~~ and  
2109 ~~this chapter. The secretary shall have rulemaking responsibility~~  
2110 ~~under chapter 120, but shall submit any proposed rule containing~~  
2111 ~~standards to the Environmental Regulation Commission for~~  
2112 ~~approval, modification, or disapproval pursuant to s. 403.804,~~  
2113 ~~except for total maximum daily load calculations and allocations~~  
2114 ~~developed pursuant to s. 403.067(6).~~ The secretary shall have  
2115 responsibility for final agency action regarding total maximum  
2116 daily load calculations and allocations developed pursuant to s.  
2117 403.067(6). The secretary shall employ legal counsel to

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2118 represent the department in matters affecting the department.  
2119 Except for appeals on permits specifically assigned by this act  
2120 to the Governor and Cabinet, and unless otherwise prohibited by  
2121 law, the secretary may delegate the authority assigned to the  
2122 department by this act to the assistant secretary, division  
2123 directors, and district and branch office managers and to the  
2124 water management districts.

2125 (3) After adoption of proposed rule 62-302.531(9), Florida  
2126 Administrative Code, a nonseverability and effective date  
2127 provision approved by the commission on December 8, 2011, ~~in~~  
2128 ~~accordance with the commission's legislative authority under s.~~  
2129 ~~403.804,~~ notice of which was published by the department on  
2130 December 22, 2011, in the Florida Administrative Register, Vol.  
2131 37, No. 51, page 4446, any subsequent rule or amendment altering  
2132 the effect of such rule must ~~shall~~ be submitted to the President  
2133 of the Senate and the Speaker of the House of Representatives no  
2134 later than 30 days before the next regular legislative session,  
2135 and such amendment may not take effect until it is ratified by  
2136 the Legislature.

2137 Section 33. Section 403.8055, Florida Statutes, is amended  
2138 to read:

2139 403.8055 Department adoption of federal standards.—  
2140 Notwithstanding s. 120.54 ~~ss. 120.54 and 403.804~~, the secretary  
2141 is empowered to adopt rules substantively identical to  
2142 regulations adopted in the Federal Register by the United States  
2143 Environmental Protection Agency pursuant to federal law, in  
2144 accordance with the following procedures:

2145 (1) The secretary shall publish notice of intent to adopt a  
2146 rule pursuant to this section in the Florida Administrative

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2147 Register at least 21 days before prior to filing the rule with  
2148 the Department of State. The secretary shall mail a copy of the  
2149 notice of intent to adopt a rule to the Administrative  
2150 Procedures Committee at least 21 days before prior to the date  
2151 of filing with the Department of State. Before Prior to filing  
2152 the rule with the Department of State, the secretary shall  
2153 consider any written comments received within 21 days after the  
2154 date of publication of the notice of intent to adopt a rule. The  
2155 rule must shall be adopted upon filing with the Department of  
2156 State. Substantive changes from the rules as noticed shall  
2157 require republishing of notice as required in this section.

2158 (2) Any rule adopted pursuant to this section becomes shall  
2159 become effective upon the date designated in the rule by the  
2160 secretary; however, no such a rule may not shall become  
2161 effective earlier than the effective date of the substantively  
2162 identical United States Environmental Protection Agency  
2163 regulation.

2164 (3) The secretary shall stay any terms or conditions of a  
2165 permit implementing department rules adopted pursuant to this  
2166 section if the substantively identical provisions of a United  
2167 States Environmental Protection Agency regulation have been  
2168 stayed under federal judicial review. A stay issued pursuant to  
2169 this subsection shall terminate upon completion of federal  
2170 judicial review.

2171 (4) Any domestic for-profit or nonprofit corporation or  
2172 association formed, in whole or in part:

- 2173 (a) To promote conservation or natural beauty;
- 2174 (b) To protect the environment, personal health, or other  
2175 biological values;

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2176 (c) To preserve historical sites;  
2177 (d) To promote consumer interests;  
2178 (e) To represent labor, commercial, or industrial groups;  
2179 or  
2180 (f) To promote orderly development;

2181  
2182 and any other substantially affected person may, within 14 days  
2183 after the date of publication of the notice of intent to adopt a  
2184 rule, file an objection to rulemaking with the department  
2185 ~~Environmental Regulation Commission~~. The objection shall specify  
2186 the portions of the proposed rule to which the person objects  
2187 and the reasons for the objection. The secretary shall not have  
2188 the authority under this section to adopt those portions of a  
2189 proposed rule specified in such objection. Objections which are  
2190 frivolous shall not be considered sufficient to prohibit the  
2191 secretary from adopting rules under this section.

2192 (5) Whenever all or part of any rule proposed for adoption  
2193 by the department is substantively identical to a regulation  
2194 adopted in the Federal Register by the United States  
2195 Environmental Protection Agency pursuant to federal law, such  
2196 rule shall be written in a manner so that the rule specifically  
2197 references such regulation whenever possible.

2198 Section 34. Subsection (1) of section 403.814, Florida  
2199 Statutes, is amended to read:

2200 403.814 General permits; delegation.—

2201 (1) The secretary is authorized to adopt rules establishing  
2202 and providing for a program of general permits under this  
2203 chapter and chapter 253 and this chapter for projects, or  
2204 categories of projects, which have, either singly or

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2205 cumulatively, a minimal adverse environmental effect. Such rules  
2206 must ~~shall~~ specify design or performance criteria that ~~which~~, if  
2207 applied, would result in compliance with appropriate standards  
2208 ~~adopted by the commission~~. Except as provided for in subsection  
2209 (3), any person complying with the requirements of a general  
2210 permit may use the permit 30 days after giving notice to the  
2211 department without any agency action by the department.

2212 Section 35. Paragraph (a) of subsection (1) of section  
2213 376.302, Florida Statutes, is amended to read:

2214 376.302 Prohibited acts; penalties.—

2215 (1) It shall be a violation of this chapter and it shall be  
2216 prohibited for any reason:

2217 (a) To discharge pollutants or hazardous substances into or  
2218 upon the surface or ground waters of the state or lands, which  
2219 discharge violates any departmental "standard" as defined in s.  
2220 403.803 ~~s. 403.803(13)~~.

2221 Section 36. Paragraph (b) of subsection (1) of section  
2222 380.5105, Florida Statutes, is amended to read:

2223 380.5105 The Stan Mayfield Working Waterfronts; Florida  
2224 Forever program.—

2225 (1) Notwithstanding any other provision of this chapter, it  
2226 is the intent of the Legislature that the trust shall administer  
2227 the working waterfronts land acquisition program as set forth in  
2228 this section.

2229 (b) For projects that will require more than the grant  
2230 amount awarded for completion, the applicant must identify in  
2231 their project application funding sources that will provide the  
2232 difference between the grant award and the estimated project  
2233 completion cost. Such rules may be incorporated into those

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2234 developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

2235 Section 37. For the purpose of incorporating the amendment  
2236 made by this act to section 381.0065, Florida Statutes, in a  
2237 reference thereto, paragraph (k) of subsection (2) of section  
2238 381.0066, Florida Statutes, is reenacted to read:

2239 381.0066 Onsite sewage treatment and disposal systems;  
2240 fees.—

2241 (2) The minimum fees in the following fee schedule apply  
2242 until changed by rule by the department within the following  
2243 limits:

2244 (k) Research: An additional \$5 fee shall be added to each  
2245 new system construction permit issued to be used to fund onsite  
2246 sewage treatment and disposal system research, demonstration,  
2247 and training projects. Five dollars from any repair permit fee  
2248 collected under this section shall be used for funding the  
2249 hands-on training centers described in s. 381.0065(3)(j).

2250  
2251 The funds collected pursuant to this subsection for the  
2252 implementation of onsite sewage treatment and disposal system  
2253 regulation and for the purposes of ss. 381.00655 and 381.0067,  
2254 subsequent to any phased transfer of implementation from the  
2255 Department of Health to the department within any county  
2256 pursuant to s. 381.0065, must be deposited in the Florida Permit  
2257 Fee Trust Fund under s. 403.0871, to be administered by the  
2258 department.

2259 Section 38. For the purpose of incorporating the amendment  
2260 made by this act to section 403.067, Florida Statutes, in a  
2261 reference thereto, section 373.4595, Florida Statutes, is  
2262 reenacted to read:

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2263        373.4595 Northern Everglades and Estuaries Protection  
2264        Program.—  
2265        (1) FINDINGS AND INTENT.—  
2266        (a) The Legislature finds that the Lake Okeechobee  
2267 watershed, the Caloosahatchee River watershed, and the St. Lucie  
2268 River watershed are critical water resources of the state,  
2269 providing many economic, natural habitat, and biodiversity  
2270 functions benefiting the public interest, including  
2271 agricultural, public, and environmental water supply; flood  
2272 control; fishing; navigation and recreation; and habitat to  
2273 endangered and threatened species and other flora and fauna.  
2274        (b) The Legislature finds that changes in land uses, the  
2275 construction of the Central and Southern Florida Project, and  
2276 the loss of surface water storage have resulted in adverse  
2277 changes to the hydrology and water quality of Lake Okeechobee  
2278 and the Caloosahatchee and St. Lucie Rivers and their estuaries.  
2279        (c) The Legislature finds that improvement to the  
2280 hydrology, water quality, and associated aquatic habitats within  
2281 the Lake Okeechobee watershed, the Caloosahatchee River  
2282 watershed, and the St. Lucie River watershed, is essential to  
2283 the protection of the greater Everglades ecosystem.  
2284        (d) The Legislature also finds that it is imperative for  
2285 the state, local governments, and agricultural and environmental  
2286 communities to commit to restoring and protecting the surface  
2287 water resources of the Lake Okeechobee watershed, the  
2288 Caloosahatchee River watershed, and the St. Lucie River  
2289 watershed, and that a watershed-based approach to address these  
2290 issues must be developed and implemented immediately.  
2291        (e) The Legislature finds that phosphorus loads from the

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2292       Lake Okeechobee watershed have contributed to excessive  
2293       phosphorus levels throughout the Lake Okeechobee watershed and  
2294       downstream receiving waters and that a reduction in levels of  
2295       phosphorus will benefit the ecology of these systems. The  
2296       excessive levels of phosphorus have also resulted in an  
2297       accumulation of phosphorus in the sediments of Lake Okeechobee.  
2298       If not removed, internal phosphorus loads from the sediments are  
2299       expected to delay responses of the lake to external phosphorus  
2300       reductions.

2301       (f) The Legislature finds that the Lake Okeechobee  
2302       phosphorus loads set forth in the total maximum daily loads  
2303       established in accordance with s. 403.067 represent an  
2304       appropriate basis for restoration of the Lake Okeechobee  
2305       watershed.

2306       (g) The Legislature finds that, in addition to phosphorus,  
2307       other pollutants are contributing to water quality problems in  
2308       the Lake Okeechobee watershed, the Caloosahatchee River  
2309       watershed, and the St. Lucie River watershed, and that the total  
2310       maximum daily load requirements of s. 403.067 provide a means of  
2311       identifying and addressing these problems.

2312       (h) The Legislature finds that the expeditious  
2313       implementation of the Lake Okeechobee Watershed Protection  
2314       Program, the Caloosahatchee River Watershed Protection Program,  
2315       and the St. Lucie River Watershed Protection Program is needed  
2316       to improve the quality, quantity, timing, and distribution of  
2317       water in the northern Everglades ecosystem and that this  
2318       section, in conjunction with s. 403.067, including the  
2319       implementation of the plans developed and approved pursuant to  
2320       subsections (3) and (4), and any related basin management action

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2321 plan developed and implemented pursuant to s. 403.067(7)(a),  
2322 provide a reasonable means of achieving the total maximum daily  
2323 load requirements and achieving and maintaining compliance with  
2324 state water quality standards.

2325 (i) The Legislature finds that the implementation of the  
2326 programs contained in this section is for the benefit of the  
2327 public health, safety, and welfare and is in the public  
2328 interest.

2329 (j) The Legislature finds that sufficient research has been  
2330 conducted and sufficient plans developed to immediately expand  
2331 and accelerate programs to address the hydrology and water  
2332 quality in the Lake Okeechobee watershed, the Caloosahatchee  
2333 River watershed, and the St. Lucie River watershed.

2334 (k) The Legislature finds that a continuing source of  
2335 funding is needed to effectively implement the programs  
2336 developed and approved under this section which are needed to  
2337 address the hydrology and water quality problems within the Lake  
2338 Okeechobee watershed, the Caloosahatchee River watershed, and  
2339 the St. Lucie River watershed.

2340 (l) It is the intent of the Legislature to protect and  
2341 restore surface water resources and achieve and maintain  
2342 compliance with water quality standards in the Lake Okeechobee  
2343 watershed, the Caloosahatchee River watershed, and the St. Lucie  
2344 River watershed, and downstream receiving waters, through the  
2345 phased, comprehensive, and innovative protection program set  
2346 forth in this section which includes long-term solutions based  
2347 upon the total maximum daily loads established in accordance  
2348 with s. 403.067. This program shall be watershed-based, shall  
2349 provide for consideration of all water quality issues needed to

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2350 meet the total maximum daily load, and shall include research  
2351 and monitoring, development and implementation of best  
2352 management practices, refinement of existing regulations, and  
2353 structural and nonstructural projects, including public works.

2354 (m) It is the intent of the Legislature that this section  
2355 be implemented in coordination with the Comprehensive Everglades  
2356 Restoration Plan project components and other federal programs  
2357 in order to maximize opportunities for the most efficient and  
2358 timely expenditures of public funds.

2359 (n) It is the intent of the Legislature that the  
2360 coordinating agencies encourage and support the development of  
2361 creative public-private partnerships and programs, including  
2362 opportunities for water storage and quality improvement on  
2363 private lands and water quality credit trading, to facilitate or  
2364 further the restoration of the surface water resources of the  
2365 Lake Okeechobee watershed, the Caloosahatchee River watershed,  
2366 and the St. Lucie River watershed, consistent with s. 403.067.

2367 (2) DEFINITIONS.—As used in this section, the term:

2368 (a) "Best management practice" means a practice or  
2369 combination of practices determined by the coordinating  
2370 agencies, based on research, field-testing, and expert review,  
2371 to be the most effective and practicable on-location means,  
2372 including economic and technological considerations, for  
2373 improving water quality in agricultural and urban discharges.  
2374 Best management practices for agricultural discharges shall  
2375 reflect a balance between water quality improvements and  
2376 agricultural productivity.

2377 (b) "Biosolids" means the solid, semisolid, or liquid  
2378 residue generated during the treatment of domestic wastewater in

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2379 a domestic wastewater treatment facility, formerly known as  
2380 "domestic wastewater residuals" or "residuals," and includes  
2381 products and treated material from biosolids treatment  
2382 facilities and septage management facilities regulated by the  
2383 department. The term does not include the treated effluent or  
2384 reclaimed water from a domestic wastewater treatment facility,  
2385 solids removed from pump stations and lift stations, screenings  
2386 and grit removed from the preliminary treatment components of  
2387 domestic wastewater treatment facilities, or ash generated  
2388 during the incineration of biosolids.

2389 (c) "Caloosahatchee River watershed" means the  
2390 Caloosahatchee River, its tributaries, its estuary, and the area  
2391 within Charlotte, Glades, Hendry, and Lee Counties from which  
2392 surface water flow is directed or drains, naturally or by  
2393 constructed works, to the river, its tributaries, or its  
2394 estuary.

2395 (d) "Coordinating agencies" means the Department of  
2396 Agriculture and Consumer Services, the Department of  
2397 Environmental Protection, and the South Florida Water Management  
2398 District.

2399 (e) "Corps of Engineers" means the United States Army Corps  
2400 of Engineers.

2401 (f) "Department" means the Department of Environmental  
2402 Protection.

2403 (g) "District" means the South Florida Water Management  
2404 District.

2405 (h) "Lake Okeechobee Watershed Construction Project" means  
2406 the construction project developed pursuant to this section.

2407 (i) "Lake Okeechobee Watershed Protection Plan" means the

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2408       Lake Okeechobee Watershed Construction Project and the Lake  
2409       Okeechobee Watershed Research and Water Quality Monitoring  
2410       Program.

2411       (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
2412       tributaries, and the area within which surface water flow is  
2413       directed or drains, naturally or by constructed works, to the  
2414       lake or its tributaries.

2415       (k) "Northern Everglades" means the Lake Okeechobee  
2416       watershed, the Caloosahatchee River watershed, and the St. Lucie  
2417       River watershed.

2418       (l) "Project component" means any structural or operational  
2419       change, resulting from the Restudy, to the Central and Southern  
2420       Florida Project as it existed and was operated as of January 1,  
2421       1999.

2422       (m) "Restudy" means the Comprehensive Review Study of the  
2423       Central and Southern Florida Project, for which federal  
2424       participation was authorized by the Federal Water Resources  
2425       Development Acts of 1992 and 1996 together with related  
2426       congressional resolutions and for which participation by the  
2427       South Florida Water Management District is authorized by s.  
2428       373.1501. The term includes all actions undertaken pursuant to  
2429       the aforementioned authorizations which will result in  
2430       recommendations for modifications or additions to the Central  
2431       and Southern Florida Project.

2432       (n) "River Watershed Protection Plans" means the  
2433       Caloosahatchee River Watershed Protection Plan and the St. Lucie  
2434       River Watershed Protection Plan developed pursuant to this  
2435       section.

2436       (o) "Soil amendment" means any substance or mixture of

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2437 substances sold or offered for sale for soil enriching or  
2438 corrective purposes, intended or claimed to be effective in  
2439 promoting or stimulating plant growth, increasing soil or plant  
2440 productivity, improving the quality of crops, or producing any  
2441 chemical or physical change in the soil, except amendments,  
2442 conditioners, additives, and related products that are derived  
2443 solely from inorganic sources and that contain no recognized  
2444 plant nutrients.

2445 (p) "St. Lucie River watershed" means the St. Lucie River,  
2446 its tributaries, its estuary, and the area within Martin,  
2447 Okeechobee, and St. Lucie Counties from which surface water flow  
2448 is directed or drains, naturally or by constructed works, to the  
2449 river, its tributaries, or its estuary.

2450 (q) "Total maximum daily load" means the sum of the  
2451 individual wasteload allocations for point sources and the load  
2452 allocations for nonpoint sources and natural background adopted  
2453 pursuant to s. 403.067. Before determining individual wasteload  
2454 allocations and load allocations, the maximum amount of a  
2455 pollutant that a water body or water segment can assimilate from  
2456 all sources without exceeding water quality standards must first  
2457 be calculated.

2458 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
2459 Okeechobee Watershed Protection Program shall consist of the  
2460 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
2461 Basin Management Action Plan adopted pursuant to s. 403.067, the  
2462 Lake Okeechobee Exotic Species Control Program, and the Lake  
2463 Okeechobee Internal Phosphorus Management Program. The Lake  
2464 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2465 403.067 shall be the component of the Lake Okeechobee Watershed

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2466 Protection Program that achieves phosphorus load reductions for  
2467 Lake Okeechobee. The Lake Okeechobee Watershed Protection  
2468 Program shall address the reduction of phosphorus loading to the  
2469 lake from both internal and external sources. Phosphorus load  
2470 reductions shall be achieved through a phased program of  
2471 implementation. In the development and administration of the  
2472 Lake Okeechobee Watershed Protection Program, the coordinating  
2473 agencies shall maximize opportunities provided by federal cost-  
2474 sharing programs and opportunities for partnerships with the  
2475 private sector.

2476 (a) *Lake Okeechobee Watershed Protection Plan.*—To protect  
2477 and restore surface water resources, the district, in  
2478 cooperation with the other coordinating agencies, shall complete  
2479 a Lake Okeechobee Watershed Protection Plan in accordance with  
2480 this section and ss. 373.451-373.459. Beginning March 1, 2020,  
2481 and every 5 years thereafter, the district shall update the Lake  
2482 Okeechobee Watershed Protection Plan to ensure that it is  
2483 consistent with the Lake Okeechobee Basin Management Action Plan  
2484 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
2485 Protection Plan shall identify the geographic extent of the  
2486 watershed, be coordinated with the plans developed pursuant to  
2487 paragraphs (4) (a) and (c), and include the Lake Okeechobee  
2488 Watershed Construction Project and the Lake Okeechobee Watershed  
2489 Research and Water Quality Monitoring Program. The plan shall  
2490 consider and build upon a review and analysis of the performance  
2491 of projects constructed during Phase I and Phase II of the Lake  
2492 Okeechobee Watershed Construction Project, pursuant to  
2493 subparagraph 1.; relevant information resulting from the Lake  
2494 Okeechobee Basin Management Action Plan, pursuant to paragraph

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2495 (b); relevant information resulting from the Lake Okeechobee  
2496 Watershed Research and Water Quality Monitoring Program,  
2497 pursuant to subparagraph 2.; relevant information resulting from  
2498 the Lake Okeechobee Exotic Species Control Program, pursuant to  
2499 paragraph (c); and relevant information resulting from the Lake  
2500 Okeechobee Internal Phosphorus Management Program, pursuant to  
2501 paragraph (d).

2502 1. Lake Okeechobee Watershed Construction Project.—To  
2503 improve the hydrology and water quality of Lake Okeechobee and  
2504 downstream receiving waters, including the Caloosahatchee and  
2505 St. Lucie Rivers and their estuaries, the district, in  
2506 cooperation with the other coordinating agencies, shall design  
2507 and construct the Lake Okeechobee Watershed Construction  
2508 Project. The project shall include:

2509 a. Phase I.—Phase I of the Lake Okeechobee Watershed  
2510 Construction Project shall consist of a series of project  
2511 features consistent with the recommendations of the South  
2512 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
2513 Action Plan. Priority basins for such projects include S-191, S-  
2514 154, and Pools D and E in the Lower Kissimmee River. To obtain  
2515 phosphorus load reductions to Lake Okeechobee as soon as  
2516 possible, the following actions shall be implemented:

2517 (I) The district shall serve as a full partner with the  
2518 Corps of Engineers in the design and construction of the Grassy  
2519 Island Ranch and New Palm Dairy stormwater treatment facilities  
2520 as components of the Lake Okeechobee Water Retention/Phosphorus  
2521 Removal Critical Project. The Corps of Engineers shall have the  
2522 lead in design and construction of these facilities. Should  
2523 delays be encountered in the implementation of either of these

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2524 facilities, the district shall notify the department and  
2525 recommend corrective actions.

2526 (II) The district shall obtain permits and complete  
2527 construction of two of the isolated wetland restoration projects  
2528 that are part of the Lake Okeechobee Water Retention/Phosphorus  
2529 Removal Critical Project. The additional isolated wetland  
2530 projects included in this critical project shall further reduce  
2531 phosphorus loading to Lake Okeechobee.

2532 (III) The district shall work with the Corps of Engineers  
2533 to expedite initiation of the design process for the Taylor  
2534 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
2535 Area, a project component of the Comprehensive Everglades  
2536 Restoration Plan. The district shall propose to the Corps of  
2537 Engineers that the district take the lead in the design and  
2538 construction of the Reservoir Assisted Stormwater Treatment Area  
2539 and receive credit towards the local share of the total cost of  
2540 the Comprehensive Everglades Restoration Plan.

2541 b. Phase II technical plan and construction.—The district,  
2542 in cooperation with the other coordinating agencies, shall  
2543 develop a detailed technical plan for Phase II of the Lake  
2544 Okeechobee Watershed Construction Project which provides the  
2545 basis for the Lake Okeechobee Basin Management Action Plan  
2546 adopted by the department pursuant to s. 403.067. The detailed  
2547 technical plan shall include measures for the improvement of the  
2548 quality, quantity, timing, and distribution of water in the  
2549 northern Everglades ecosystem, including the Lake Okeechobee  
2550 watershed and the estuaries, and for facilitating the  
2551 achievement of water quality standards. Use of cost-effective  
2552 biologically based, hybrid wetland/chemical and other innovative

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2553 nutrient control technologies shall be incorporated in the plan  
2554 where appropriate. The detailed technical plan shall also  
2555 include a Process Development and Engineering component to  
2556 finalize the detail and design of Phase II projects and identify  
2557 additional measures needed to increase the certainty that the  
2558 overall objectives for improving water quality and quantity can  
2559 be met. Based on information and recommendations from the  
2560 Process Development and Engineering component, the Phase II  
2561 detailed technical plan shall be periodically updated. Phase II  
2562 shall include construction of additional facilities in the  
2563 priority basins identified in sub-subparagraph a., as well as  
2564 facilities for other basins in the Lake Okeechobee watershed.  
2565 The technical plan shall:

2566 (I) Identify Lake Okeechobee Watershed Construction Project  
2567 facilities designed to contribute to achieving all applicable  
2568 total maximum daily loads established pursuant to s. 403.067  
2569 within the Lake Okeechobee watershed.

2570 (II) Identify the size and location of all such Lake  
2571 Okeechobee Watershed Construction Project facilities.

2572 (III) Provide a construction schedule for all such Lake  
2573 Okeechobee Watershed Construction Project facilities, including  
2574 the sequencing and specific timeframe for construction of each  
2575 Lake Okeechobee Watershed Construction Project facility.

2576 (IV) Provide a schedule for the acquisition of lands or  
2577 sufficient interests necessary to achieve the construction  
2578 schedule.

2579 (V) Provide a detailed schedule of costs associated with  
2580 the construction schedule.

2581 (VI) Identify, to the maximum extent practicable, impacts

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2582 on wetlands and state-listed species expected to be associated  
2583 with construction of such facilities, including potential  
2584 alternatives to minimize and mitigate such impacts, as  
2585 appropriate.

2586 (VII) Provide for additional measures, including voluntary  
2587 water storage and quality improvements on private land, to  
2588 increase water storage and reduce excess water levels in Lake  
2589 Okeechobee and to reduce excess discharges to the estuaries.

2590 (VIII) Develop the appropriate water quantity storage goal  
2591 to achieve the desired Lake Okeechobee range of lake levels and  
2592 inflow volumes to the Caloosahatchee and St. Lucie estuaries  
2593 while meeting the other water-related needs of the region,  
2594 including water supply and flood protection.

2595 (IX) Provide for additional source controls needed to  
2596 enhance performance of the Lake Okeechobee Watershed  
2597 Construction Project facilities. Such additional source controls  
2598 shall be incorporated into the Lake Okeechobee Basin Management  
2599 Action Plan pursuant to paragraph (b).

2600 c. Evaluation.—Within 5 years after the adoption of the  
2601 Lake Okeechobee Basin Management Action Plan pursuant to s.  
2602 403.067 and every 5 years thereafter, the department, in  
2603 cooperation with the other coordinating agencies, shall conduct  
2604 an evaluation of the Lake Okeechobee Watershed Construction  
2605 Project and identify any further load reductions necessary to  
2606 achieve compliance with the Lake Okeechobee total maximum daily  
2607 loads established pursuant to s. 403.067. The district shall  
2608 identify modifications to facilities of the Lake Okeechobee  
2609 Watershed Construction Project as appropriate to meet the total  
2610 maximum daily loads. Modifications to the Lake Okeechobee

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2611 Watershed Construction Project resulting from this evaluation  
2612 shall be incorporated into the Lake Okeechobee Basin Management  
2613 Action Plan and included in the applicable annual progress  
2614 report submitted pursuant to subsection (6).

2615 d. Coordination and review.—To ensure the timely  
2616 implementation of the Lake Okeechobee Watershed Construction  
2617 Project, the design of project facilities shall be coordinated  
2618 with the department and other interested parties, including  
2619 affected local governments, to the maximum extent practicable.  
2620 Lake Okeechobee Watershed Construction Project facilities shall  
2621 be reviewed and commented upon by the department before the  
2622 execution of a construction contract by the district for that  
2623 facility.

2624 2. Lake Okeechobee Watershed Research and Water Quality  
2625 Monitoring Program.—The coordinating agencies shall implement a  
2626 Lake Okeechobee Watershed Research and Water Quality Monitoring  
2627 Program. Results from the program shall be used by the  
2628 department, in cooperation with the other coordinating agencies,  
2629 to make modifications to the Lake Okeechobee Basin Management  
2630 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
2631 program shall:

2632 a. Evaluate all available existing water quality data  
2633 concerning total phosphorus in the Lake Okeechobee watershed,  
2634 develop a water quality baseline to represent existing  
2635 conditions for total phosphorus, monitor long-term ecological  
2636 changes, including water quality for total phosphorus, and  
2637 measure compliance with water quality standards for total  
2638 phosphorus, including any applicable total maximum daily load  
2639 for the Lake Okeechobee watershed as established pursuant to s.

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2640 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
2641 the department shall reevaluate water quality and quantity data  
2642 to ensure that the appropriate projects are being designated and  
2643 incorporated into the Lake Okeechobee Basin Management Action  
2644 Plan adopted pursuant to s. 403.067. The district shall  
2645 implement a total phosphorus monitoring program at appropriate  
2646 structures owned or operated by the district and within the Lake  
2647 Okeechobee watershed.

2648 b. Develop a Lake Okeechobee water quality model that  
2649 reasonably represents the phosphorus dynamics of Lake Okeechobee  
2650 and incorporates an uncertainty analysis associated with model  
2651 predictions.

2652 c. Determine the relative contribution of phosphorus from  
2653 all identifiable sources and all primary and secondary land  
2654 uses.

2655 d. Conduct an assessment of the sources of phosphorus from  
2656 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their  
2657 relative contribution to the water quality of Lake Okeechobee.  
2658 The results of this assessment shall be used by the coordinating  
2659 agencies as part of the Lake Okeechobee Basin Management Action  
2660 Plan adopted pursuant to s. 403.067 to develop interim measures,  
2661 best management practices, or regulations, as applicable.

2662 e. Assess current water management practices within the  
2663 Lake Okeechobee watershed and develop recommendations for  
2664 structural and operational improvements. Such recommendations  
2665 shall balance water supply, flood control, estuarine salinity,  
2666 maintenance of a healthy lake littoral zone, and water quality  
2667 considerations.

2668 f. Evaluate the feasibility of alternative nutrient

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2669 reduction technologies, including sediment traps, canal and  
2670 ditch maintenance, fish production or other aquaculture,  
2671 bioenergy conversion processes, and algal or other biological  
2672 treatment technologies and include any alternative nutrient  
2673 reduction technologies determined to be feasible in the Lake  
2674 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2675 403.067.

2676 g. Conduct an assessment of the water volumes and timing  
2677 from the Lake Okeechobee watershed and their relative  
2678 contribution to the water level changes in Lake Okeechobee and  
2679 to the timing and volume of water delivered to the estuaries.

2680 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake  
2681 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2682 403.067 shall be the watershed phosphorus control component for  
2683 Lake Okeechobee. The Lake Okeechobee Basin Management Action  
2684 Plan shall be a multifaceted approach designed to achieve the  
2685 total maximum daily load by improving the management of  
2686 phosphorus sources within the Lake Okeechobee watershed through  
2687 implementation of regulations and best management practices,  
2688 continued development and continued implementation of improved  
2689 best management practices, improvement and restoration of the  
2690 hydrologic function of natural and managed systems, and use of  
2691 alternative technologies for nutrient reduction. As provided in  
2692 s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action  
2693 Plan must include milestones for implementation and water  
2694 quality improvement, and an associated water quality monitoring  
2695 component sufficient to evaluate whether reasonable progress in  
2696 pollutant load reductions is being achieved over time. An  
2697 assessment of progress toward these milestones shall be

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2698 conducted every 5 years and shall be provided to the Governor,  
2699 the President of the Senate, and the Speaker of the House of  
2700 Representatives. Revisions to the plan shall be made, as  
2701 appropriate, as a result of each 5-year review. Revisions to the  
2702 basin management action plan shall be made by the department in  
2703 cooperation with the basin stakeholders. Revisions to best  
2704 management practices or other measures must follow the  
2705 procedures set forth in s. 403.067(7)(c)4. Revised basin  
2706 management action plans must be adopted pursuant to s.  
2707 403.067(7)(a)5. The department shall develop an implementation  
2708 schedule establishing 5-year, 10-year, and 15-year measurable  
2709 milestones and targets to achieve the total maximum daily load  
2710 no more than 20 years after adoption of the plan. The initial  
2711 implementation schedule shall be used to provide guidance for  
2712 planning and funding purposes and is exempt from chapter 120.  
2713 Upon the first 5-year review, the implementation schedule shall  
2714 be adopted as part of the plan. If achieving the total maximum  
2715 daily load within 20 years is not practicable, the  
2716 implementation schedule must contain an explanation of the  
2717 constraints that prevent achievement of the total maximum daily  
2718 load within 20 years, an estimate of the time needed to achieve  
2719 the total maximum daily load, and additional 5-year measurable  
2720 milestones, as necessary. The coordinating agencies shall  
2721 develop an interagency agreement pursuant to ss. 373.046 and  
2722 373.406(5) which is consistent with the department taking the  
2723 lead on water quality protection measures through the Lake  
2724 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2725 403.067; the district taking the lead on hydrologic improvements  
2726 pursuant to paragraph (a); and the Department of Agriculture and

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2727 Consumer Services taking the lead on agricultural interim  
2728 measures, best management practices, and other measures adopted  
2729 pursuant to s. 403.067. The interagency agreement must specify  
2730 how best management practices for nonagricultural nonpoint  
2731 sources are developed and how all best management practices are  
2732 implemented and verified consistent with s. 403.067 and this  
2733 section and must address measures to be taken by the  
2734 coordinating agencies during any best management practice  
2735 reevaluation performed pursuant to subparagraphs 5. and 10. The  
2736 department shall use best professional judgment in making the  
2737 initial determination of best management practice effectiveness.  
2738 The coordinating agencies may develop an intergovernmental  
2739 agreement with local governments to implement nonagricultural  
2740 nonpoint source best management practices within their  
2741 respective geographic boundaries. The coordinating agencies  
2742 shall facilitate the application of federal programs that offer  
2743 opportunities for water quality treatment, including  
2744 preservation, restoration, or creation of wetlands on  
2745 agricultural lands.

2746 1. Agricultural nonpoint source best management practices,  
2747 developed in accordance with s. 403.067 and designed to achieve  
2748 the objectives of the Lake Okeechobee Watershed Protection  
2749 Program as part of a phased approach of management strategies  
2750 within the Lake Okeechobee Basin Management Action Plan, shall  
2751 be implemented on an expedited basis.

2752 2. As provided in s. 403.067, the Department of Agriculture  
2753 and Consumer Services, in consultation with the department, the  
2754 district, and affected parties, shall initiate rule development  
2755 for interim measures, best management practices, conservation

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2756 plans, nutrient management plans, or other measures necessary  
2757 for Lake Okeechobee watershed total maximum daily load  
2758 reduction. The rule shall include thresholds for requiring  
2759 conservation and nutrient management plans and criteria for the  
2760 contents of such plans. Development of agricultural nonpoint  
2761 source best management practices shall initially focus on those  
2762 priority basins listed in sub-subparagraph (a)1.a. The  
2763 Department of Agriculture and Consumer Services, in consultation  
2764 with the department, the district, and affected parties, shall  
2765 conduct an ongoing program for improvement of existing and  
2766 development of new agricultural nonpoint source interim measures  
2767 and best management practices. The Department of Agriculture and  
2768 Consumer Services shall adopt such practices by rule. The  
2769 Department of Agriculture and Consumer Services shall work with  
2770 the University of Florida Institute of Food and Agriculture  
2771 Sciences to review and, where appropriate, develop revised  
2772 nutrient application rates for all agricultural soil amendments  
2773 in the watershed.

2774 3. As provided in s. 403.067, where agricultural nonpoint  
2775 source best management practices or interim measures have been  
2776 adopted by rule of the Department of Agriculture and Consumer  
2777 Services, the owner or operator of an agricultural nonpoint  
2778 source addressed by such rule shall either implement interim  
2779 measures or best management practices or demonstrate compliance  
2780 with state water quality standards addressed by the Lake  
2781 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2782 403.067 by conducting monitoring prescribed by the department or  
2783 the district. Owners or operators of agricultural nonpoint  
2784 sources who implement interim measures or best management

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2785 practices adopted by rule of the Department of Agriculture and  
2786 Consumer Services shall be subject to s. 403.067.

2787 4. The district or department shall conduct monitoring at  
2788 representative sites to verify the effectiveness of agricultural  
2789 nonpoint source best management practices.

2790 5. Where water quality problems are detected for  
2791 agricultural nonpoint sources despite the appropriate  
2792 implementation of adopted best management practices, a  
2793 reevaluation of the best management practices shall be conducted  
2794 pursuant to s. 403.067(7)(c)4. If the reevaluation determines  
2795 that the best management practices or other measures require  
2796 modification, the rule shall be revised to require  
2797 implementation of the modified practice within a reasonable  
2798 period as specified in the rule.

2799 6. As provided in s. 403.067, nonagricultural nonpoint  
2800 source best management practices, developed in accordance with  
2801 s. 403.067 and designed to achieve the objectives of the Lake  
2802 Okeechobee Watershed Protection Program as part of a phased  
2803 approach of management strategies within the Lake Okeechobee  
2804 Basin Management Action Plan, shall be implemented on an  
2805 expedited basis.

2806 7. The department and the district are directed to work  
2807 with the University of Florida Institute of Food and  
2808 Agricultural Sciences to develop appropriate nutrient  
2809 application rates for all nonagricultural soil amendments in the  
2810 watershed. As provided in s. 403.067, the department, in  
2811 consultation with the district and affected parties, shall  
2812 develop nonagricultural nonpoint source interim measures, best  
2813 management practices, or other measures necessary for Lake

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2814 Okeechobee watershed total maximum daily load reduction.  
2815 Development of nonagricultural nonpoint source best management  
2816 practices shall initially focus on those priority basins listed  
2817 in sub-subparagraph (a)1.a. The department, the district, and  
2818 affected parties shall conduct an ongoing program for  
2819 improvement of existing and development of new interim measures  
2820 and best management practices. The department or the district  
2821 shall adopt such practices by rule.

2822 8. Where nonagricultural nonpoint source best management  
2823 practices or interim measures have been developed by the  
2824 department and adopted by the district, the owner or operator of  
2825 a nonagricultural nonpoint source shall implement interim  
2826 measures or best management practices and be subject to s.  
2827 403.067.

2828 9. As provided in s. 403.067, the district or the  
2829 department shall conduct monitoring at representative sites to  
2830 verify the effectiveness of nonagricultural nonpoint source best  
2831 management practices.

2832 10. Where water quality problems are detected for  
2833 nonagricultural nonpoint sources despite the appropriate  
2834 implementation of adopted best management practices, a  
2835 reevaluation of the best management practices shall be conducted  
2836 pursuant to s. 403.067(7)(c)4. If the reevaluation determines  
2837 that the best management practices or other measures require  
2838 modification, the rule shall be revised to require  
2839 implementation of the modified practice within a reasonable time  
2840 period as specified in the rule.

2841 11. Subparagraphs 2. and 7. do not preclude the department  
2842 or the district from requiring compliance with water quality

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2843 standards or with current best management practices requirements  
2844 set forth in any applicable regulatory program authorized by law  
2845 for the purpose of protecting water quality. Subparagraphs 2.  
2846 and 7. are applicable only to the extent that they do not  
2847 conflict with any rules adopted by the department that are  
2848 necessary to maintain a federally delegated or approved program.

2849 12. The program of agricultural best management practices  
2850 set forth in the Everglades Program of the district meets the  
2851 requirements of this paragraph and s. 403.067(7) for the Lake  
2852 Okeechobee watershed. An entity in compliance with the best  
2853 management practices set forth in the Everglades Program of the  
2854 district may elect to use that permit in lieu of the  
2855 requirements of this paragraph. The provisions of subparagraph  
2856 5. apply to this subparagraph. This subparagraph does not alter  
2857 any requirement of s. 373.4592.

2858 13. The Department of Agriculture and Consumer Services, in  
2859 cooperation with the department and the district, shall provide  
2860 technical and financial assistance for implementation of  
2861 agricultural best management practices, subject to the  
2862 availability of funds. The department and district shall provide  
2863 technical and financial assistance for implementation of  
2864 nonagricultural nonpoint source best management practices,  
2865 subject to the availability of funds.

2866 14. Projects that reduce the phosphorus load originating  
2867 from domestic wastewater systems within the Lake Okeechobee  
2868 watershed shall be given funding priority in the department's  
2869 revolving loan program under s. 403.1835. The department shall  
2870 coordinate and provide assistance to those local governments  
2871 seeking financial assistance for such priority projects.

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2872        15. Projects that make use of private lands, or lands held  
2873        in trust for Indian tribes, to reduce nutrient loadings or  
2874        concentrations within a basin by one or more of the following  
2875        methods: restoring the natural hydrology of the basin, restoring  
2876        wildlife habitat or impacted wetlands, reducing peak flows after  
2877        storm events, increasing aquifer recharge, or protecting range  
2878        and timberland from conversion to development, are eligible for  
2879        grants available under this section from the coordinating  
2880        agencies. For projects of otherwise equal priority, special  
2881        funding priority will be given to those projects that make best  
2882        use of the methods outlined above that involve public-private  
2883        partnerships or that obtain federal match money. Preference  
2884        ranking above the special funding priority will be given to  
2885        projects located in a rural area of opportunity designated by  
2886        the Governor. Grant applications may be submitted by any person  
2887        or tribal entity, and eligible projects may include, but are not  
2888        limited to, the purchase of conservation and flowage easements,  
2889        hydrologic restoration of wetlands, creating treatment wetlands,  
2890        development of a management plan for natural resources, and  
2891        financial support to implement a management plan.

2892        16. The department shall require all entities disposing of  
2893        domestic wastewater biosolids within the Lake Okeechobee  
2894        watershed and the remaining areas of Okeechobee, Glades, and  
2895        Hendry Counties to develop and submit to the department an  
2896        agricultural use plan that limits applications based upon  
2897        phosphorus loading consistent with the Lake Okeechobee Basin  
2898        Management Action Plan adopted pursuant to s. 403.067. The  
2899        department may not authorize the disposal of domestic wastewater  
2900        biosolids within the Lake Okeechobee watershed unless the

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2901 applicant can affirmatively demonstrate that the phosphorus in  
2902 the biosolids will not add to phosphorus loadings in Lake  
2903 Okeechobee or its tributaries. This demonstration shall be based  
2904 on achieving a net balance between phosphorus imports relative  
2905 to exports on the permitted application site. Exports shall  
2906 include only phosphorus removed from the Lake Okeechobee  
2907 watershed through products generated on the permitted  
2908 application site. This prohibition does not apply to Class AA  
2909 biosolids that are marketed and distributed as fertilizer  
2910 products in accordance with department rule.

2911 17. Private and government-owned utilities within Monroe,  
2912 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
2913 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
2914 dispose of wastewater biosolids sludge from utility operations  
2915 and septic removal by land spreading in the Lake Okeechobee  
2916 watershed may use a line item on local sewer rates to cover  
2917 wastewater biosolids treatment and disposal if such disposal and  
2918 treatment is done by approved alternative treatment methodology  
2919 at a facility located within the areas designated by the  
2920 Governor as rural areas of opportunity pursuant to s. 288.0656.  
2921 This additional line item is an environmental protection  
2922 disposal fee above the present sewer rate and may not be  
2923 considered a part of the present sewer rate to customers,  
2924 notwithstanding provisions to the contrary in chapter 367. The  
2925 fee shall be established by the county commission or its  
2926 designated assignee in the county in which the alternative  
2927 method treatment facility is located. The fee shall be  
2928 calculated to be no higher than that necessary to recover the  
2929 facility's prudent cost of providing the service. Upon request

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2930 by an affected county commission, the Florida Public Service  
2931 Commission will provide assistance in establishing the fee.  
2932 Further, for utilities and utility authorities that use the  
2933 additional line item environmental protection disposal fee, such  
2934 fee may not be considered a rate increase under the rules of the  
2935 Public Service Commission and shall be exempt from such rules.  
2936 Utilities using this section may immediately include in their  
2937 sewer invoicing the new environmental protection disposal fee.  
2938 Proceeds from this environmental protection disposal fee shall  
2939 be used for treatment and disposal of wastewater biosolids,  
2940 including any treatment technology that helps reduce the volume  
2941 of biosolids that require final disposal, but such proceeds may  
2942 not be used for transportation or shipment costs for disposal or  
2943 any costs relating to the land application of biosolids in the  
2944 Lake Okeechobee watershed.

2945 18. No less frequently than once every 3 years, the Florida  
2946 Public Service Commission or the county commission through the  
2947 services of an independent auditor shall perform a financial  
2948 audit of all facilities receiving compensation from an  
2949 environmental protection disposal fee. The Florida Public  
2950 Service Commission or the county commission through the services  
2951 of an independent auditor shall also perform an audit of the  
2952 methodology used in establishing the environmental protection  
2953 disposal fee. The Florida Public Service Commission or the  
2954 county commission shall, within 120 days after completion of an  
2955 audit, file the audit report with the President of the Senate  
2956 and the Speaker of the House of Representatives and shall  
2957 provide copies to the county commissions of the counties set  
2958 forth in subparagraph 17. The books and records of any

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2959 facilities receiving compensation from an environmental  
2960 protection disposal fee shall be open to the Florida Public  
2961 Service Commission and the Auditor General for review upon  
2962 request.

2963 19. The Department of Health shall require all entities  
2964 disposing of septage within the Lake Okeechobee watershed to  
2965 develop and submit to that agency an agricultural use plan that  
2966 limits applications based upon phosphorus loading consistent  
2967 with the Lake Okeechobee Basin Management Action Plan adopted  
2968 pursuant to s. 403.067.

2969 20. The Department of Agriculture and Consumer Services  
2970 shall initiate rulemaking requiring entities within the Lake  
2971 Okeechobee watershed which land-apply animal manure to develop  
2972 resource management system level conservation plans, according  
2973 to United States Department of Agriculture criteria, which limit  
2974 such application. Such rules must include criteria and  
2975 thresholds for the requirement to develop a conservation or  
2976 nutrient management plan, requirements for plan approval, site  
2977 inspection requirements, and recordkeeping requirements.

2978 21. The district shall revise chapter 40E-61, Florida  
2979 Administrative Code, to be consistent with this section and s.  
2980 403.067; provide for a monitoring program for nonpoint source  
2981 dischargers required to monitor water quality by s. 403.067; and  
2982 provide for the results of such monitoring to be reported to the  
2983 coordinating agencies.

2984 (c) *Lake Okeechobee Exotic Species Control Program.*—The  
2985 coordinating agencies shall identify the exotic species that  
2986 threaten the native flora and fauna within the Lake Okeechobee  
2987 watershed and develop and implement measures to protect the

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2988 native flora and fauna.

2989       (d) *Lake Okeechobee Internal Phosphorus Management*  
2990 *Program.*—The district, in cooperation with the other  
2991 coordinating agencies and interested parties, shall evaluate the  
2992 feasibility of Lake Okeechobee internal phosphorus load removal  
2993 projects. The evaluation shall be based on technical  
2994 feasibility, as well as economic considerations, and shall  
2995 consider all reasonable methods of phosphorus removal. If  
2996 projects are found to be feasible, the district shall  
2997 immediately pursue the design, funding, and permitting for  
2998 implementing such projects.

2999       (e) *Lake Okeechobee Watershed Protection Program*  
3000 *implementation.*—The coordinating agencies shall be jointly  
3001 responsible for implementing the Lake Okeechobee Watershed  
3002 Protection Program, consistent with the statutory authority and  
3003 responsibility of each agency. Annual funding priorities shall  
3004 be jointly established, and the highest priority shall be  
3005 assigned to programs and projects that address sources that have  
3006 the highest relative contribution to loading and the greatest  
3007 potential for reductions needed to meet the total maximum daily  
3008 loads. In determining funding priorities, the coordinating  
3009 agencies shall also consider the need for regulatory compliance,  
3010 the extent to which the program or project is ready to proceed,  
3011 and the availability of federal matching funds or other nonstate  
3012 funding, including public-private partnerships. Federal and  
3013 other nonstate funding shall be maximized to the greatest extent  
3014 practicable.

3015       (f) *Priorities and implementation schedules.*—The  
3016 coordinating agencies are authorized and directed to establish

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3017 priorities and implementation schedules for the achievement of  
3018 total maximum daily loads, compliance with the requirements of  
3019 s. 403.067, and compliance with applicable water quality  
3020 standards within the waters and watersheds subject to this  
3021 section.

3022 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
3023 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
3024 program shall be developed and implemented as specified in this  
3025 subsection. To protect and restore surface water resources, the  
3026 program shall address the reduction of pollutant loadings,  
3027 restoration of natural hydrology, and compliance with applicable  
3028 state water quality standards. The program shall be achieved  
3029 through a phased program of implementation. In addition,  
3030 pollutant load reductions based upon adopted total maximum daily  
3031 loads established in accordance with s. 403.067 shall serve as a  
3032 program objective. In the development and administration of the  
3033 program, the coordinating agencies shall maximize opportunities  
3034 provided by federal and local government cost-sharing programs  
3035 and opportunities for partnerships with the private sector and  
3036 local government. The program shall include a goal for salinity  
3037 envelopes and freshwater inflow targets for the estuaries based  
3038 upon existing research and documentation. The goal may be  
3039 revised as new information is available. This goal shall seek to  
3040 reduce the frequency and duration of undesirable salinity ranges  
3041 while meeting the other water-related needs of the region,  
3042 including water supply and flood protection, while recognizing  
3043 the extent to which water inflows are within the control and  
3044 jurisdiction of the district.

3045 (a) *Caloosahatchee River Watershed Protection Plan.*—The

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3046 district, in cooperation with the other coordinating agencies,  
3047 Lee County, and affected counties and municipalities, shall  
3048 complete a River Watershed Protection Plan in accordance with  
3049 this subsection. The Caloosahatchee River Watershed Protection  
3050 Plan shall identify the geographic extent of the watershed, be  
3051 coordinated as needed with the plans developed pursuant to  
3052 paragraph (3)(a) and paragraph (c) of this subsection, and  
3053 include the Caloosahatchee River Watershed Construction Project  
3054 and the Caloosahatchee River Watershed Research and Water  
3055 Quality Monitoring Program.

3056 1. Caloosahatchee River Watershed Construction Project.—To  
3057 improve the hydrology, water quality, and aquatic habitats  
3058 within the watershed, the district shall, no later than January  
3059 1, 2012, plan, design, and construct the initial phase of the  
3060 Watershed Construction Project. In doing so, the district shall:

3061 a. Develop and designate the facilities to be constructed  
3062 to achieve stated goals and objectives of the Caloosahatchee  
3063 River Watershed Protection Plan.

3064           b. Conduct scientific studies that are necessary to support  
3065 the design of the Caloosahatchee River Watershed Construction  
3066 Project facilities.

3067 c. Identify the size and location of all such facilities.

3068           d. Provide a construction schedule for all such facilities,  
3069 including the sequencing and specific timeframe for construction  
3070 of each facility.

3071           e. Provide a schedule for the acquisition of lands or  
3072 sufficient interests necessary to achieve the construction  
3073 schedule.

3074 f. Provide a schedule of costs and benefits associated with

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3075 each construction project and identify funding sources.

3076 g. To ensure timely implementation, coordinate the design,  
3077 scheduling, and sequencing of project facilities with the  
3078 coordinating agencies, Lee County, other affected counties and  
3079 municipalities, and other affected parties.

3080 2. Caloosahatchee River Watershed Research and Water  
3081 Quality Monitoring Program.—The district, in cooperation with  
3082 the other coordinating agencies and local governments, shall  
3083 implement a Caloosahatchee River Watershed Research and Water  
3084 Quality Monitoring Program that builds upon the district's  
3085 existing research program and that is sufficient to carry out,  
3086 comply with, or assess the plans, programs, and other  
3087 responsibilities created by this subsection. The program shall  
3088 also conduct an assessment of the water volumes and timing from  
3089 Lake Okeechobee and the Caloosahatchee River watershed and their  
3090 relative contributions to the timing and volume of water  
3091 delivered to the estuary.

3092 (b) *Caloosahatchee River Watershed Basin Management Action*  
3093 *Plans.*—The basin management action plans adopted pursuant to s.  
3094 403.067 for the Caloosahatchee River watershed shall be the  
3095 Caloosahatchee River Watershed Pollutant Control Program. The  
3096 plans shall be designed to be a multifaceted approach to  
3097 reducing pollutant loads by improving the management of  
3098 pollutant sources within the Caloosahatchee River watershed  
3099 through implementation of regulations and best management  
3100 practices, development and implementation of improved best  
3101 management practices, improvement and restoration of the  
3102 hydrologic function of natural and managed systems, and  
3103 utilization of alternative technologies for pollutant reduction,

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3104 such as cost-effective biologically based, hybrid  
3105 wetland/chemical and other innovative nutrient control  
3106 technologies. As provided in s. 403.067(7)(a)6., the  
3107 Caloosahatchee River Watershed Basin Management Action Plans  
3108 must include milestones for implementation and water quality  
3109 improvement, and an associated water quality monitoring  
3110 component sufficient to evaluate whether reasonable progress in  
3111 pollutant load reductions is being achieved over time. An  
3112 assessment of progress toward these milestones shall be  
3113 conducted every 5 years and shall be provided to the Governor,  
3114 the President of the Senate, and the Speaker of the House of  
3115 Representatives. Revisions to the plans shall be made, as  
3116 appropriate, as a result of each 5-year review. Revisions to the  
3117 basin management action plans shall be made by the department in  
3118 cooperation with the basin stakeholders. Revisions to best  
3119 management practices or other measures must follow the  
3120 procedures set forth in s. 403.067(7)(c)4. Revised basin  
3121 management action plans must be adopted pursuant to s.  
3122 403.067(7)(a)5. The department shall develop an implementation  
3123 schedule establishing 5-year, 10-year, and 15-year measurable  
3124 milestones and targets to achieve the total maximum daily load  
3125 no more than 20 years after adoption of the plan. The initial  
3126 implementation schedule shall be used to provide guidance for  
3127 planning and funding purposes and is exempt from chapter 120.  
3128 Upon the first 5-year review, the implementation schedule shall  
3129 be adopted as part of the plans. If achieving the total maximum  
3130 daily load within 20 years is not practicable, the  
3131 implementation schedule must contain an explanation of the  
3132 constraints that prevent achievement of the total maximum daily

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3133 load within 20 years, an estimate of the time needed to achieve  
3134 the total maximum daily load, and additional 5-year measurable  
3135 milestones, as necessary. The coordinating agencies shall  
3136 facilitate the use of federal programs that offer opportunities  
3137 for water quality treatment, including preservation,  
3138 restoration, or creation of wetlands on agricultural lands.

3139 1. Nonpoint source best management practices consistent  
3140 with s. 403.067, designed to achieve the objectives of the  
3141 Caloosahatchee River Watershed Protection Program, shall be  
3142 implemented on an expedited basis. The coordinating agencies may  
3143 develop an intergovernmental agreement with local governments to  
3144 implement the nonagricultural, nonpoint source best management  
3145 practices within their respective geographic boundaries.

3146 2. This subsection does not preclude the department or the  
3147 district from requiring compliance with water quality standards,  
3148 adopted total maximum daily loads, or current best management  
3149 practices requirements set forth in any applicable regulatory  
3150 program authorized by law for the purpose of protecting water  
3151 quality. This subsection applies only to the extent that it does  
3152 not conflict with any rules adopted by the department or  
3153 district which are necessary to maintain a federally delegated  
3154 or approved program.

3155 3. Projects that make use of private lands, or lands held  
3156 in trust for Indian tribes, to reduce pollutant loadings or  
3157 concentrations within a basin, or that reduce the volume of  
3158 harmful discharges by one or more of the following methods:  
3159 restoring the natural hydrology of the basin, restoring wildlife  
3160 habitat or impacted wetlands, reducing peak flows after storm  
3161 events, or increasing aquifer recharge, are eligible for grants

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3162 available under this section from the coordinating agencies.

3163 4. The Caloosahatchee River Watershed Basin Management  
3164 Action Plans shall require assessment of current water  
3165 management practices within the watershed and shall require  
3166 development of recommendations for structural, nonstructural,  
3167 and operational improvements. Such recommendations shall  
3168 consider and balance water supply, flood control, estuarine  
3169 salinity, aquatic habitat, and water quality considerations.

3170 5. The department may not authorize the disposal of  
3171 domestic wastewater biosolids within the Caloosahatchee River  
3172 watershed unless the applicant can affirmatively demonstrate  
3173 that the nutrients in the biosolids will not add to nutrient  
3174 loadings in the watershed. This demonstration shall be based on  
3175 achieving a net balance between nutrient imports relative to  
3176 exports on the permitted application site. Exports shall include  
3177 only nutrients removed from the watershed through products  
3178 generated on the permitted application site. This prohibition  
3179 does not apply to Class AA biosolids that are marketed and  
3180 distributed as fertilizer products in accordance with department  
3181 rule.

3182 6. The Department of Health shall require all entities  
3183 disposing of septage within the Caloosahatchee River watershed  
3184 to develop and submit to that agency an agricultural use plan  
3185 that limits applications based upon nutrient loading consistent  
3186 with any basin management action plan adopted pursuant to s.  
3187 403.067.

3188 7. The Department of Agriculture and Consumer Services  
3189 shall require entities within the Caloosahatchee River watershed  
3190 which land-apply animal manure to develop a resource management

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3191 system level conservation plan, according to United States  
3192 Department of Agriculture criteria, which limit such  
3193 application. Such rules shall include criteria and thresholds  
3194 for the requirement to develop a conservation or nutrient  
3195 management plan, requirements for plan approval, site inspection  
3196 requirements, and recordkeeping requirements.

3197 8. The district shall initiate rulemaking to provide for a  
3198 monitoring program for nonpoint source dischargers required to  
3199 monitor water quality pursuant to s. 403.067(7) (b)2.g. or (c)3.  
3200 The results of such monitoring must be reported to the  
3201 coordinating agencies.

3202 (c) *St. Lucie River Watershed Protection Plan.*—The  
3203 district, in cooperation with the other coordinating agencies,  
3204 Martin County, and affected counties and municipalities shall  
3205 complete a plan in accordance with this subsection. The St.  
3206 Lucie River Watershed Protection Plan shall identify the  
3207 geographic extent of the watershed, be coordinated as needed  
3208 with the plans developed pursuant to paragraph (3) (a) and  
3209 paragraph (a) of this subsection, and include the St. Lucie  
3210 River Watershed Construction Project and St. Lucie River  
3211 Watershed Research and Water Quality Monitoring Program.

3212 1. *St. Lucie River Watershed Construction Project.*—To  
3213 improve the hydrology, water quality, and aquatic habitats  
3214 within the watershed, the district shall, no later than January  
3215 1, 2012, plan, design, and construct the initial phase of the  
3216 Watershed Construction Project. In doing so, the district shall:

3217 a. Develop and designate the facilities to be constructed  
3218 to achieve stated goals and objectives of the St. Lucie River  
3219 Watershed Protection Plan.

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3220                   b. Identify the size and location of all such facilities.

3221                   c. Provide a construction schedule for all such facilities, including the sequencing and specific timeframe for construction of each facility.

3224                   d. Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

3227                   e. Provide a schedule of costs and benefits associated with each construction project and identify funding sources.

3229                   f. To ensure timely implementation, coordinate the design, scheduling, and sequencing of project facilities with the coordinating agencies, Martin County, St. Lucie County, other interested parties, and other affected local governments.

3233                   2. St. Lucie River Watershed Research and Water Quality Monitoring Program.—The district, in cooperation with the other coordinating agencies and local governments, shall establish a St. Lucie River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The district shall also conduct an assessment of the water volumes and timing from Lake Okeechobee and the St. Lucie River watershed and their relative contributions to the timing and volume of water delivered to the estuary.

3245                   (d) *St. Lucie River Watershed Basin Management Action Plan.*—The basin management action plan for the St. Lucie River watershed adopted pursuant to s. 403.067 shall be the St. Lucie River Watershed Pollutant Control Program and shall be designed

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3249 to be a multifaceted approach to reducing pollutant loads by  
3250 improving the management of pollutant sources within the St.  
3251 Lucie River watershed through implementation of regulations and  
3252 best management practices, development and implementation of  
3253 improved best management practices, improvement and restoration  
3254 of the hydrologic function of natural and managed systems, and  
3255 use of alternative technologies for pollutant reduction, such as  
3256 cost-effective biologically based, hybrid wetland/chemical and  
3257 other innovative nutrient control technologies. As provided in  
3258 s. 403.067(7)(a)6., the St. Lucie River Watershed Basin  
3259 Management Action Plan must include milestones for  
3260 implementation and water quality improvement, and an associated  
3261 water quality monitoring component sufficient to evaluate  
3262 whether reasonable progress in pollutant load reductions is  
3263 being achieved over time. An assessment of progress toward these  
3264 milestones shall be conducted every 5 years and shall be  
3265 provided to the Governor, the President of the Senate, and the  
3266 Speaker of the House of Representatives. Revisions to the plan  
3267 shall be made, as appropriate, as a result of each 5-year  
3268 review. Revisions to the basin management action plan shall be  
3269 made by the department in cooperation with the basin  
3270 stakeholders. Revisions to best management practices or other  
3271 measures must follow the procedures set forth in s.  
3272 403.067(7)(c)4. Revised basin management action plans must be  
3273 adopted pursuant to s. 403.067(7)(a)5. The department shall  
3274 develop an implementation schedule establishing 5-year, 10-year,  
3275 and 15-year measurable milestones and targets to achieve the  
3276 total maximum daily load no more than 20 years after adoption of  
3277 the plan. The initial implementation schedule shall be used to

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3278 provide guidance for planning and funding purposes and is exempt  
3279 from chapter 120. Upon the first 5-year review, the  
3280 implementation schedule shall be adopted as part of the plan. If  
3281 achieving the total maximum daily load within 20 years is not  
3282 practicable, the implementation schedule must contain an  
3283 explanation of the constraints that prevent achievement of the  
3284 total maximum daily load within 20 years, an estimate of the  
3285 time needed to achieve the total maximum daily load, and  
3286 additional 5-year measurable milestones, as necessary. The  
3287 coordinating agencies shall facilitate the use of federal  
3288 programs that offer opportunities for water quality treatment,  
3289 including preservation, restoration, or creation of wetlands on  
3290 agricultural lands.

3291 1. Nonpoint source best management practices consistent  
3292 with s. 403.067, designed to achieve the objectives of the St.  
3293 Lucie River Watershed Protection Program, shall be implemented  
3294 on an expedited basis. The coordinating agencies may develop an  
3295 intergovernmental agreement with local governments to implement  
3296 the nonagricultural nonpoint source best management practices  
3297 within their respective geographic boundaries.

3298 2. This subsection does not preclude the department or the  
3299 district from requiring compliance with water quality standards,  
3300 adopted total maximum daily loads, or current best management  
3301 practices requirements set forth in any applicable regulatory  
3302 program authorized by law for the purpose of protecting water  
3303 quality. This subsection applies only to the extent that it does  
3304 not conflict with any rules adopted by the department or  
3305 district which are necessary to maintain a federally delegated  
3306 or approved program.

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3307        3. Projects that make use of private lands, or lands held  
3308        in trust for Indian tribes, to reduce pollutant loadings or  
3309        concentrations within a basin, or that reduce the volume of  
3310        harmful discharges by one or more of the following methods:  
3311        restoring the natural hydrology of the basin, restoring wildlife  
3312        habitat or impacted wetlands, reducing peak flows after storm  
3313        events, or increasing aquifer recharge, are eligible for grants  
3314        available under this section from the coordinating agencies.

3315        4. The St. Lucie River Watershed Basin Management Action  
3316        Plan shall require assessment of current water management  
3317        practices within the watershed and shall require development of  
3318        recommendations for structural, nonstructural, and operational  
3319        improvements. Such recommendations shall consider and balance  
3320        water supply, flood control, estuarine salinity, aquatic  
3321        habitat, and water quality considerations.

3322        5. The department may not authorize the disposal of  
3323        domestic wastewater biosolids within the St. Lucie River  
3324        watershed unless the applicant can affirmatively demonstrate  
3325        that the nutrients in the biosolids will not add to nutrient  
3326        loadings in the watershed. This demonstration shall be based on  
3327        achieving a net balance between nutrient imports relative to  
3328        exports on the permitted application site. Exports shall include  
3329        only nutrients removed from the St. Lucie River watershed  
3330        through products generated on the permitted application site.  
3331        This prohibition does not apply to Class AA biosolids that are  
3332        marketed and distributed as fertilizer products in accordance  
3333        with department rule.

3334        6. The Department of Health shall require all entities  
3335        disposing of septage within the St. Lucie River watershed to

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3336 develop and submit to that agency an agricultural use plan that  
3337 limits applications based upon nutrient loading consistent with  
3338 any basin management action plan adopted pursuant to s. 403.067.

3339       7. The Department of Agriculture and Consumer Services  
3340 shall initiate rulemaking requiring entities within the St.  
3341 Lucie River watershed which land-apply animal manure to develop  
3342 a resource management system level conservation plan, according  
3343 to United States Department of Agriculture criteria, which limit  
3344 such application. Such rules shall include criteria and  
3345 thresholds for the requirement to develop a conservation or  
3346 nutrient management plan, requirements for plan approval, site  
3347 inspection requirements, and recordkeeping requirements.

3348       8. The district shall initiate rulemaking to provide for a  
3349 monitoring program for nonpoint source dischargers required to  
3350 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.  
3351 The results of such monitoring must be reported to the  
3352 coordinating agencies.

3353       (e) *River Watershed Protection Plan implementation.*—The  
3354 coordinating agencies shall be jointly responsible for  
3355 implementing the River Watershed Protection Plans, consistent  
3356 with the statutory authority and responsibility of each agency.  
3357 Annual funding priorities shall be jointly established, and the  
3358 highest priority shall be assigned to programs and projects that  
3359 have the greatest potential for achieving the goals and  
3360 objectives of the plans. In determining funding priorities, the  
3361 coordinating agencies shall also consider the need for  
3362 regulatory compliance, the extent to which the program or  
3363 project is ready to proceed, and the availability of federal or  
3364 local government matching funds. Federal and other nonstate

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3365 funding shall be maximized to the greatest extent practicable.

3366 (f) *Evaluation.*—Beginning March 1, 2020, and every 5 years  
3367 thereafter, concurrent with the updates of the basin management  
3368 action plans adopted pursuant to s. 403.067, the department, in  
3369 cooperation with the other coordinating agencies, shall conduct  
3370 an evaluation of any pollutant load reduction goals, as well as  
3371 any other specific objectives and goals, as stated in the River  
3372 Watershed Protection Programs. The district shall identify  
3373 modifications to facilities of the River Watershed Construction  
3374 Projects, as appropriate, or any other elements of the River  
3375 Watershed Protection Programs. The evaluation shall be included  
3376 in the annual progress report submitted pursuant to this  
3377 section.

3378 (g) *Priorities and implementation schedules.*—The  
3379 coordinating agencies are authorized and directed to establish  
3380 priorities and implementation schedules for the achievement of  
3381 total maximum daily loads, the requirements of s. 403.067, and  
3382 compliance with applicable water quality standards within the  
3383 waters and watersheds subject to this section.

3384 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
3385 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
3386 department is directed to expedite development and adoption of  
3387 total maximum daily loads for the Caloosahatchee River and  
3388 estuary. The department is further directed to propose for final  
3389 agency action total maximum daily loads for nutrients in the  
3390 tidal portions of the Caloosahatchee River and estuary. The  
3391 department shall initiate development of basin management action  
3392 plans for Lake Okeechobee, the Caloosahatchee River watershed  
3393 and estuary, and the St. Lucie River watershed and estuary as

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3394 provided in s. 403.067 as follows:

3395 (a) Basin management action plans shall be developed as  
3396 soon as practicable as determined necessary by the department to  
3397 achieve the total maximum daily loads established for the Lake  
3398 Okeechobee watershed and the estuaries.

3399 (b) The Phase II technical plan development pursuant to  
3400 paragraph (3) (a), and the River Watershed Protection Plans  
3401 developed pursuant to paragraphs (4) (a) and (c), shall provide  
3402 the basis for basin management action plans developed by the  
3403 department.

3404 (c) As determined necessary by the department to achieve  
3405 the total maximum daily loads, additional or modified projects  
3406 or programs that complement those in the legislatively ratified  
3407 plans may be included during the development of the basin  
3408 management action plan.

3409 (d) As provided in s. 403.067, management strategies and  
3410 pollution reduction requirements set forth in a basin management  
3411 action plan subject to permitting by the department under  
3412 subsection (7) must be completed pursuant to the schedule set  
3413 forth in the basin management action plan, as amended. The  
3414 implementation schedule may extend beyond the 5-year permit  
3415 term.

3416 (e) As provided in s. 403.067, management strategies and  
3417 pollution reduction requirements set forth in a basin management  
3418 action plan for a specific pollutant of concern are not subject  
3419 to challenge under chapter 120 at the time they are  
3420 incorporated, in an identical form, into a department or  
3421 district issued permit or a permit modification issued in  
3422 accordance with subsection (7).

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(6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in cooperation with the other coordinating agencies, shall report on implementation of this section as part of the consolidated annual report required in s. 373.036(7). The annual report shall include a summary of the conditions of the hydrology, water quality, and aquatic habitat in the northern Everglades based on the results of the Research and Water Quality Monitoring Programs, the status of the Lake Okeechobee Watershed Construction Project, the status of the Caloosahatchee River Watershed Construction Project, and the status of the St. Lucie River Watershed Construction Project. In addition, the report shall contain an annual accounting of the expenditure of funds from the Save Our Everglades Trust Fund. At a minimum, the annual report shall provide detail by program and plan, including specific information concerning the amount and use of funds from federal, state, or local government sources. In detailing the use of these funds, the district shall indicate those designated to meet requirements for matching funds. The district shall prepare the report in cooperation with the other coordinating agencies and affected local governments. The department shall report on the status of the Lake Okeechobee Basin Management Action Plan, the Caloosahatchee River Watershed Basin Management Action Plan, and the St. Lucie River Watershed Basin Management Action Plan. The Department of Agriculture and Consumer Services shall report on the status of the implementation of the agricultural nonpoint source best management practices, including an implementation assurance report summarizing survey responses and response rates, site inspections, and other methods used to verify implementation of

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3452 and compliance with best management practices in the Lake  
3453 Okeechobee, Caloosahatchee River, and St. Lucie River  
3454 watersheds.

3455 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

3456 (a) The Legislature finds that the Lake Okeechobee  
3457 Watershed Protection Program will benefit Lake Okeechobee and  
3458 downstream receiving waters and is in the public interest. The  
3459 Lake Okeechobee Watershed Construction Project and structures  
3460 discharging into or from Lake Okeechobee shall be constructed,  
3461 operated, and maintained in accordance with this section.

3462 (b) Permits obtained pursuant to this section are in lieu  
3463 of all other permits under this chapter or chapter 403, except  
3464 those issued under s. 403.0885, if applicable. Additional  
3465 permits are not required for the Lake Okeechobee Watershed  
3466 Construction Project, or structures discharging into or from  
3467 Lake Okeechobee, if such project or structures are permitted  
3468 under this section. Construction activities related to  
3469 implementation of the Lake Okeechobee Watershed Construction  
3470 Project may be initiated before final agency action, or notice  
3471 of intended agency action, on any permit from the department  
3472 under this section.

3473 (c)1. Owners or operators of existing structures which  
3474 discharge into or from Lake Okeechobee that were subject to  
3475 Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707,  
3476 and RT50-205564 and that are subject to s. 373.4592(4)(a) do not  
3477 require a permit under this section and shall be governed by  
3478 permits issued under ss. 373.413 and 373.416 and the Lake  
3479 Okeechobee Basin Management Action Plan adopted pursuant to s.  
3480 403.067.

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3481        2. For the purposes of this paragraph, owners and operators  
3482 of existing structures which are subject to s. 373.4592(4)(a)  
3483 and which discharge into or from Lake Okeechobee shall be deemed  
3484 in compliance with this paragraph if they are in full compliance  
3485 with the conditions of permits under chapter 40E-63, Florida  
3486 Administrative Code.

3487        3. By January 1, 2017, the district shall submit to the  
3488 department a complete application for a permit modification to  
3489 the Lake Okeechobee structure permits to incorporate proposed  
3490 changes necessary to ensure that discharges through the  
3491 structures covered by this permit are consistent with the basin  
3492 management action plan adopted pursuant to s. 403.067.

3493        (d) The department shall require permits for district  
3494 regional projects that are part of the Lake Okeechobee Watershed  
3495 Construction Project. However, projects that qualify as exempt  
3496 pursuant to s. 373.406 do not require permits under this  
3497 section. Such permits shall be issued for a term of 5 years upon  
3498 the demonstration of reasonable assurances that:

3499        1. District regional projects that are part of the Lake  
3500 Okeechobee Watershed Construction Project shall achieve the  
3501 design objectives for phosphorus required in subparagraph  
3502 (3)(a)1.;

3503        2. For water quality standards other than phosphorus, the  
3504 quality of water discharged from the facility is of equal or  
3505 better quality than the inflows;

3506        3. Discharges from the facility do not pose a serious  
3507 danger to public health, safety, or welfare; and

3508        4. Any impacts on wetlands or state-listed species  
3509 resulting from implementation of that facility of the Lake

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3510 Okeechobee Construction Project are minimized and mitigated, as  
3511 appropriate.

3512 (e) At least 60 days before the expiration of any permit  
3513 issued under this section, the permittee may apply for a renewal  
3514 thereof for a period of 5 years.

3515 (f) Permits issued under this section may include any  
3516 standard conditions provided by department rule which are  
3517 appropriate and consistent with this section.

3518 (g) Permits issued under this section may be modified, as  
3519 appropriate, upon review and approval by the department.

3520 (8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida  
3521 Water Management District shall not divert waters to the St.  
3522 Lucie River, the Indian River estuary, the Caloosahatchee River  
3523 or its estuary, or the Everglades National Park, in such a way  
3524 that the state water quality standards are violated, that the  
3525 nutrients in such diverted waters adversely affect indigenous  
3526 vegetation communities or wildlife, or that fresh waters  
3527 diverted to the St. Lucie River or the Caloosahatchee or Indian  
3528 River estuaries adversely affect the estuarine vegetation or  
3529 wildlife, unless the receiving waters will biologically benefit  
3530 by the diversion. However, diversion is permitted when an  
3531 emergency is declared by the water management district, if the  
3532 Secretary of Environmental Protection concurs.

3533 (9) PRESERVATION OF PROVISIONS RELATING TO THE EVERGLADES.—  
3534 Nothing in this section shall be construed to modify any  
3535 provision of s. 373.4592.

3536 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this  
3537 section is intended to diminish or alter the governmental  
3538 authority and powers of the Seminole Tribe of Florida, or

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3539 diminish or alter the rights of that tribe, including, but not  
3540 limited to, rights under the water rights compact among the  
3541 Seminole Tribe of Florida, the state, and the South Florida  
3542 Water Management District as enacted by Pub. L. No. 100-228, 101  
3543 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in  
3544 s. 285.165, and rights under any other agreement between the  
3545 Seminole Tribe of Florida and the state or its agencies. No land  
3546 of the Seminole Tribe of Florida shall be used for water storage  
3547 or stormwater treatment without the consent of the tribe.

3548 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—Nothing  
3549 in this section shall be construed to modify any existing state  
3550 water quality standard or to modify the provisions of s.  
3551 403.067(6) and (7)(a).

3552 (12) RULES.—The governing board of the district is  
3553 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54  
3554 to implement the provisions of this section.

3555 (13) PRESERVATION OF AUTHORITY.—Nothing in this section  
3556 shall be construed to restrict the authority otherwise granted  
3557 to agencies pursuant to this chapter and chapter 403, and  
3558 provisions of this section shall be deemed supplemental to the  
3559 authority granted to agencies pursuant to this chapter and  
3560 chapter 403.

3561 Section 39. For the purpose of incorporating the amendment  
3562 made by this act to section 403.0872, Florida Statutes, in a  
3563 reference thereto, section 403.0873, Florida Statutes, is  
3564 reenacted to read:

3565 403.0873 Florida Air-Operation License Fee Account.—The  
3566 “Florida Air-Operation License Fee Account” is established as a  
3567 nonlapsing account within the Department of Environmental

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3568 Protection's Air Pollution Control Trust Fund. All license fees  
3569 paid pursuant to s. 403.0872(11) shall be deposited in such  
3570 account and must be used solely by the department and approved  
3571 local programs under the advice and consent of the Legislature  
3572 to pay the direct and indirect costs required to develop and  
3573 administer the major stationary source air-operation permit  
3574 program. Any approved local pollution control program that  
3575 accepts funds from the department as reimbursement for services  
3576 it performs in the implementation of the major source air-  
3577 operation permit program, receives delegation from the  
3578 department or the United States Environmental Protection Agency  
3579 for implementation of the major source air-operation permit  
3580 program, or performs functions, duties, or activities  
3581 substantially similar to or duplicative of the services  
3582 performed by the department or the United States Environmental  
3583 Protection Agency in the implementation of the major source air-  
3584 operation permit program is prohibited from collecting  
3585 additional fees attributable to such services from any source  
3586 permitted under s. 403.0872.

3587 Section 40. For the purpose of incorporating the amendment  
3588 made by this act to section 403.1838, Florida Statutes, in a  
3589 reference thereto, paragraph (d) of subsection (3) of section  
3590 403.1835, Florida Statutes, is reenacted to read:

3591 403.1835 Water pollution control financial assistance.—

3592 (3) The department may provide financial assistance through  
3593 any program authorized under 33 U.S.C. s. 1383, as amended,  
3594 including, but not limited to, making grants and loans,  
3595 providing loan guarantees, purchasing loan insurance or other  
3596 credit enhancements, and buying or refinancing local debt. This

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3597 financial assistance must be administered in accordance with  
3598 this section and applicable federal authorities.

3599 (d) The department may make grants to financially  
3600 disadvantaged small communities, as defined in s. 403.1838,  
3601 using funds made available from grant allocations on loans  
3602 authorized under subsection (4). The grants must be administered  
3603 in accordance with s. 403.1838.

3604 Section 41. This act shall take effect July 1, 2026.