

**By** the Committee on Environment and Natural Resources; and Senator Massullo

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30       380.093, F.S.; revising the definition of the term  
31       "community eligible for a reduced cost share";  
32       amending s. 380.502, F.S.; revising legislative  
33       findings and intent for the Florida Communities Trust;  
34       providing for the transfer of the administration and  
35       oversight of the trust from the department to the  
36       Acquisition and Restoration Council for a specified  
37       purpose; amending s. 380.504, F.S.; deleting  
38       provisions relating to the membership, appointments,  
39       and organizational structure of the governing body of  
40       the trust; providing the purpose of the trust;  
41       amending s. 380.507, F.S.; deleting provisions  
42       authorizing the trust to make certain loans; revising  
43       the powers of the trust; repealing ss. 380.512,  
44       380.513, and 380.514, F.S., relating to an annual  
45       report, corporate existence, and inconsistent  
46       provisions of other laws superseded, respectively;  
47       reenacting and amending s. 381.0065, F.S.; authorizing  
48       the department to annually review and audit certain  
49       inspection and maintenance reports for certain  
50       systems; authorizing the department to adopt rules to  
51       establish certain procedures; requiring the department  
52       to concurrently process operating permits and  
53       construction permits under certain circumstances;  
54       requiring that an operating permit be obtained before  
55       the use of an engineer-designed performance-based  
56       system; providing a timeframe for the validity of  
57       certain operating permits; requiring an operating  
58       permit modification upon certain changes or

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59        modifications; providing requirements for subsequent  
60        property owners when a property with an onsite sewage  
61        treatment and disposal system that requires an  
62        operating permit is sold or transferred; providing an  
63        exception to certain fees under certain circumstances;  
64        requiring an engineer-designed performance-based  
65        system maintenance entity to submit a report to the  
66        department on a specified basis; deleting a  
67        requirement for a property owner to obtain a certain  
68        permit from the department for certain onsite sewage  
69        treatment and disposal systems; revising the approval  
70        criteria for certain onsite sewage treatment and  
71        disposal systems; requiring an aerobic treatment unit  
72        maintenance entity to submit a report to the  
73        department on a specified basis; subjecting real  
74        estate transactions for the transfer of title to  
75        properties with a certain onsite sewage treatment and  
76        disposal system to certain requirements; deleting a  
77        requirement that the department contract with or  
78        delegate its powers and duties to a county only;  
79        amending s. 403.067, F.S.; conforming a provision to  
80        changes made by the act; providing a timeframe within  
81        which a basin management action plan or plan amendment  
82        becomes effective; prohibiting certain activities  
83        within a basin management action plan, a reasonable  
84        assurance plan, or a pollution reduction plan; making  
85        a technical change; amending s. 403.0671, F.S.;  
86        conforming a provision to changes made by the act;  
87        amending s. 403.0872, F.S.; revising the date by which

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88 major permitted sources of air pollution operating in  
89 this state must pay an annual operation license fee;  
90 authorizing the department to impose penalties if it  
91 does not receive such fee by the specified date;  
92 deleting provisions relating to costs for  
93 administering air pollution construction permits;  
94 amending s. 403.1838, F.S.; conforming provisions to  
95 changes made by the act; repealing s. 403.804, F.S.,  
96 relating to the powers and duties of the Environmental  
97 Regulation Commission; amending ss. 120.81, 373.421,  
98 403.031, 403.061, 403.704, 403.707, 403.7222,  
99 403.7234, 403.803, 403.805, 403.8055, and 403.814,  
100 F.S.; conforming provisions to changes made by the  
101 act; amending ss. 376.302 and 380.5105, F.S.;  
102 conforming cross-references; reenacting s.  
103 381.0066(2)(k), F.S., relating to onsite sewage  
104 treatment and disposal system fees, to incorporate the  
105 amendment made to s. 381.0065, F.S., in a reference  
106 thereto; reenacting s. 373.4595, F.S., relating to the  
107 Northern Everglades and Estuaries Protection Program,  
108 to incorporate the amendment made to s. 403.067, F.S.,  
109 in a reference thereto; reenacting s. 403.0873, F.S.,  
110 relating to the Florida Air-Operation License Fee  
111 Account, to incorporate the amendment made to s.  
112 403.0872, F.S., in a reference thereto; reenacting s.  
113 403.1835(3)(d), F.S., relating to water pollution  
114 control financial assistance, to incorporate the  
115 amendment made to s. 403.1838, F.S., in a reference  
116 thereto; providing an effective date.

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

119

120 Section 1. Subsection (6) of section 20.255, Florida  
121 Statutes, is amended to read:122 20.255 Department of Environmental Protection.—There is  
123 created a Department of Environmental Protection.~~124 (6) There is created as a part of the Department of  
125 Environmental Protection an Environmental Regulation Commission.  
126 The commission shall be composed of seven residents of this  
127 state appointed by the Governor, subject to confirmation by the  
128 Senate. In making appointments, the Governor shall provide  
129 reasonable representation from all sections of the state.  
130 Membership shall be representative of agriculture, the  
131 development industry, local government, the environmental  
132 community, lay citizens, and members of the scientific and  
133 technical community who have substantial expertise in the areas  
134 of the fate and transport of water pollutants, toxicology,  
135 epidemiology, geology, biology, environmental sciences, or  
136 engineering. The Governor shall appoint the chair, and the vice  
137 chair shall be elected from among the membership. All  
138 appointments shall be for 4-year terms. The Governor may at any  
139 time fill a vacancy for the unexpired term. The members of the  
140 commission shall serve without compensation, but shall be paid  
141 travel and per diem as provided in s. 112.061 while in the  
142 performance of their official duties. Administrative, personnel,  
143 and other support services necessary for the commission shall be  
144 furnished by the department. The commission may employ  
145 independent counsel and contract for the services of outside~~

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146 ~~technical consultants.~~147       Section 2. Paragraph (a) of subsection (1) and subsections  
148 (2), (3), and (5) of section 259.035, Florida Statutes, are  
149 amended to read:

150       259.035 Acquisition and Restoration Council.—

151       (1) There is created the Acquisition and Restoration  
152 Council.153       (a) The council shall be composed of 12 ~~10~~ voting members,  
154 ~~6~~ 4 of whom shall be appointed by the Governor. Of these 6 ~~four~~  
155 appointees, 3 ~~must~~ ~~three~~ ~~shall~~ be from scientific disciplines  
156 related to land, water, or environmental sciences, 1 ~~must~~ and  
157 ~~the fourth~~ ~~shall~~ have at least 5 years of experience in managing  
158 lands for both active and passive types of recreation, 1 ~~must~~ be  
159 a former elected official of a county, and 1 must be a former  
160 elected official of a metropolitan municipality. As used in this  
161 paragraph, the term "metropolitan" has the same meaning as in s.  
162 380.503. They shall serve 4-year terms, except that, initially,  
163 to provide for staggered terms, 2 ~~two~~ of the appointees shall  
164 serve 2-year terms. All subsequent appointments shall be for 4-  
165 year terms. An appointee may not serve more than 6 years. The  
166 Governor may at any time fill a vacancy for the unexpired term  
167 of a member appointed under this paragraph.168       (2) The 6 ~~four~~ members of the council appointed pursuant to  
169 paragraph (1)(a) ~~(a)~~ and the 2 ~~two~~ members of the council  
170 appointed pursuant to paragraph (1)(c) ~~(c)~~ shall receive  
171 reimbursement for expenses and per diem for travel, to attend  
172 council meetings, as allowed state officers and employees while  
173 in the performance of their duties, pursuant to s. 112.061.

174       (3) The council shall:

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175       (a) Provide assistance to the board in reviewing the  
176 recommendations and plans for state-owned conservation lands  
177 required under s. 253.034 and this chapter. The council shall,  
178 in reviewing such plans, consider the optimization of multiple-  
179 use and conservation strategies to accomplish the provisions  
180 funded pursuant to former s. 259.101(3)(a), Florida Statutes  
181 2014, and to s. 259.105(3)(b).

182       (b) Effective July 1, 2026, administer the Florida  
183 Communities Trust established in ss. 380.501-380.515, including  
184 reviewing, approving, and overseeing project applications and  
185 disbursements, and implementation measures consistent with the  
186 trust's purposes. The council shall coordinate with the  
187 department for rulemaking and grant cycle administration for the  
188 trust, ensuring alignment with the Florida Forever Act and the  
189 state's conservation priorities.

190       (5) An affirmative vote of 6 ~~five~~ members of the council is  
191 required in order to change a project boundary or to place a  
192 proposed project on a list developed pursuant to subsection (4).  
193 Any member of the council, who by family or a business  
194 relationship has a connection with all or a portion of any  
195 proposed project, shall declare the interest before voting on  
196 its inclusion on a list.

197       Section 3. Paragraph (i) of subsection (4) of section  
198 259.105, Florida Statutes, is amended to read:

199       259.105 The Florida Forever Act.—

200       (4) It is the intent of the Legislature that projects or  
201 acquisitions funded pursuant to paragraphs (3)(a) and (b)  
202 contribute to the achievement of the following goals, which  
203 shall be evaluated in accordance with specific criteria and

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204 numeric performance measures developed pursuant to s.

205 259.035(4):

206 (i) Mitigate the effects of natural disasters and floods in  
207 developed areas, as measured by:

208 1. The number of acres acquired within a 100-year  
209 floodplain or a coastal high hazard area;

210 2. The number of acres acquired or developed to serve dual  
211 functions as:

212 a. Flow ways or temporary water storage areas during  
213 flooding or high water events, not including permanent  
214 reservoirs; and

215 b. Greenways or open spaces available to the public for  
216 recreation;

217 3. The number of acres that protect existing open spaces  
218 and natural buffer areas within a floodplain that also serve as  
219 natural flow ways or natural temporary water storage areas; and

220 4. The percentage of the land acquired within the project  
221 boundary that creates additional open spaces, natural buffer  
222 areas, and greenways within a floodplain, while precluding  
223 rebuilding in areas that repeatedly flood.

224

225 Florida Forever projects and acquisitions funded pursuant to  
226 paragraph (3)(c) shall be measured by goals developed by rule by  
227 the Florida Communities Trust ~~Governing Board created in~~ s.

228 ~~380.504.~~

229 Section 4. Paragraph (d) of subsection (3) of section  
230 373.469, Florida Statutes, is amended to read:

231 373.469 Indian River Lagoon Protection Program.—

232 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian

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233 River Lagoon Protection Program consists of the Banana River  
234 Lagoon Basin Management Action Plan, Central Indian River Lagoon  
235 Basin Management Action Plan, North Indian River Lagoon Basin  
236 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
237 Plan, and such plans are the components of the Indian River  
238 Lagoon Protection Program which achieve phosphorous and nitrogen  
239 load reductions for the Indian River Lagoon.

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

241 1. Beginning on January 1, 2024, unless previously  
242 permitted, the installation of new onsite sewage treatment and  
243 disposal systems is prohibited within the Banana River Lagoon  
244 Basin Management Action Plan, Central Indian River Lagoon Basin  
245 Management Action Plan, North Indian River Lagoon Basin  
246 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
247 Plan areas where a publicly owned or investor-owned sewerage  
248 system is available as defined in s. 381.0065(2) (a). Where  
249 central sewerage is not available, only enhanced nutrient-  
250 reducing onsite sewage treatment and disposal systems or other  
251 wastewater treatment systems that achieve at least 65 percent  
252 nitrogen reduction are authorized.

253 2. By July 1, 2030, any commercial property or any  
254 residential property of 10 acres or less with an existing onsite  
255 sewage treatment and disposal system located within the Banana  
256 River Lagoon Basin Management Action Plan, Central Indian River  
257 Lagoon Basin Management Action Plan, North Indian River Lagoon  
258 Management Action Plan, and Mosquito Lagoon Reasonable  
259 Assurance Plan areas must connect to central sewer if available  
260 or upgrade to an enhanced nutrient-reducing onsite sewage  
261 treatment and disposal system or other wastewater treatment

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262 system that achieves at least 65 percent nitrogen reduction. For  
263 all applications submitted before July 1, 2030, to a permitting  
264 agency to repair, modify, or replace a conventional onsite  
265 sewage treatment and disposal system on a commercial property or  
266 a residential property of 10 acres or less, the permitting  
267 agency shall notify the property owner of the requirement  
268 provided in this subparagraph.

269 Section 5. Paragraph (a) of subsection (1) of section  
270 373.807, Florida Statutes, is amended to read:

271 373.807 Protection of water quality in Outstanding Florida  
272 Springs.—By July 1, 2016, the department shall initiate  
273 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
274 Springs or spring systems for which an impairment determination  
275 has not been made under the numeric nutrient standards in effect  
276 for spring vents. Assessments must be completed by July 1, 2018.

277 (1) (a) Concurrent with the adoption of a nutrient total  
278 maximum daily load for an Outstanding Florida Spring, the  
279 department, or the department in conjunction with a water  
280 management district, shall initiate development of a basin  
281 management action plan, as specified in s. 403.067. For an  
282 Outstanding Florida Spring with a nutrient total maximum daily  
283 load adopted before July 1, 2016, the department, or the  
284 department in conjunction with a water management district,  
285 shall initiate development of a basin management action plan by  
286 July 1, 2016. During the development of a basin management  
287 action plan, if the department identifies onsite sewage  
288 treatment and disposal systems as contributors of at least 20  
289 percent of nonpoint source nitrogen pollution or if the  
290 department determines remediation is necessary to achieve the

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291 total maximum daily load, the basin management action plan must  
292 ~~shall~~ include an onsite sewage treatment and disposal system  
293 remediation plan pursuant to subsection (3) for those systems  
294 identified as requiring remediation. For properties 10 acres or  
295 less located outside the boundary of an established priority  
296 focus area of an Outstanding Florida Spring but within the  
297 boundary of a specific springs basin management action plan,  
298 such remediation plans may require existing conventional onsite  
299 sewage treatment and disposal systems to upgrade to a nutrient-  
300 reducing onsite sewage treatment and disposal system where  
301 central sewerage is not available. Such remediation plan may  
302 also require properties of any size located within the boundary  
303 of an established priority focus area of an Outstanding Florida  
304 Spring to upgrade existing conventional onsite sewage treatment  
305 and disposal systems to a nutrient-reducing onsite sewage  
306 treatment and disposal system where central sewerage is not  
307 available.

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

309       Section 7. Paragraph (e) of subsection (5) of section  
310 380.093, Florida Statutes, is amended to read:

311       380.093 Resilient Florida Grant Program; comprehensive  
312 statewide flood vulnerability and sea level rise data set and  
313 assessment; Statewide Flooding and Sea Level Rise Resilience  
314 Plan; regional resilience entities.—

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

316       (e) Each project included in the plan must have a minimum  
317 50 percent cost share unless the project assists or is within a  
318 community eligible for a reduced cost share. For purposes of  
319 this section, the term "community eligible for a reduced cost

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320 share" means:

321 1. A municipality that has a population of less than 10,000  
322 ~~or fewer~~, according to the most recent April 1 population  
323 estimates posted on the Office of Economic and Demographic  
324 Research's website, and a per capita annual income that is less  
325 than the state's per capita annual income as shown in the most  
326 recent release from the Bureau of the Census of the United  
327 States Department of Commerce that includes both measurements;

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

335 3. A municipality or county that has a per capita annual  
336 income ~~that is~~ equal to or less than 75 percent of the state's  
337 per capita annual income as shown in the most recent release  
338 from the Bureau of the Census of the United States Department of  
339 Commerce; or

340 4. A municipality or county that is a rural community as  
341 defined in s. 288.0656(2).

342 Section 8. Subsection (3) of section 380.502, Florida  
343 Statutes, is amended to read:

344 380.502 Legislative findings and intent.—

345 (3) The Legislature further finds that the goals of land  
346 conservation and community development are best served through  
347 coordinated decisionmaking and streamlined oversight. It is  
348 therefore the intent of the Legislature to transfer the

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349 administration and oversight of the Florida Communities Trust  
350 from the Department of Environmental Protection to the  
351 Acquisition and Restoration Council to improve consistency and  
352 effectiveness in conservation land acquisition and resource  
353 stewardship ~~It is the intent of the Legislature to establish a~~  
354 ~~nonregulatory agency that will assist local governments in~~  
355 ~~bringing local comprehensive plans into compliance and~~  
356 ~~implementing the goals, objectives, and policies of the~~  
357 ~~conservation, recreation and open space, and coastal elements of~~  
358 ~~local comprehensive plans, or in conserving natural resources~~  
359 ~~and resolving land use conflicts by:~~

360 (a) Responding promptly and creatively to opportunities to  
361 correct undesirable development patterns, restore degraded  
362 natural areas, enhance resource values, restore deteriorated or  
363 deteriorating urban waterfronts, preserve working waterfronts,  
364 reserve lands for later purchase, participate in and promote the  
365 use of innovative land acquisition methods, and provide public  
366 access to surface waters.

367 (b) Providing financial and technical assistance to local  
368 governments, state agencies, and nonprofit organizations to  
369 carry out projects and activities and to develop programs  
370 authorized by this part.

371 (c) ~~Involving local governments and private interests in~~  
372 ~~voluntarily resolving land use conflicts and issues.~~

373 Section 9. Section 380.504, Florida Statutes, is amended to  
374 read:

375 380.504 Florida Communities Trust; creation; membership;  
376 expenses.—

377 (1) There is created ~~within the Department of Environmental~~

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378 ~~Protection a nonregulatory state agency and instrumentality,~~  
379 ~~which shall be a public body corporate and politic, known as the~~  
380 ~~"Florida Communities Trust, -"~~ administered by the Acquisition  
381 and Restoration Council ~~The governing body of the trust shall~~  
382 ~~consist of:~~

383 ~~(a) The Secretary of Environmental Protection; and~~  
384 ~~(b) Four public members whom the Governor shall appoint~~  
385 ~~subject to Senate confirmation.~~

386  
387 ~~The Governor shall appoint a former elected official of a county~~  
388 ~~government, a former elected official of a metropolitan~~  
389 ~~municipal government, a representative of a nonprofit~~  
390 ~~organization as defined in this part, and a representative of~~  
391 ~~the development industry. The Secretary of Environmental~~  
392 ~~Protection may appoint his or her deputy secretary, the director~~  
393 ~~of the Division of State Lands, or the director of the Division~~  
394 ~~of Recreation and Parks to serve in his or her absence. The~~  
395 ~~Secretary of Environmental Protection shall be the chair of the~~  
396 ~~governing body of the trust. The Governor shall make his or her~~  
397 ~~appointments upon the expiration of any current terms or within~~  
398 ~~60 days after the effective date of the resignation of any~~  
399 ~~member.~~

400 ~~(2) The purpose of the trust is to assist local governments~~  
401 ~~in bringing into compliance and implementing the conservation,~~  
402 ~~recreation and open space, and coastal elements of their~~  
403 ~~comprehensive plans or in conserving natural resources and~~  
404 ~~resolving land use conflicts by providing financial assistance~~  
405 ~~to local governments and nonprofit environmental organizations~~  
406 ~~to carry out projects and activities authorized by this part of~~

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407 the initial governing body members, two of the Governor's  
408 appointees shall serve for a term of 2 years and the remaining  
409 one shall serve for a term of 4 years from the date of  
410 appointment. Thereafter, governing body members whom the  
411 Governor appoints shall serve for terms of 4 years. The Governor  
412 may fill any vacancy for an unexpired term.

413 (3) Governing body members shall receive no compensation  
414 for their services, but shall be entitled to the necessary  
415 expenses, including per diem and travel expenses, incurred in  
416 the discharge of their duties pursuant to this part, as provided  
417 by law.

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

420 380.507 Powers of the trust.—The trust shall have all the  
421 powers necessary or convenient to carry out the purposes and  
422 provisions of this part, including:

423 (6) To award grants ~~and make loans~~ to local governments and  
424 nonprofit organizations for the purposes listed in subsection  
425 (2) and for acquiring fee title and less than fee title, such as  
426 conservation easements or other interests in land, for the  
427 purposes of this part.

428 (7) To provide by grant ~~or loan~~ up to the total cost of any  
429 project approved according to this part, including the local  
430 share of federally supported projects. The trust may require  
431 local funding participation in projects. The trust shall  
432 determine the funding it will provide by considering the total  
433 amount of funding available for the project, the fiscal  
434 resources of other project participants, the urgency of the  
435 project relative to other eligible projects, and other factors

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436 which the trust shall have prescribed by rule. The trust may  
437 fund up to 100 percent of any local government land acquisition  
438 costs, if part of an approved project.

439 (9) To review project recommendations and funding  
440 priorities and provide acquisition decisions ~~To invest any funds~~  
441 ~~held in reserves or sinking funds, or any funds not required for~~  
442 ~~immediate disbursement, in such investments as may be authorized~~  
443 ~~for trust funds under s. 215.47, and in any other authorized~~  
444 ~~investments, if such investments are made on behalf of the trust~~  
445 ~~by the State Board of Administration.~~

446 (10) To contract for and to accept donations gifts, grants,  
447 loans, or other aid from the United States Government or any  
448 person or corporation, including donations gifts of real  
449 property or any interest in real property.

450 (11) To submit project recommendations, funding priorities,  
451 and acquisition decisions to the Acquisition and Restoration  
452 Council, which shall have final approval authority over trust  
453 expenditures and acquisitions to make rules necessary to carry  
454 out the purposes of this part and to exercise any power granted  
455 in this part, pursuant to chapter 120. The trust shall adopt  
456 rules governing the acquisition of lands with proceeds from the  
457 Florida Forever Trust Fund, consistent with the intent expressed  
458 in the Florida Forever Act. Such rules for land acquisition must  
459 include, but are not limited to, procedures for appraisals and  
460 confidentiality consistent with ss. 125.355(1)(a) and (b) and  
461 166.045(1)(a) and (b), a method of determining a maximum  
462 purchase price, and procedures to assure that the land is  
463 acquired in a voluntarily negotiated transaction, surveyed,  
464 conveyed with marketable title, and examined for hazardous

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465 materials contamination. Land acquisition procedures of a local  
466 land authority created pursuant to s. 380.0663 may be used for  
467 the land acquisition programs described in former s.  
468 259.101(3)(c), Florida Statutes 2014, and in s. 259.105 if  
469 within areas of critical state concern designated pursuant to s.  
470 380.05, subject to approval of the trust.

471 (12) To develop, in conjunction with the council, rules,  
472 policies, and guidelines for the administration of the trust  
473 consistent with this part and ss. 259.035 and 259.105 to  
474 contract with private consultants and nonprofit organizations  
475 for professional and technical assistance and advice.

476 (14) To conduct promotional campaigns, including  
477 advertising, for the sale of communities trust license plates  
478 authorized in s. 320.08058.

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

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

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

482 Section 14. Paragraph (n) of subsection (3) and subsections  
483 (4) and (9) of section 381.0065, Florida Statutes, are amended,  
484 and subsection (7) of that section is reenacted, to read:

485 381.0065 Onsite sewage treatment and disposal systems;  
486 regulation.—

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

489 (n) Regulate and permit maintenance entities for  
490 performance-based treatment systems and aerobic treatment unit  
491 systems. To ensure systems are maintained and operated according  
492 to manufacturer's specifications and designs, the department  
493 shall establish by rule minimum qualifying criteria for

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494 maintenance entities. The criteria shall include training,  
495 access to approved spare parts and components, access to  
496 manufacturer's maintenance and operation manuals, and service  
497 response time. The maintenance entity shall employ a contractor  
498 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
499 a state-licensed wastewater plant operator, who is responsible  
500 for maintenance and repair of all systems under contract. The  
501 department may annually review and audit up to 25 percent of all  
502 inspection and maintenance reports submitted by such maintenance  
503 entities for performance-based treatment systems and aerobic  
504 treatment unit systems. The department may adopt rules to  
505 establish procedures for such audits.

506 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not  
507 construct, repair, modify, abandon, or operate an onsite sewage  
508 treatment and disposal system without first obtaining a permit  
509 approved by the department. The department may issue permits to  
510 carry out this section, except that the issuance of a permit for  
511 work seaward of the coastal construction control line  
512 established under s. 161.053 shall be contingent upon receipt of  
513 any required coastal construction control line permit from the  
514 department. A construction permit is valid for 18 months after  
515 the date of issuance and may be extended by the department for  
516 one 90-day period under rules adopted by the department. A  
517 repair permit is valid for 90 days after the date of issuance.  
518 When a person jointly applies for a construction permit and an  
519 operating permit for the same onsite sewage treatment and  
520 disposal system, the department shall concurrently process the  
521 operating permit with the construction permit. An operating  
522 permit must be obtained before the use of any aerobic treatment

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523 unit or engineer-designed performance-based system, or if the  
524 establishment generates commercial waste. Buildings or  
525 establishments that ~~use an aerobic treatment unit or~~ generate  
526 commercial waste shall be inspected by the department at least  
527 annually to ensure assure compliance with the terms of the  
528 operating permit. The operating permit for a commercial  
529 wastewater system is valid for 1 year after the date of issuance  
530 and must be renewed annually. The operating permit, where  
531 required for a residential onsite sewage treatment and disposal  
532 system, is valid for the lifetime of the installation; however,  
533 any subsequent change in ownership of the property or any  
534 modification of the wastewater system requires an operating  
535 permit modification upon such change. When an onsite sewage  
536 treatment and disposal system that requires an operating permit  
537 is sold or transferred, the subsequent owner with a controlling  
538 interest shall provide written notice and proof of ownership to  
539 the department to amend the operating permit information within  
540 60 days after such property sale or transfer ~~commercial~~  
541 wastewater system is valid for 1 year after the date of issuance  
542 and must be renewed annually. The operating permit for an  
543 aerobic treatment unit is valid for 2 years after the date of  
544 issuance and must be renewed every 2 years. If all information  
545 pertaining to the siting, location, and installation conditions  
546 or repair of an onsite sewage treatment and disposal system  
547 remains the same, a construction or repair permit for the onsite  
548 sewage treatment and disposal system may be transferred to  
549 another person, if the transferee files, within 60 days after  
550 the transfer of ownership, an amended application providing all  
551 corrected information and proof of ownership of the property. A

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552 fee is not associated with the processing of this supplemental  
553 information if only ownership information is updated to reflect  
554 a permit transfer for a construction, repair, or an operating  
555 permit. A person may not contract to construct, modify, alter,  
556 repair, service, abandon, or maintain any portion of an onsite  
557 sewage treatment and disposal system without being registered  
558 under part III of chapter 489. A property owner who personally  
559 performs construction, maintenance, or repairs to a system  
560 serving his or her own owner-occupied single-family residence is  
561 exempt from registration requirements for performing such  
562 construction, maintenance, or repairs on that residence, but is  
563 subject to all permitting requirements. A municipality or  
564 political subdivision of the state may not issue a building or  
565 plumbing permit for any building that requires the use of an  
566 onsite sewage treatment and disposal system unless the owner or  
567 builder has received a construction permit for such system from  
568 the department. A building or structure may not be occupied and  
569 a municipality, political subdivision, or any state or federal  
570 agency may not authorize occupancy until the department approves  
571 the final installation of the onsite sewage treatment and  
572 disposal system. A municipality or political subdivision of the  
573 state may not approve any change in occupancy or tenancy of a  
574 building that uses an onsite sewage treatment and disposal  
575 system until the department has reviewed the use of the system  
576 with the proposed change, approved the change, and amended the  
577 operating permit.

578 (a) Subdivisions and lots in which each lot has a minimum  
579 area of at least one-half acre and either a minimum dimension of  
580 100 feet or a mean of at least 100 feet of the side bordering

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581 the street and the distance formed by a line parallel to the  
582 side bordering the street drawn between the two most distant  
583 points of the remainder of the lot may be developed with a water  
584 system regulated under s. 381.0062 and onsite sewage treatment  
585 and disposal systems, provided the projected daily sewage flow  
586 does not exceed an average of 1,500 gallons per acre per day,  
587 and provided satisfactory drinking water can be obtained and all  
588 distance and setback, soil condition, water table elevation, and  
589 other related requirements of this section and rules adopted  
590 under this section can be met.

591 (b) Subdivisions and lots using a public water system as  
592 defined in s. 403.852 may use onsite sewage treatment and  
593 disposal systems, provided there are no more than four lots per  
594 acre, provided the projected daily sewage flow does not exceed  
595 an average of 2,500 gallons per acre per day, and provided that  
596 all distance and setback, soil condition, water table elevation,  
597 and other related requirements that are generally applicable to  
598 the use of onsite sewage treatment and disposal systems are met.

599 (c) Notwithstanding paragraphs (a) and (b), for  
600 subdivisions platted of record on or before October 1, 1991,  
601 when a developer or other appropriate entity has previously made  
602 or makes provisions, including financial assurances or other  
603 commitments, acceptable to the department, that a central water  
604 system will be installed by a regulated public utility based on  
605 a density formula, private potable wells may be used with onsite  
606 sewage treatment and disposal systems until the agreed-upon  
607 densities are reached. In a subdivision regulated by this  
608 paragraph, the average daily sewage flow may not exceed 2,500  
609 gallons per acre per day. This section does not affect the

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610 validity of existing prior agreements. After October 1, 1991,  
611 the exception provided under this paragraph is not available to  
612 a developer or other appropriate entity.

613 (d) Paragraphs (a) and (b) do not apply to any proposed  
614 residential subdivision with more than 50 lots or to any  
615 proposed commercial subdivision with more than 5 lots where a  
616 publicly owned or investor-owned sewage treatment system is  
617 available. This paragraph does not allow development of  
618 additional proposed subdivisions in order to evade the  
619 requirements of this paragraph.

620 (e) The department shall adopt rules relating to the  
621 location of onsite sewage treatment and disposal systems,  
622 including establishing setback distances, to prevent groundwater  
623 contamination and surface water contamination and to preserve  
624 the public health. The rules must consider conventional and  
625 enhanced nutrient-reducing onsite sewage treatment and disposal  
626 system designs, impaired or degraded water bodies, domestic  
627 wastewater and drinking water infrastructure, potable water  
628 sources, nonpotable wells, stormwater infrastructure, the onsite  
629 sewage treatment and disposal system remediation plans developed  
630 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the  
631 recommendations of the onsite sewage treatment and disposal  
632 systems technical advisory committee established pursuant to  
633 former s. 381.00652. The rules must also allow a person to apply  
634 for and receive a variance from a rule requirement upon  
635 demonstration that the requirement would cause an undue hardship  
636 and granting the variance would not cause or contribute to the  
637 exceedance of a total maximum daily load.

638 (f) Onsite sewage treatment and disposal systems that are

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639       permitted before June 21, 2022, may not be placed closer than:

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

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

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

647           4. Fifty feet from any nonpotable well.

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

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

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

655           8. Fifteen feet from the design high-water line of  
656       retention areas, detention areas, or swales designed to contain  
657       standing or flowing water for less than 72 hours after a  
658       rainfall or the design high-water level of normally dry drainage  
659       ditches or normally dry individual lot stormwater retention  
660       areas.

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

665           1. Any residential lot that was platted and recorded on or  
666       after January 1, 1972, or that is part of a residential  
667       subdivision that was approved by the appropriate permitting

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

688 2. Lots platted before 1972 are subject to a 50-foot  
689 minimum surface water setback and are not subject to lot size  
690 requirements. The projected daily flow for onsite sewage  
691 treatment and disposal systems for lots platted before 1972 may  
692 not exceed:

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

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

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

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

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

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

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

2. The department shall appoint and staff a variance review

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726 and advisory committee, which shall meet monthly to recommend  
727 agency action on variance requests. The committee shall make its  
728 recommendations on variance requests at the meeting in which the  
729 application is scheduled for consideration, except for an  
730 extraordinary change in circumstances, the receipt of new  
731 information that raises new issues, or when the applicant  
732 requests an extension. The committee shall consider the criteria  
733 in subparagraph 1. in its recommended agency action on variance  
734 requests and shall also strive to allow property owners the full  
735 use of their land where possible.

736 a. The committee is composed of the following:

737 (I) The Secretary of Environmental Protection or his or her  
738 designee.

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

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

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

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

745 (VI) A representative from the real estate industry who is  
746 also a developer in this state who develops lots using onsite  
747 sewage treatment and disposal systems, recommended by the  
748 Florida Association of Realtors.

749 (VII) A representative from the engineering profession  
750 recommended by the Florida Engineering Society.

751 b. Members shall be appointed for a term of 3 years, with  
752 such appointments being staggered so that the terms of no more  
753 than two members expire in any one year. Members shall serve  
754 without remuneration, but if requested, shall be reimbursed for

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755 per diem and travel expenses as provided in s. 112.061.

756 3. The variance review and advisory committee is not  
757 responsible for reviewing water well permitting. However, the  
758 committee shall consider all requirements of law related to  
759 onsite sewage treatment and disposal systems when making  
760 recommendations on variance requests for onsite sewage treatment  
761 and disposal system permits.

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

775 1. A building located in an area zoned or used for  
776 industrial or manufacturing purposes, or its equivalent, when  
777 such building is served by an onsite sewage treatment and  
778 disposal system, must not be occupied until the owner or tenant  
779 has obtained written approval from the department. The  
780 department may not grant approval when the proposed use of the  
781 system is to dispose of toxic, hazardous, or industrial  
782 wastewater or toxic or hazardous chemicals.

783 2. Each person who owns or operates a business or facility

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784 in an area zoned or used for industrial or manufacturing  
785 purposes, or its equivalent, or who owns or operates a business  
786 that has the potential to generate toxic, hazardous, or  
787 industrial wastewater or toxic or hazardous chemicals, and uses  
788 an onsite sewage treatment and disposal system that is installed  
789 on or after July 5, 1989, must obtain an annual system operating  
790 permit from the department. A person who owns or operates a  
791 business that uses an onsite sewage treatment and disposal  
792 system that was installed and approved before July 5, 1989, does  
793 not need to obtain a system operating permit. However, upon  
794 change of ownership or tenancy, the new owner or operator must  
795 notify the department of the change, and the new owner or  
796 operator must obtain an annual system operating permit,  
797 regardless of the date that the system was installed or  
798 approved.

799 3. The department shall periodically review and evaluate  
800 the continued use of onsite sewage treatment and disposal  
801 systems in areas zoned or used for industrial or manufacturing  
802 purposes, or its equivalent, and may require the collection and  
803 analyses of samples from within and around such systems. If the  
804 department finds that toxic or hazardous chemicals or toxic,  
805 hazardous, or industrial wastewater have been or are being  
806 disposed of through an onsite sewage treatment and disposal  
807 system, the department shall initiate enforcement actions  
808 against the owner or tenant to ensure adequate cleanup,  
809 treatment, and disposal.

810 (j) An onsite sewage treatment and disposal system designed  
811 by a professional engineer registered in the state and certified  
812 by such engineer as complying with performance criteria adopted

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813 by the department must be approved by the department subject to  
814 the following:

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

827 2. A person electing to use an engineer-designed system  
828 shall, upon completion of the system design, submit such design,  
829 certified by a registered professional engineer, to the county  
830 health department. The county health department may use an  
831 outside consultant to review the engineer-designed system, with  
832 the actual cost of such review to be borne by the applicant.  
833 Within 5 working days after receiving an engineer-designed  
834 system permit application, the county health department shall  
835 request additional information if the application is not  
836 complete. Within 15 working days after receiving a complete  
837 application for an engineer-designed system, the county health  
838 department shall issue the permit or, if it determines that the  
839 system does not comply with the performance criteria, shall  
840 notify the applicant of that determination and refer the  
841 application to the department for a determination as to whether

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842 the system should be approved, disapproved, or approved with  
843 modification. The department engineer's determination shall  
844 prevail over the action of the county health department. The  
845 applicant shall be notified in writing of the department's  
846 determination and of the applicant's rights to pursue a variance  
847 or seek review under the provisions of chapter 120.

848 3. The owner of an engineer-designed performance-based  
849 system must maintain a current maintenance service agreement  
850 with a maintenance entity permitted by the department. The  
851 maintenance entity shall inspect each system at least twice each  
852 year and shall submit an inspection report to the department  
853 each time the system is inspected which states report quarterly  
854 ~~to the department on~~ the number of systems inspected and  
855 serviced. The reports may be submitted electronically.

856 4. The property owner of an owner-occupied, single-family  
857 residence may be approved and permitted by the department as a  
858 maintenance entity for his or her own performance-based  
859 treatment system upon written certification from the system  
860 manufacturer's approved representative that the property owner  
861 has received training on the proper installation and service of  
862 the system. The maintenance service agreement must conspicuously  
863 disclose that the property owner has the right to maintain his  
864 or her own system and is exempt from contractor registration  
865 requirements for performing construction, maintenance, or  
866 repairs on the system but is subject to all permitting  
867 requirements.

868 5. ~~The property owner shall obtain a biennial system~~  
869 ~~operating permit from the department for each system.~~ The  
870 department may inspect the system at least annually, or on

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871 such periodic basis as the fee collected permits, and may  
872 collect system-effluent samples if appropriate to determine  
873 compliance with the performance criteria. The fee for the  
874 biennial operating permit must shall be collected beginning with  
875 the second year of system operation.

876 6. If an engineer-designed system fails to properly  
877 function or fails to meet performance standards, the system must  
878 shall be re-engineered, if necessary, to bring the system into  
879 compliance with the provisions of this section.

880 (k) An innovative system may be approved in conjunction  
881 with an engineer-designed site-specific system that is certified  
882 by the engineer to meet the performance-based criteria adopted  
883 by the department.

884 (l) For the Florida Keys, the department shall adopt a  
885 special rule for the construction, installation, modification,  
886 operation, repair, maintenance, and performance of onsite sewage  
887 treatment and disposal systems which considers the unique soil  
888 conditions and water table elevations, densities, and setback  
889 requirements. On lots where a setback distance of 75 feet from  
890 surface waters, saltmarsh, and buttonwood association habitat  
891 areas cannot be met, an injection well, approved and permitted  
892 by the department, may be used for disposal of effluent from  
893 onsite sewage treatment and disposal systems. The following  
894 additional requirements apply to onsite sewage treatment and  
895 disposal systems in Monroe County:

896 1. The county, each municipality, and those special  
897 districts established for the purpose of the collection,  
898 transmission, treatment, or disposal of sewage shall ensure, in  
899 accordance with the specific schedules adopted by the

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900       Administration Commission under s. 380.0552, the completion of  
901       onsite sewage treatment and disposal system upgrades to meet the  
902       requirements of this paragraph.

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

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

909           b. Suspended Solids of 10 mg/l.

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

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

916

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

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

924       4. In areas scheduled to be served by a central sewerage  
925       system by December 31, 2015, if the property owner has paid a  
926       connection fee or assessment for connection to the central  
927       sewerage system, the property owner may install a holding tank  
928       with a high water alarm or an onsite sewage treatment and

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929 disposal system that meets the following minimum standards:

930 a. The existing tanks must be pumped and inspected and  
931 certified as being watertight and free of defects in accordance  
932 with department rule; and

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

935 5. Onsite sewage treatment and disposal systems must be  
936 monitored for total nitrogen and total phosphorus concentrations  
937 as required by department rule.

938 6. The department shall enforce proper installation,  
939 operation, and maintenance of onsite sewage treatment and  
940 disposal systems pursuant to this chapter, including ensuring  
941 that the appropriate level of treatment described in  
942 subparagraph 2. is met.

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

947 8. Notwithstanding any other law, an onsite sewage  
948 treatment and disposal system installed after July 1, 2010, in  
949 unincorporated Monroe County, excluding special wastewater  
950 districts, that complies with the standards in subparagraph 2.  
951 is not required to connect to a central sewerage system until  
952 December 31, 2020.

953 (m) A product sold in the state for use in onsite sewage  
954 treatment and disposal systems may not contain any substance in  
955 concentrations or amounts that would interfere with or prevent  
956 the successful operation of such system, or that would cause  
957 discharges from such systems to violate applicable water quality

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958 standards. The department shall publish criteria for products  
959 known or expected to meet the conditions of this paragraph. If a  
960 product does not meet such criteria, such product may be sold if  
961 the manufacturer satisfactorily demonstrates to the department  
962 that the conditions of this paragraph are met.

963 (n) Evaluations for determining the seasonal high-water  
964 table elevations or the suitability of soils for the use of a  
965 new onsite sewage treatment and disposal system shall be  
966 performed by department personnel, professional engineers  
967 registered in the state, or such other persons with expertise,  
968 as defined by rule, in making such evaluations. Evaluations for  
969 determining mean annual flood lines shall be performed by those  
970 persons identified in paragraph (2)(1). The department shall  
971 accept evaluations submitted by professional engineers and such  
972 other persons as meet the expertise established by this section  
973 or by rule unless the department has a reasonable scientific  
974 basis for questioning the accuracy or completeness of the  
975 evaluation.

976 (o) An application for an onsite sewage treatment and  
977 disposal system permit shall be completed in full, signed by the  
978 owner or the owner's authorized representative, or by a  
979 contractor licensed under chapter 489, and shall be accompanied  
980 by all required exhibits and fees. Specific documentation of  
981 property ownership is not required as a prerequisite to the  
982 review of an application or the issuance of a permit. The  
983 issuance of a permit does not constitute determination by the  
984 department of property ownership.

985 (p) The department may not require any form of subdivision  
986 analysis of property by an owner, developer, or subdivider

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987 before submission of an application for an onsite sewage  
988 treatment and disposal system.

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

992 (r) In the siting of onsite sewage treatment and disposal  
993 systems, including drainfields, shoulders, and slopes, guttering  
994 may not be required on single-family residential dwelling units  
995 for systems located greater than 5 feet from the roof drip line  
996 of the house. If guttering is used on residential dwelling  
997 units, the downspouts shall be directed away from the  
998 drainfield.

999 (s) Notwithstanding subparagraph (g)1., onsite sewage  
1000 treatment and disposal systems located in floodways of the  
1001 Suwannee and Aucilla Rivers must adhere to the following  
1002 requirements:

1003 1. The absorption surface of the drainfield may not be  
1004 subject to flooding based on 10-year flood elevations. Provided,  
1005 however, for lots or parcels created by the subdivision of land  
1006 in accordance with applicable local government regulations  
1007 before January 17, 1990, if an applicant cannot construct a  
1008 drainfield system with the absorption surface of the drainfield  
1009 at an elevation equal to or above 10-year flood elevation, the  
1010 department shall issue a permit for an onsite sewage treatment  
1011 and disposal system within the 10-year floodplain of rivers,  
1012 streams, and other bodies of flowing water if all of the  
1013 following criteria are met:

1014 a. The lot is at least one-half acre in size;  
1015 b. The bottom of the drainfield is at least 36 inches above

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1016 the 2-year flood elevation; and

1017 c. The applicant installs a waterless, incinerating, or  
1018 organic waste composting toilet and a graywater system and  
1019 drainfield in accordance with department rules; an aerobic  
1020 treatment unit and drainfield in accordance with department  
1021 rules; a system that is capable of reducing effluent nitrate by  
1022 at least 50 percent in accordance with department rules; or a  
1023 system other than a system using alternative drainfield  
1024 materials in accordance with department rules. The United States  
1025 Department of Agriculture Soil Conservation Service soil maps,  
1026 State of Florida Water Management District data, and Federal  
1027 Emergency Management Agency Flood Insurance maps are resources  
1028 that shall be used to identify flood-prone areas.

1029 2. The use of fill or mounding to elevate a drainfield  
1030 system out of the 10-year floodplain of rivers, streams, or  
1031 other bodies of flowing water may not be permitted if such a  
1032 system lies within a regulatory floodway of the Suwannee and  
1033 Aucilla Rivers. In cases where the 10-year flood elevation does  
1034 not coincide with the boundaries of the regulatory floodway, the  
1035 regulatory floodway will be considered for the purposes of this  
1036 subsection to extend at a minimum to the 10-year flood  
1037 elevation.

1038 (t)1. The owner of an aerobic treatment unit system shall  
1039 maintain a current maintenance service agreement with an aerobic  
1040 treatment unit maintenance entity permitted by the department.  
1041 The maintenance entity shall inspect each aerobic treatment unit  
1042 system at least twice each year and shall submit an inspection  
1043 report to the department each time the system is inspected  
1044 stating report quarterly to the department on the number of

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1045       aerobic treatment unit systems inspected and serviced. The  
1046       reports may be submitted electronically.

1047       2. The property owner of an owner-occupied, single-family  
1048       residence may be approved and permitted by the department as a  
1049       maintenance entity for his or her own aerobic treatment unit  
1050       system upon written certification from the system manufacturer's  
1051       approved representative that the property owner has received  
1052       training on the proper installation and service of the system.  
1053       The maintenance entity service agreement must conspicuously  
1054       disclose that the property owner has the right to maintain his  
1055       or her own system and is exempt from contractor registration  
1056       requirements for performing construction, maintenance, or  
1057       repairs on the system but is subject to all permitting  
1058       requirements.

1059       3. A septic tank contractor licensed under part III of  
1060       chapter 489, if approved by the manufacturer, may not be denied  
1061       access by the manufacturer to aerobic treatment unit system  
1062       training or spare parts for maintenance entities. After the  
1063       original warranty period, component parts for an aerobic  
1064       treatment unit system may be replaced with parts that meet  
1065       manufacturer's specifications but are manufactured by others.  
1066       The maintenance entity shall maintain documentation of the  
1067       substitute part's equivalency for 2 years and shall provide such  
1068       documentation to the department upon request.

1069       4. The owner of an aerobic treatment unit system shall  
1070       obtain a system operating permit from the department and allow  
1071       the department to inspect during reasonable hours each aerobic  
1072       treatment unit system at least annually, and such inspection may  
1073       include collection and analysis of system-effluent samples for

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1074 performance criteria established by rule of the department.

1075 (u) The department may require the submission of detailed  
1076 system construction plans that are prepared by a professional  
1077 engineer registered in this state. The department shall  
1078 establish by rule criteria for determining when such a  
1079 submission is required.

1080 (v) Any permit issued and approved by the department for  
1081 the installation, modification, or repair of an onsite sewage  
1082 treatment and disposal system transfers shall transfer with the  
1083 title to the property in a real estate transaction. For any such  
1084 transfer of title to a property that has an onsite sewage  
1085 treatment and disposal system that has not been abandoned in  
1086 accordance with this section, or which is subject to a permit  
1087 for the installation, modification, repair, or operation of such  
1088 a system, the real estate transaction is subject to the  
1089 following requirements:

1090 1. A title may not be encumbered at the time of transfer by  
1091 new permit requirements by a governmental entity for an onsite  
1092 sewage treatment and disposal system which differ from the  
1093 permitting requirements in effect at the time the system was  
1094 permitted, modified, or repaired.

1095 2. An inspection of a system may not be mandated by a  
1096 governmental entity at the point of sale in a real estate  
1097 transaction.

1098 3. At or before the time of such real estate transaction,  
1099 the following notifications must be provided to the persons  
1100 receiving ownership of the property:

1101 a. A disclosure statement clearly identifying that the  
1102 property is subject to regulations for an onsite sewage

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1103 treatment and disposal system;1104 b. Information indicating the nature and location of any  
1105 existing onsite sewage treatment and disposal system components;1106 c. If applicable, a statement that the property is subject  
1107 to an onsite sewage treatment and disposal system operating  
1108 permit and that one or more of the persons receiving a  
1109 controlling interest in the property are required pursuant to  
1110 this subsection to provide written notice and proof of ownership  
1111 to update the operating permit information within 60 days after  
1112 such real estate transaction; and1113 d. A copy of any valid permit for the installation,  
1114 modification, repair, or operation of an onsite sewage treatment  
1115 and disposal system which will transfer pursuant to this  
1116 paragraph.1117  
1118 This paragraph does not affect a septic tank phase-out deferral  
1119 program implemented by a consolidated government as defined in  
1120 s. 9, Art. VIII of the State Constitution of 1885.1121 (w) A governmental entity, including a municipality,  
1122 county, or statutorily created commission, may not require an  
1123 engineer-designed performance-based treatment system, excluding  
1124 a passive engineer-designed performance-based treatment system,  
1125 before the completion of the Florida Onsite Sewage Nitrogen  
1126 Reduction Strategies Project. This paragraph does not apply to a  
1127 governmental entity, including a municipality, county, or  
1128 statutorily created commission, which adopted a local law,  
1129 ordinance, or regulation on or before January 31, 2012.  
1130 Notwithstanding this paragraph, an engineer-designed  
1131 performance-based treatment system may be used to meet the

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1132 requirements of the variance review and advisory committee  
1133 recommendations.

1134 (x)1. An onsite sewage treatment and disposal system is not  
1135 considered abandoned if the system is disconnected from a  
1136 structure that was made unusable or destroyed following a  
1137 disaster and if the system was properly functioning at the time  
1138 of disconnection and was not adversely affected by the disaster.  
1139 The onsite sewage treatment and disposal system may be  
1140 reconnected to a rebuilt structure if:

1141 a. The reconnection of the system is to the same type of  
1142 structure which contains the same number of bedrooms or fewer,  
1143 if the square footage of the structure is less than or equal to  
1144 110 percent of the original square footage of the structure that  
1145 existed before the disaster;

1146 b. The system is not a sanitary nuisance; and  
1147 c. The system has not been altered without prior  
1148 authorization.

1149 2. An onsite sewage treatment and disposal system that  
1150 serves a property that is foreclosed upon is not considered  
1151 abandoned.

1152 (y) If an onsite sewage treatment and disposal system  
1153 permittee receives, relies upon, and undertakes construction of  
1154 a system based upon a validly issued construction permit under  
1155 rules applicable at the time of construction but a change to a  
1156 rule occurs within 5 years after the approval of the system for  
1157 construction but before the final approval of the system, the  
1158 rules applicable and in effect at the time of construction  
1159 approval apply at the time of final approval if fundamental site  
1160 conditions have not changed between the time of construction

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1161 approval and final approval.

1162 (z) An existing-system inspection or evaluation and  
1163 assessment, or a modification, replacement, or upgrade of an  
1164 onsite sewage treatment and disposal system is not required for  
1165 a remodeling addition or modification to a single-family home if  
1166 a bedroom is not added. However, a remodeling addition or  
1167 modification to a single-family home may not cover any part of  
1168 the existing system or encroach upon a required setback or the  
1169 unobstructed area. To determine if a setback or the unobstructed  
1170 area is impacted, the local health department shall review and  
1171 verify a floor plan and site plan of the proposed remodeling  
1172 addition or modification to the home submitted by a remodeler  
1173 which shows the location of the system, including the distance  
1174 of the remodeling addition or modification to the home from the  
1175 onsite sewage treatment and disposal system. The local health  
1176 department may visit the site or otherwise determine the best  
1177 means of verifying the information submitted. A verification of  
1178 the location of a system is not an inspection or evaluation and  
1179 assessment of the system. The review and verification must be  
1180 completed within 7 business days after receipt by the local  
1181 health department of a floor plan and site plan. If the review  
1182 and verification is not completed within such time, the  
1183 remodeling addition or modification to the single-family home,  
1184 for the purposes of this paragraph, is approved.

1185 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE  
1186 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a  
1187 total maximum daily load, the department shall implement a fast-  
1188 track approval process of no longer than 6 months for the  
1189 determination of the use of American National Standards

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1190 Institute 245 systems approved by NSF International before July  
1191 1, 2020. The department shall also establish an enhanced  
1192 nutrient-reducing onsite sewage treatment and disposal system  
1193 approval program that will expeditiously evaluate and approve  
1194 such systems for use in this state to comply with ss.  
1195 403.067(7)(a)10. and 373.469(3)(d).

1196 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may  
1197 contract with or delegate its powers and duties under this  
1198 section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

1199 Section 15. Paragraph (c) of subsection (6) and paragraph  
1200 (a) of subsection (7) of section 403.067, Florida Statutes, are  
1201 amended to read:

1202 403.067 Establishment and implementation of total maximum  
1203 daily loads.—

1204 (6) CALCULATION AND ALLOCATION.—

1205 (c) Adoption of rules. The total maximum daily load  
1206 calculations and allocations established under this subsection  
1207 for each water body or water body segment shall be adopted by  
1208 rule by the secretary pursuant to ss. 120.536(1), 120.54, and  
1209 403.805. Where additional data collection and analysis are  
1210 needed to increase the scientific precision and accuracy of the  
1211 total maximum daily load, the department is authorized to adopt  
1212 phased total maximum daily loads that are subject to change as  
1213 additional data becomes available. Where phased total maximum  
1214 daily loads are proposed, the department shall, in the detailed  
1215 statement of facts and circumstances justifying the rule,  
1216 explain why the data are inadequate so as to justify a phased  
1217 total maximum daily load. The rules adopted pursuant to this  
1218 paragraph are not ~~subject to approval by the Environmental~~

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1219 ~~Regulation Commission and are not subject to the provisions of~~  
1220 ~~s. 120.541(3). As part of the rule development process, the~~  
1221 ~~department shall hold at least one public workshop in the~~  
1222 ~~vicinity of the water body or water body segment for which the~~  
1223 ~~total maximum daily load is being developed. Notice of the~~  
1224 ~~public workshop shall be published not less than 5 days nor more~~  
1225 ~~than 15 days before the public workshop in a newspaper of~~  
1226 ~~general circulation in the county or counties containing the~~  
1227 ~~water bodies or water body segments for which the total maximum~~  
1228 ~~daily load calculation and allocation are being developed.~~

1229 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
1230 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1231 (a) *Basin management action plans.*—  
1232 1. In developing and implementing the total maximum daily  
1233 load for a waterbody, the department, or the department in  
1234 conjunction with a water management district, may develop a  
1235 basin management action plan that addresses some or all of the  
1236 watersheds and basins tributary to the waterbody. Such plan must  
1237 integrate the appropriate management strategies available to the  
1238 state through existing water quality protection programs to  
1239 achieve the total maximum daily loads and may provide for phased  
1240 implementation of these management strategies to promote timely,  
1241 cost-effective actions as provided for in s. 403.151. The plan  
1242 must establish a schedule implementing the management  
1243 strategies, establish a basis for evaluating the plan's  
1244 effectiveness, and identify feasible funding strategies for  
1245 implementing the plan's management strategies. The management  
1246 strategies may include regional treatment systems or other  
1247 public works, when appropriate, and voluntary trading of water

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1248 quality credits to achieve the needed pollutant load reductions.

1249 2. A basin management action plan must equitably allocate,  
1250 pursuant to paragraph (6)(b), pollutant reductions to individual  
1251 basins, as a whole to all basins, or to each identified point  
1252 source or category of nonpoint sources, as appropriate. For  
1253 nonpoint sources for which best management practices have been  
1254 adopted, the initial requirement specified by the plan must be  
1255 those practices developed pursuant to paragraph (c). When  
1256 appropriate, the plan may take into account the benefits of  
1257 pollutant load reduction achieved by point or nonpoint sources  
1258 that have implemented management strategies to reduce pollutant  
1259 loads, including best management practices, before the  
1260 development of the basin management action plan. The plan must  
1261 also identify the mechanisms that will address potential future  
1262 increases in pollutant loading.

1263 3. The basin management action planning process is intended  
1264 to involve the broadest possible range of interested parties,  
1265 with the objective of encouraging the greatest amount of  
1266 cooperation and consensus possible. In developing a basin  
1267 management action plan, the department shall assure that key  
1268 stakeholders, including, but not limited to, applicable local  
1269 governments, water management districts, the Department of  
1270 Agriculture and Consumer Services, other appropriate state  
1271 agencies, local soil and water conservation districts,  
1272 environmental groups, regulated interests, and affected  
1273 pollution sources, are invited to participate in the process.  
1274 The department shall hold at least one public meeting in the  
1275 vicinity of the watershed or basin to discuss and receive  
1276 comments during the planning process and shall otherwise

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1277 encourage public participation to the greatest practicable  
1278 extent. Notice of the public meeting must be published in a  
1279 newspaper of general circulation in each county in which the  
1280 watershed or basin lies at least 5 days, but not more than 15  
1281 days, before the public meeting. A basin management action plan  
1282 does not supplant or otherwise alter any assessment made under  
1283 subsection (3) or subsection (4) or any calculation or initial  
1284 allocation.

1285 4. Each new or revised basin management action plan must  
1286 include all of the following:

1287 a. The appropriate management strategies available through  
1288 existing water quality protection programs to achieve total  
1289 maximum daily loads, which may provide for phased implementation  
1290 to promote timely, cost-effective actions as provided for in s.  
1291 403.151.

1292 b. A description of best management practices adopted by  
1293 rule.

1294 c. For the applicable 5-year implementation milestone, a  
1295 list of projects that will achieve the pollutant load reductions  
1296 needed to meet the total maximum daily load or the load  
1297 allocations established pursuant to subsection (6). Each project  
1298 must include a planning-level cost estimate and an estimated  
1299 date of completion.

1300 d. A list of projects developed pursuant to paragraph (e),  
1301 if applicable.

1302 e. The source and amount of financial assistance to be made  
1303 available by the department, a water management district, or  
1304 other entity for each listed project, if applicable.

1305 f. A planning-level estimate of each listed project's

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1306 expected load reduction, if applicable.

1307 5. The department shall adopt all or any part of a basin  
1308 management action plan and any amendment to such plan by  
1309 secretarial order pursuant to chapter 120 to implement this  
1310 section. A basin management action plan and any amendment to  
1311 such plan shall become effective 60 days after the date the  
1312 secretarial order is filed.

1313 6. The basin management action plan must include 5-year  
1314 milestones for implementation and water quality improvement, and  
1315 an associated water quality monitoring component sufficient to  
1316 evaluate whether reasonable progress in pollutant load  
1317 reductions is being achieved over time. An assessment of  
1318 progress toward these milestones shall be conducted every 5  
1319 years, and revisions to the plan shall be made as appropriate.  
1320 Any entity with a specific pollutant load reduction requirement  
1321 established in a basin management action plan shall identify the  
1322 projects or strategies that such entity will undertake to meet  
1323 current 5-year pollution reduction milestones, beginning with  
1324 the first 5-year milestone for new basin management action  
1325 plans, and submit such projects to the department for inclusion  
1326 in the appropriate basin management action plan. Each project  
1327 identified must include an estimated amount of nutrient  
1328 reduction that is reasonably expected to be achieved based on  
1329 the best scientific information available. Revisions to the  
1330 basin management action plan shall be made by the department in  
1331 cooperation with basin stakeholders. Revisions to the management  
1332 strategies required for nonpoint sources must follow the  
1333 procedures in subparagraph (c)4. Revised basin management action  
1334 plans must be adopted pursuant to subparagraph 5.

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1335        7. In accordance with procedures adopted by rule under  
1336 paragraph (9)(c), basin management action plans, and other  
1337 pollution control programs under local, state, or federal  
1338 authority as provided in subsection (4), may allow point or  
1339 nonpoint sources that will achieve greater pollutant reductions  
1340 than required by an adopted total maximum daily load or  
1341 wasteload allocation to generate, register, and trade water  
1342 quality credits for the excess reductions to enable other  
1343 sources to achieve their allocation; however, the generation of  
1344 water quality credits does not remove the obligation of a source  
1345 or activity to meet applicable technology requirements or  
1346 adopted best management practices. Such plans must allow trading  
1347 between NPDES permittees, and trading that may or may not  
1348 involve NPDES permittees, where the generation or use of the  
1349 credits involve an entity or activity not subject to department  
1350 water discharge permits whose owner voluntarily elects to obtain  
1351 department authorization for the generation and sale of credits.

1352        8. The department's rule relating to the equitable  
1353 abatement of pollutants into surface waters do not apply to  
1354 water bodies or waterbody segments for which a basin management  
1355 plan that takes into account future new or expanded activities  
1356 or discharges has been adopted under this section.

1357        9. In order to promote resilient wastewater utilities, if  
1358 the department identifies domestic wastewater treatment  
1359 facilities or onsite sewage treatment and disposal systems as  
1360 contributors of at least 20 percent of point source or nonpoint  
1361 source nutrient pollution or if the department determines  
1362 remediation is necessary to achieve the total maximum daily  
1363 load, a basin management action plan for a nutrient total

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1364 maximum daily load must include the following:

1365 a. A domestic wastewater treatment plan developed by each  
1366 local government, in cooperation with the department, the water  
1367 management district, and the public and private domestic  
1368 wastewater treatment facilities providing services or located  
1369 within the jurisdiction of the local government, which addresses  
1370 domestic wastewater. Private domestic wastewater facilities and  
1371 special districts providing domestic wastewater services must  
1372 provide the required wastewater facility information to the  
1373 applicable local governments. The domestic wastewater treatment  
1374 plan must:

1375 (I) Provide for construction, expansion, or upgrades  
1376 necessary to achieve the total maximum daily load requirements  
1377 applicable to the domestic wastewater treatment facility.

1378 (II) Include the permitted capacity in average annual  
1379 gallons per day for the domestic wastewater treatment facility;  
1380 the average nutrient concentration and the estimated average  
1381 nutrient load of the domestic wastewater; a projected timeline  
1382 of the dates by which the construction of any facility  
1383 improvements will begin and be completed and the date by which  
1384 operations of the improved facility will begin; the estimated  
1385 cost of the improvements; and the identity of responsible  
1386 parties.

1387  
1388 The domestic wastewater treatment plan must be adopted as part  
1389 of the basin management action plan no later than July 1, 2025.  
1390 A local government that does not have a domestic wastewater  
1391 treatment facility in its jurisdiction is not required to  
1392 develop a domestic wastewater treatment plan unless there is a

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1393 demonstrated need to establish a domestic wastewater treatment  
1394 facility within its jurisdiction to improve water quality  
1395 necessary to achieve a total maximum daily load. A local  
1396 government is not responsible for a private domestic wastewater  
1397 facility's compliance with a basin management action plan unless  
1398 such facility is operated through a public-private partnership  
1399 to which the local government is a party.

1400 b. An onsite sewage treatment and disposal system  
1401 remediation plan developed by each local government in  
1402 cooperation with the department, the Department of Health, water  
1403 management districts, and public and private domestic wastewater  
1404 treatment facilities.

1405 (I) The onsite sewage treatment and disposal system  
1406 remediation plan must identify cost-effective and financially  
1407 feasible projects necessary to achieve the nutrient load  
1408 reductions required for onsite sewage treatment and disposal  
1409 systems. To identify cost-effective and financially feasible  
1410 projects for remediation of onsite sewage treatment and disposal  
1411 systems, the local government shall:

1412 (A) Include an inventory of onsite sewage treatment and  
1413 disposal systems based on the best information available;

1414 (B) Identify onsite sewage treatment and disposal systems  
1415 that would be eliminated through connection to existing or  
1416 future central domestic wastewater infrastructure in the  
1417 jurisdiction or domestic wastewater service area of the local  
1418 government, that would be replaced with or upgraded to enhanced  
1419 nutrient-reducing onsite sewage treatment and disposal systems,  
1420 or that would remain on conventional onsite sewage treatment and  
1421 disposal systems;

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

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

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

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

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

b. The construction or installation of new domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 or more gallons per day, except for those facilities that meet an advanced

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1451 wastewater treatment standard of no more than 3 mg/l total  
1452 nitrogen and 1 mg/l total phosphorus on an annual permitted  
1453 basis, or a more stringent treatment standard if the department  
1454 determines the more stringent standard is necessary to attain a  
1455 total maximum daily load.

1456 c. The construction or installation of new facilities for  
1457 the disposal of hazardous waste.

1458 11. When identifying wastewater projects in a basin  
1459 management action plan, the department may not require the  
1460 higher cost option if it achieves the same nutrient load  
1461 reduction as a lower cost option. A regulated entity may choose  
1462 a different cost option if it complies with the pollutant  
1463 reduction requirements of an adopted total maximum daily load  
1464 and meets or exceeds the pollution reduction requirement of the  
1465 original project.

1466 12. Annually, local governments subject to a basin  
1467 management action plan or located within the basin of a  
1468 waterbody not attaining nutrient or nutrient-related standards  
1469 must provide to the department an update on the status of  
1470 construction of sanitary sewers to serve such areas, in a manner  
1471 prescribed by the department.

1472 Section 16. Paragraph (e) of subsection (1) of section  
1473 403.0671, Florida Statutes, is amended to read:

1474 403.0671 Basin management action plan wastewater reports.—

1475 (1) By July 1, 2021, the department, in coordination with  
1476 the county health departments, wastewater treatment facilities,  
1477 and other governmental entities, shall submit a report to the  
1478 Governor, the President of the Senate, and the Speaker of the  
1479 House of Representatives evaluating the costs of wastewater

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1480 projects identified in the basin management action plans  
1481 developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
1482 sewage treatment and disposal system remediation plans and other  
1483 restoration plans developed to meet the total maximum daily  
1484 loads required under s. 403.067. The report must include all of  
1485 the following:

1486 (e) The projected costs of installing enhanced nutrient-  
1487 reducing onsite sewage treatment and disposal systems on  
1488 buildable lots in priority focus areas ~~to comply with s.~~  
1489 ~~373.811.~~

1490 Section 17. Subsection (11) of section 403.0872, Florida  
1491 Statutes, is amended to read:

1492 403.0872 Operation permits for major sources of air  
1493 pollution; annual operation license fee.—Provided that program  
1494 approval pursuant to 42 U.S.C. s. 7661a has been received from  
1495 the United States Environmental Protection Agency, beginning  
1496 January 2, 1995, each major source of air pollution, including  
1497 electrical power plants certified under s. 403.511, must obtain  
1498 from the department an operation permit for a major source of  
1499 air pollution under this section. This operation permit is the  
1500 only department operation permit for a major source of air  
1501 pollution required for such source; provided, at the applicant's  
1502 request, the department shall issue a separate acid rain permit  
1503 for a major source of air pollution that is an affected source  
1504 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
1505 for major sources of air pollution, except general permits  
1506 issued pursuant to s. 403.814, must be issued in accordance with  
1507 the procedures contained in this section and in accordance with  
1508 chapter 120; however, to the extent that chapter 120 is

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1509 inconsistent with this section, the procedures contained in this  
1510 section prevail.

1511 (11) Each major source of air pollution permitted to  
1512 operate in this state must pay by June 30 ~~between January 15 and~~  
1513 ~~April 1~~ of each year, upon written notice from the department,  
1514 an annual operation license fee in an amount determined by  
1515 department rule. The annual operation license fee shall be  
1516 terminated immediately in the event the United States  
1517 Environmental Protection Agency imposes annual fees solely to  
1518 implement and administer the major source air-operation permit  
1519 program in Florida under 40 C.F.R. s. 70.10(d).

1520 (a) The annual fee must be assessed based upon the source's  
1521 previous year's emissions and must be calculated by multiplying  
1522 the applicable annual operation license fee factor times the  
1523 tons of each regulated air pollutant actually emitted, as  
1524 calculated in accordance with the department's emissions  
1525 computation and reporting rules. The annual fee shall only apply  
1526 to those regulated pollutants, except carbon monoxide and  
1527 greenhouse gases, for which an allowable numeric emission  
1528 limiting standard is specified in the source's most recent  
1529 construction or operation permit; provided, however, that:

1530 1. The license fee factor is \$25 or another amount  
1531 determined by department rule which ensures that the revenue  
1532 provided by each year's operation license fees is sufficient to  
1533 cover all reasonable direct and indirect costs of the major  
1534 stationary source air-operation permit program established by  
1535 this section. The license fee factor may be increased beyond \$25  
1536 only if the secretary of the department affirmatively finds that  
1537 a shortage of revenue for support of the major stationary source

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1538 air-operation permit program will occur in the absence of a fee  
1539 factor adjustment. The annual license fee factor may never  
1540 exceed \$35.

1541 2. The amount of each regulated air pollutant in excess of  
1542 4,000 tons per year emitted by any source, or group of sources  
1543 belonging to the same Major Group as described in the Standard  
1544 Industrial Classification Manual, 1987, may not be included in  
1545 the calculation of the fee. Any source, or group of sources,  
1546 which does not emit any regulated air pollutant in excess of  
1547 4,000 tons per year, is allowed a one-time credit not to exceed  
1548 25 percent of the first annual licensing fee for the prorated  
1549 portion of existing air-operation permit application fees  
1550 remaining upon commencement of the annual licensing fees.

1551 3. If the department has not received the fee by ~~March 1 of~~  
1552 ~~the calendar year, the permittee must be sent a written warning~~  
1553 ~~of the consequences for failing to pay the fee by April 1. If~~  
1554 ~~the fee is not postmarked by June 30 April 1~~ of the calendar  
1555 year, the department shall impose, in addition to the fee, a  
1556 penalty of 50 percent of the amount of the fee, plus interest on  
1557 such amount computed in accordance with s. 220.807. The  
1558 department may not impose such penalty or interest on any amount  
1559 underpaid, provided that the permittee has timely remitted  
1560 payment of at least 90 percent of the amount determined to be  
1561 due and remits full payment within 60 days after receipt of  
1562 notice of the amount underpaid. The department may waive the  
1563 collection of underpayment and may not be required to refund  
1564 overpayment of the fee, if the amount due is less than 1 percent  
1565 of the fee, up to \$50. The department may revoke any major air  
1566 pollution source operation permit if it finds that the

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1567 permitholder has failed to timely pay any required annual  
1568 operation license fee, penalty, or interest.

1569       4. Notwithstanding the computational provisions of this  
1570 subsection, the annual operation license fee for any source  
1571 subject to this section may not be less than \$250, except that  
1572 the annual operation license fee for sources permitted solely  
1573 through general permits issued under s. 403.814 may not exceed  
1574 \$50 per year.

1575       5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes  
1576 air pollution construction permit fees, the department may not  
1577 require such fees for changes or additions to a major source of  
1578 air pollution permitted pursuant to this section, unless the  
1579 activity triggers permitting requirements under Title I, Part C  
1580 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-  
1581 ~~7514a. Costs to issue and administer such permits shall be~~  
1582 ~~considered direct and indirect costs of the major stationary~~  
1583 ~~source air operation permit program under s. 403.0873.~~ The  
1584 department shall, however, require fees pursuant to s.  
1585 403.087(7)(a)5.a. for the construction of a new major source of  
1586 air pollution that will be subject to the permitting  
1587 requirements of this section once constructed and for activities  
1588 triggering permitting requirements under Title I, Part C or Part  
1589 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

1590       (b) Annual operation license fees collected by the  
1591 department must be sufficient to cover all reasonable direct and  
1592 indirect costs required to develop and administer the major  
1593 stationary source air-operation permit program, which shall  
1594 consist of the following elements to the extent that they are  
1595 reasonably related to the regulation of major stationary air

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1596 pollution sources, in accordance with United States  
1597 Environmental Protection Agency regulations and guidelines:

1598 1. Reviewing and acting upon any application for such a  
1599 permit.

1600 2. Implementing and enforcing the terms and conditions of  
1601 any such permit, excluding court costs or other costs associated  
1602 with any enforcement action.

1603 3. Emissions and ambient monitoring.

1604 4. Preparing generally applicable regulations or guidance.

1605 5. Modeling, analyses, and demonstrations.

1606 6. Preparing inventories and tracking emissions.

1607 7. Implementing the Small Business Stationary Source  
1608 Technical and Environmental Compliance Assistance Program.

1609 8. Any audits conducted under paragraph (c).

1610 (c) An audit of the major stationary source air-operation  
1611 permit program must be conducted 2 years after the United States  
1612 Environmental Protection Agency has given full approval of the  
1613 program to ascertain whether the annual operation license fees  
1614 collected by the department are used solely to support any  
1615 reasonable direct and indirect costs as listed in paragraph (b).  
1616 A program audit must be performed biennially after the first  
1617 audit.

1618 Section 18. Paragraphs (a) and (b) of subsection (3) of  
1619 section 403.1838, Florida Statutes, are amended to read:

1620 403.1838 Small Community Sewer Construction Assistance  
1621 Act.—

1622 (3) (a) In accordance with rules adopted by the department  
1623 ~~Environmental Regulation Commission under this section~~, the  
1624 department may provide grants, from funds specifically

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1625 appropriated for this purpose, to financially disadvantaged  
1626 small communities for up to 100 percent of the costs of  
1627 planning, designing, constructing, upgrading, or replacing  
1628 wastewater collection, transmission, treatment, disposal, and  
1629 reuse facilities, including necessary legal and administrative  
1630 expenses.

1631 (b) The rules of the department ~~Environmental Regulation~~  
1632 ~~Commission~~ must:

1633 1. Require that projects to plan, design, construct,  
1634 upgrade, or replace wastewater collection, transmission,  
1635 treatment, disposal, and reuse facilities be cost-effective,  
1636 environmentally sound, permittable, and implementable.

1637 2. Require appropriate user charges, connection fees, and  
1638 other charges sufficient to ensure the long-term operation,  
1639 maintenance, and replacement of the facilities constructed under  
1640 each grant.

1641 3. Require grant applications to be submitted on  
1642 appropriate forms with appropriate supporting documentation, and  
1643 require records to be maintained.

1644 4. Establish a system to determine eligibility of grant  
1645 applications.

1646 5. Establish a system to determine the relative priority of  
1647 grant applications. The system must consider public health  
1648 protection and water pollution prevention or abatement and must  
1649 prioritize projects that plan for the installation of wastewater  
1650 transmission facilities to be constructed concurrently with  
1651 other construction projects occurring within or along a  
1652 transportation facility right-of-way.

1653 6. Establish requirements for competitive procurement of

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1654 engineering and construction services, materials, and equipment.

1655 7. Provide for termination of grants when program  
1656 requirements are not met.

1657 Section 19. Section 403.804, Florida Statutes, is repealed.

1658 Section 20. Subsection (6) of section 120.81, Florida  
1659 Statutes, is amended to read:

1660 120.81 Exceptions and special requirements; general areas.—

1661 (6) RISK IMPACT STATEMENT.—The Department of Environmental  
1662 Protection shall prepare a risk impact statement for any rule  
1663 that is proposed for adoption which approval by the  
1664 ~~Environmental Regulation Commission~~ and that establishes or  
1665 changes standards or criteria based on impacts to or effects  
1666 upon human health. The Department of Agriculture and Consumer  
1667 Services shall prepare a risk impact statement for any rule that  
1668 is proposed for adoption that establishes standards or criteria  
1669 based on impacts to or effects upon human health.

1670 (a) This subsection does not apply to rules adopted  
1671 pursuant to federally delegated or mandated programs where such  
1672 rules are identical or substantially identical to the federal  
1673 regulations or laws being adopted or implemented by the  
1674 Department of Environmental Protection or Department of  
1675 Agriculture and Consumer Services, as applicable. However, the  
1676 Department of Environmental Protection and the Department of  
1677 Agriculture and Consumer Services shall identify any risk  
1678 analysis information available to them from the Federal  
1679 Government that has formed the basis of such a rule.

1680 (b) This subsection does not apply to emergency rules  
1681 adopted pursuant to this chapter.

1682 (c) The Department of Environmental Protection and the

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1683 Department of Agriculture and Consumer Services shall prepare  
1684 and publish notice of the availability of a clear and concise  
1685 risk impact statement for all applicable rules. The risk impact  
1686 statement must explain the risk to the public health addressed  
1687 by the rule and shall identify and summarize the source of the  
1688 scientific information used in evaluating that risk.

1689 (d) Nothing in this subsection shall be construed to create  
1690 a new cause of action or basis for challenging a rule nor  
1691 diminish any existing cause of action or basis for challenging a  
1692 rule.

1693 Section 21. Subsection (1) of section 373.421, Florida  
1694 Statutes, is amended, and paragraph (b) of subsection (7) of  
1695 that section is reenacted, to read:

1696 373.421 Delineation methods; formal determinations.—

1697 (1) The department's Environmental Regulation Commission  
1698 ~~shall adopt~~ a unified statewide methodology for the delineation  
1699 of the extent of wetlands as defined in s. 373.019(27). This  
1700 methodology shall consider regional differences in the types of  
1701 soils and vegetation that may serve as indicators of the extent  
1702 of wetlands. This methodology shall also include provisions for  
1703 determining the extent of surface waters other than wetlands for  
1704 the purposes of regulation under s. 373.414. This methodology  
1705 shall not become effective until ratified by the Legislature.  
1706 Subsequent to legislative ratification, the wetland definition  
1707 in s. 373.019(27) and the adopted wetland methodology shall be  
1708 binding on the department, the water management districts, local  
1709 governments, and any other governmental entities. Upon  
1710 ratification of such wetland methodology, the Legislature  
1711 preempts the authority of any water management district, state

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1712 or regional agency, or local government to define wetlands or  
1713 develop a delineation methodology to implement the definition  
1714 and determines that the exclusive definition and delineation  
1715 methodology for wetlands shall be that established pursuant to  
1716 s. 373.019(27) and this section. Upon such legislative  
1717 ratification, any existing wetlands definition or wetland  
1718 delineation methodology shall be superseded by the wetland  
1719 definition and delineation methodology established pursuant to  
1720 this chapter. Subsequent to legislative ratification, a  
1721 delineation of the extent of a surface water or wetland by the  
1722 department or a water management district, pursuant to a formal  
1723 determination under subsection (2), or pursuant to a permit  
1724 issued under this part in which the delineation was field-  
1725 verified by the permitting agency and specifically approved in  
1726 the permit, shall be binding on all other governmental entities  
1727 for the duration of the formal determination or permit. All  
1728 existing rules and methodologies of the department, the water  
1729 management districts, and local governments, regarding surface  
1730 water or wetland definition and delineation shall remain in full  
1731 force and effect until the common methodology rule becomes  
1732 effective. However, this shall not be construed to limit any  
1733 power of the department, the water management districts, and  
1734 local governments to amend or adopt a surface water or wetland  
1735 definition or delineation methodology until the common  
1736 methodology rule becomes effective.

1737 (7)

1738 (b) Wetlands contiguous to surface waters of the state as  
1739 defined in s. 403.031(13), Florida Statutes (1991), shall be  
1740 delineated pursuant to the department's rules as such rules

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1741 existed prior to January 24, 1984, while wetlands not contiguous  
1742 to surface waters of the state as defined in s. 403.031(13),  
1743 Florida Statutes (1991), shall be delineated pursuant to the  
1744 applicable methodology ratified by s. 373.4211 for any  
1745 development which obtains an individual permit from the United  
1746 States Army Corps of Engineers under 33 U.S.C. s. 1344:

1747 1. Where a jurisdictional determination validated by the  
1748 department pursuant to rule 17-301.400(8), Florida  
1749 Administrative Code, as it existed in rule 17-4.022, Florida  
1750 Administrative Code, on April 1, 1985, is revalidated pursuant  
1751 to s. 373.414(13) and the affected lands are part of a project  
1752 for which a vested rights determination has been issued pursuant  
1753 to s. 380.06, or

1754 2. Where the lands affected were grandfathered pursuant to  
1755 s. 403.913(6), Florida Statutes (1991), and proof of prior  
1756 notification pursuant to s. 403.913(6), Florida Statutes (1991),  
1757 is submitted to the department within 180 days of the  
1758 publication of a notice by the department of the existence of  
1759 this provision. Failure to timely submit the proof of prior  
1760 notification to the department serves as a waiver of the  
1761 benefits conferred by this subsection.

1762 3. This subsection shall not be applicable to lands:

1763 a. Within the geographical area to which an individual or  
1764 general permit issued prior to June 1, 1994, under rules adopted  
1765 pursuant to this part applies; or

1766 b. Within the geographical area to which a conceptual  
1767 permit issued prior to June 1, 1994, under rules adopted  
1768 pursuant to this part applies if wetland delineations were  
1769 identified and approved by the conceptual permit as set forth in

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1770 s. 373.414(12) (b)1. or 2.; or

1771 c. Where no development activity as defined in s. 380.01(1)  
1772 or (2)(a)-(d) and (f) has occurred within the project boundaries  
1773 since October 1, 1986; or

1774 d. Of a project which is not in compliance with this part  
1775 or the rules adopted pursuant to ss. 403.91-403.929, 1984  
1776 Supplement to the Florida Statutes 1983, as amended.

1777 4. The wetland delineation methodology required in this  
1778 subsection shall only apply within the geographical area of an  
1779 individual permit issued by the United States Army Corps of  
1780 Engineers under 33 U.S.C. s. 1344. The requirement to obtain  
1781 such individual permit to secure the benefit of this subsection  
1782 shall not apply to any activities exempt or not subject to  
1783 regulation under 33 U.S.C. s. 1344.

1784 5. Notwithstanding subsection (1), the wetland delineation  
1785 methodology required in this subsection and any wetland  
1786 delineation pursuant thereto, shall only apply to agency action  
1787 under this part and shall not be binding on local governments  
1788 except in their implementation of this part.

1789 Section 22. Paragraph (b) of subsection (23) of section  
1790 403.031, Florida Statutes, is amended to read:

1791 403.031 Definitions.—In construing this chapter, or rules  
1792 and regulations adopted pursuant hereto, the following words,  
1793 phrases, or terms, unless the context otherwise indicates, have  
1794 the following meanings:

1795 (23) “Waters” include, but are not limited to, rivers,  
1796 lakes, streams, springs, impoundments, wetlands, and all other  
1797 waters or bodies of water, including fresh, brackish, saline,  
1798 tidal, surface, or underground waters. Waters owned entirely by

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1799 one person other than the state are included only in regard to  
1800 possible discharge on other property or water. Underground  
1801 waters include, but are not limited to, all underground waters  
1802 passing through pores of rock or soils or flowing through in  
1803 channels, whether manmade or natural. Solely for purposes of s.  
1804 403.0885, waters of the state also include navigable waters or  
1805 waters of the contiguous zone as used in s. 502 of the Clean  
1806 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in  
1807 existence on January 1, 1993, except for those navigable waters  
1808 seaward of the boundaries of the state set forth in s. 1, Art.  
1809 II of the State Constitution. Solely for purposes of this  
1810 chapter, waters of the state also include the area bounded by  
1811 the following:

1812 (b) The area bounded by the line described in paragraph (a)  
1813 generally includes those waters to be known as waters of the  
1814 state. The landward extent of these waters shall be determined  
1815 by the delineation methodology ratified in s. 373.4211. Any  
1816 waters which are outside the general boundary line described in  
1817 paragraph (a) but which are contiguous thereto by virtue of the  
1818 presence of a wetland, watercourse, or other surface water, as  
1819 determined by the delineation methodology ratified in s.  
1820 373.4211, shall be a part of this waterbody. Any areas within  
1821 the line described in paragraph (a) which are neither a wetland  
1822 nor surface water, as determined by the delineation methodology  
1823 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~  
1824 ~~Florida Environmental Regulation Commission designates the~~  
1825 ~~waters within the boundaries an Outstanding Florida Water,~~  
1826 ~~waters outside the boundaries may not be included as part of~~  
1827 ~~such designation unless a hearing is held pursuant to notice in~~

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1828 ~~each appropriate county and the boundaries of such lands are~~  
1829 ~~specifically considered and described for such designation.~~

1830 Section 23. Subsections (7) and (32) of section 403.061,  
1831 Florida Statutes, are amended to read:

1832 403.061 Department; powers and duties.—The department shall  
1833 have the power and the duty to control and prohibit pollution of  
1834 air and water in accordance with the law and rules adopted and  
1835 promulgated by it and, for this purpose, to:

1836 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1837 implement this act. Any rule adopted pursuant to this act must  
1838 be consistent with the provisions of federal law, if any,  
1839 relating to control of emissions from motor vehicles, effluent  
1840 limitations, pretreatment requirements, or standards of  
1841 performance. A county, municipality, or political subdivision  
1842 may not adopt or enforce any local ordinance, special law, or  
1843 local regulation requiring the installation of Stage II vapor  
1844 recovery systems, as currently defined by department rule,  
1845 unless such county, municipality, or political subdivision is or  
1846 has been in the past designated by federal regulation as a  
1847 moderate, serious, or severe ozone nonattainment area. Rules  
1848 adopted pursuant to this act may not require dischargers of  
1849 waste into waters of the state to improve natural background  
1850 conditions. The department shall adopt rules to reasonably  
1851 limit, reduce, and eliminate domestic wastewater collection and  
1852 transmission system pipe leakages and inflow and infiltration.  
1853 Discharges from steam electric generating plants existing or  
1854 licensed under this chapter on July 1, 1984, may not be required  
1855 to be treated to a greater extent than may be necessary to  
1856 assure that the quality of nonthermal components of discharges

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1857 from nonrecirculated cooling water systems is as high as the  
1858 quality of the makeup waters; that the quality of nonthermal  
1859 components of discharges from recirculated cooling water systems  
1860 is no lower than is allowed for blowdown from such systems; or  
1861 that the quality of noncooling system discharges which receive  
1862 makeup water from a receiving body of water which does not meet  
1863 applicable department water quality standards is as high as the  
1864 quality of the receiving body of water. ~~The department may not~~  
1865 ~~adopt standards more stringent than federal regulations, except~~  
1866 ~~as provided in s. 403.804.~~

1867 (32) Adopt rules necessary to obtain approval from the  
1868 United States Environmental Protection Agency to administer the  
1869 Federal National Pollution Discharge Elimination System (NPDES)  
1870 permitting program in Florida under ss. 318, 402, and 405 of the  
1871 federal Clean Water Act, Pub. L. No. 92-500, as amended. This  
1872 authority shall be implemented consistent with the provisions of  
1873 part II, which shall be applicable to facilities certified  
1874 thereunder. The department shall establish all rules, standards,  
1875 and requirements that regulate the discharge of pollutants into  
1876 waters of the United States as defined by and in a manner  
1877 consistent with federal regulations; provided, however, that the  
1878 department may adopt a standard that is stricter or more  
1879 stringent than one set by the United States Environmental  
1880 Protection Agency ~~if approved by the Governor and Cabinet in~~  
1881 ~~accordance with the procedures of s. 403.804(2).~~

1882  
1883 The department shall implement such programs in conjunction with  
1884 its other powers and duties and shall place special emphasis on  
1885 reducing and eliminating contamination that presents a threat to

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1886 humans, animals or plants, or to the environment.

1887 Section 24. Subsection (9) of section 403.704, Florida  
1888 Statutes, is amended to read:

1889 403.704 Powers and duties of the department.—The department  
1890 shall have responsibility for the implementation and enforcement  
1891 of this act. In addition to other powers and duties, the  
1892 department shall:

1893 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1894 implement and enforce this act, including requirements for the  
1895 classification, construction, operation, maintenance, and  
1896 closure of solid waste management facilities and requirements  
1897 for, and conditions on, solid waste disposal in this state,  
1898 whether such solid waste is generated within this state or  
1899 outside this state as long as such requirements and conditions  
1900 are not based on the out-of-state origin of the waste and are  
1901 consistent with applicable law. When classifying solid waste  
1902 management facilities, the department shall consider the  
1903 hydrogeology of the site for the facility, the types of wastes  
1904 to be handled by the facility, and methods used to control the  
1905 types of waste to be handled by the facility and shall seek to  
1906 minimize the adverse effects of solid waste management on the  
1907 environment. ~~Whenever the department adopts any rule stricter or~~  
1908 ~~more stringent than one that has been set by the United States~~  
1909 ~~Environmental Protection Agency, the procedures set forth in s.~~  
1910 ~~403.804(2) shall be followed. The department may shall not,~~  
1911 ~~however,~~ adopt hazardous waste rules for solid waste for which  
1912 special studies were required before prior to October 1, 1988,  
1913 under s. 8002 of the Resource Conservation and Recovery Act, 42  
1914 U.S.C. s. 6982, as amended, until the studies are completed by

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1915 the United States Environmental Protection Agency and the  
1916 information is available to the department for consideration in  
1917 adopting its own rule.

1918 Section 25. Paragraph (d) of subsection (3) and paragraph  
1919 (h) of subsection (9) of section 403.707, Florida Statutes, are  
1920 amended to read:

1921 403.707 Permits.—

1922 (3)

1923 (d) The department may adopt rules to administer this  
1924 subsection. ~~However, the department is not required to submit~~  
1925 ~~such rules to the Environmental Regulation Commission for~~  
1926 ~~approval.~~ Notwithstanding the limitations of s. 403.087(7)(a),  
1927 permit fee caps for solid waste management facilities must ~~shall~~  
1928 be prorated to reflect the extended permit term authorized by  
1929 this subsection.

1930 (9) The department shall establish a separate category for  
1931 solid waste management facilities that accept only construction  
1932 and demolition debris for disposal or recycling. The department  
1933 shall establish a reasonable schedule for existing facilities to  
1934 comply with this section to avoid undue hardship to such  
1935 facilities. However, a permitted solid waste disposal unit that  
1936 receives a significant amount of waste prior to the compliance  
1937 deadline established in this schedule shall not be required to  
1938 be retrofitted with liners or leachate control systems.

1939 (h) The department shall ensure that the requirements of  
1940 this section are applied and interpreted consistently throughout  
1941 ~~this the state. In accordance with s. 20.255,~~ The Division of  
1942 Waste Management shall direct the district offices and bureaus  
1943 on matters relating to the interpretation and applicability of

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1944 this section.

1945 Section 26. Subsection (3) of section 403.7222, Florida  
1946 Statutes, is amended to read:

1947 403.7222 Prohibition of hazardous waste landfills.—

1948 (3) This section does not prohibit the department from  
1949 banning the disposal of hazardous waste in other types of waste  
1950 management units in a manner consistent with federal  
1951 requirements, ~~except as provided under s. 403.804(2)~~.1952 Section 27. Subsection (4) of section 403.7234, Florida  
1953 Statutes, is amended to read:1954 403.7234 Small quantity generator notification and  
1955 verification program.—1956 (4) Within 30 days of receipt of a notification, which  
1957 includes a survey form, a small quantity generator shall  
1958 disclose its management practices and the types and quantities  
1959 of waste to the county government. Annually, each county shall  
1960 verify the management practices of at least 20 percent of its  
1961 small quantity generators. The procedure for verification used  
1962 by the county must ~~shall~~ be developed as part of the guidance  
1963 established by the department under s. 403.7226. The department  
1964 may also regulate the waste management practices of small  
1965 quantity generators in order to ensure proper management of  
1966 hazardous waste in a manner consistent with federal  
1967 requirements, ~~except as provided under s. 403.804(2)~~.1968 Section 28. Section 403.803, Florida Statutes, is amended  
1969 to read:1970 403.803 Definitions.—When used in this part ~~act~~, the term,  
1971 phrase, or word:

1972 (1) “Branch office” means a geographical area, the

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1973        boundaries of which may be established as a part of a district.

1974        (2) "Canal" is a manmade trench, the bottom of which is  
1975        normally covered by water with the upper edges of its sides  
1976        normally above water.

1977        (3) "Channel" is a trench, the bottom of which is normally  
1978        covered entirely by water, with the upper edges of its sides  
1979        normally below water.

1980        (4) ~~"Commission"~~ means the Environmental Regulation  
1981        Commission.

1982        (5) "Department" means the Department of Environmental  
1983        Protection.

1984        (5)-(6) "District" or "environmental district" means one of  
1985        the geographical areas, the boundaries of which are established  
1986        pursuant to this act.

1987        (6)-(7) "Drainage ditch" or "irrigation ditch" is a manmade  
1988        trench dug for the purpose of draining water from the land or  
1989        for transporting water for use on the land and is not built for  
1990        navigational purposes.

1991        (7)-(8) "Environmental district center" means the facilities  
1992        and personnel which are centralized in each district for the  
1993        purposes of carrying out the provisions of this act.

1994        (8)-(9) "Headquarters" means the physical location of the  
1995        offices of the secretary and the division directors of the  
1996        department.

1997        (9)-(10) "Insect control impoundment dikes" means artificial  
1998        structures, including earthen berms, constructed and used to  
1999        impound waters for the purpose of insect control.

2000        (10)-(11) "Manager" means the head of an environmental  
2001        district or branch office who shall supervise all environmental

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2002 functions of the department within such environmental district  
2003 or branch office.

2004 (11) ~~(12)~~ "Secretary" means the Secretary of Environmental  
2005 Protection.

2006 (12) ~~(13)~~ "Standard" means any rule of the Department of  
2007 Environmental Protection relating to air and water quality,  
2008 noise, solid-waste management, and electric and magnetic fields  
2009 associated with electrical transmission and distribution lines  
2010 and substation facilities. The term "standard" does not include  
2011 rules of the department which relate exclusively to the internal  
2012 management of the department, the procedural processing of  
2013 applications, the administration of rulemaking or adjudicatory  
2014 proceedings, the publication of notices, the conduct of  
2015 hearings, or other procedural matters.

2016 (13) ~~(14)~~ "Swale" means a manmade trench which:

2017 (a) Has a top width-to-depth ratio of the cross-section  
2018 equal to or greater than 6:1, or side slopes equal to or greater  
2019 than 3 feet horizontal to 1 foot vertical;

2020 (b) Contains contiguous areas of standing or flowing water  
2021 only following a rainfall event;

2022 (c) Is planted with or has stabilized vegetation suitable  
2023 for soil stabilization, stormwater treatment, and nutrient  
2024 uptake; and

2025 (d) Is designed to take into account the soil erodibility,  
2026 soil percolation, slope, slope length, and drainage area so as  
2027 to prevent erosion and reduce pollutant concentration of any  
2028 discharge.

2029 Section 29. Subsections (1) and (3) of section 403.805,  
2030 Florida Statutes, are amended to read:

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2031        403.805 Secretary; powers and duties; review of specified  
2032        rules.—

2033        (1) The secretary shall have the powers and duties of heads  
2034        of departments set forth in chapter 20, including the authority  
2035        to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
2036        implement this chapter and the provisions of chapters 161, 253,  
2037        258, 260, 369, 373, 376, 377, 378, and 380 253, 373, and 376 and  
2038        this chapter. The secretary shall have rulemaking responsibility  
2039        under chapter 120, but shall submit any proposed rule containing  
2040        standards to the Environmental Regulation Commission for  
2041        approval, modification, or disapproval pursuant to s. 403.804,  
2042        ~~except for total maximum daily load calculations and allocations~~  
2043        developed pursuant to s. 403.067(6). The secretary shall have  
2044        responsibility for final agency action regarding total maximum  
2045        daily load calculations and allocations developed pursuant to s.  
2046        403.067(6). The secretary shall employ legal counsel to  
2047        represent the department in matters affecting the department.  
2048        Except for appeals on permits specifically assigned by this act  
2049        to the Governor and Cabinet, and unless otherwise prohibited by  
2050        law, the secretary may delegate the authority assigned to the  
2051        department by this act to the assistant secretary, division  
2052        directors, and district and branch office managers and to the  
2053        water management districts.

2054        (3) After adoption of proposed rule 62-302.531(9), Florida  
2055        Administrative Code, a nonseverability and effective date  
2056        provision approved by the commission on December 8, 2011, ~~in~~  
2057        ~~accordance with the commission's legislative authority under s.~~  
2058        ~~403.804,~~ notice of which was published by the department on  
2059        December 22, 2011, in the Florida Administrative Register, Vol.

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2060 37, No. 51, page 4446, any subsequent rule or amendment altering  
2061 the effect of such rule must ~~shall~~ be submitted to the President  
2062 of the Senate and the Speaker of the House of Representatives no  
2063 later than 30 days before the next regular legislative session,  
2064 and such amendment may not take effect until it is ratified by  
2065 the Legislature.

2066 Section 30. Section 403.8055, Florida Statutes, is amended  
2067 to read:

2068 403.8055 Department adoption of federal standards.—  
2069 Notwithstanding s. 120.54 ss. 120.54 and ~~403.804~~, the secretary  
2070 is empowered to adopt rules substantively identical to  
2071 regulations adopted in the Federal Register by the United States  
2072 Environmental Protection Agency pursuant to federal law, in  
2073 accordance with the following procedures:

2074 (1) The secretary shall publish notice of intent to adopt a  
2075 rule pursuant to this section in the Florida Administrative  
2076 Register at least 21 days before ~~prior to~~ filing the rule with  
2077 the Department of State. The secretary shall mail a copy of the  
2078 notice of intent to adopt a rule to the Administrative  
2079 Procedures Committee at least 21 days before ~~prior to~~ the date  
2080 of filing with the Department of State. Before ~~Prior to~~ filing  
2081 the rule with the Department of State, the secretary shall  
2082 consider any written comments received within 21 days after the  
2083 date of publication of the notice of intent to adopt a rule. The  
2084 rule must ~~shall~~ be adopted upon filing with the Department of  
2085 State. Substantive changes from the rules as noticed ~~shall~~  
2086 require republishing of notice as required in this section.

2087 (2) Any rule adopted pursuant to this section becomes ~~shall~~  
2088 ~~become~~ effective upon the date designated in the rule by the

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2089 secretary; however, no such a rule may not shall become  
2090 effective earlier than the effective date of the substantively  
2091 identical United States Environmental Protection Agency  
2092 regulation.

2093 (3) The secretary shall stay any terms or conditions of a  
2094 permit implementing department rules adopted pursuant to this  
2095 section if the substantively identical provisions of a United  
2096 States Environmental Protection Agency regulation have been  
2097 stayed under federal judicial review. A stay issued pursuant to  
2098 this subsection shall terminate upon completion of federal  
2099 judicial review.

2100 (4) Any domestic for-profit or nonprofit corporation or  
2101 association formed, in whole or in part:

- 2102 (a) To promote conservation or natural beauty;
- 2103 (b) To protect the environment, personal health, or other  
2104 biological values;
- 2105 (c) To preserve historical sites;
- 2106 (d) To promote consumer interests;
- 2107 (e) To represent labor, commercial, or industrial groups;

2108 or

- 2109 (f) To promote orderly development;

2110  
2111 and any other substantially affected person may, within 14 days  
2112 after the date of publication of the notice of intent to adopt a  
2113 rule, file an objection to rulemaking with the department  
2114 ~~Environmental Regulation Commission~~. The objection shall specify  
2115 the portions of the proposed rule to which the person objects  
2116 and the reasons for the objection. The secretary shall not have  
2117 the authority under this section to adopt those portions of a

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2118 proposed rule specified in such objection. Objections which are  
2119 frivolous shall not be considered sufficient to prohibit the  
2120 secretary from adopting rules under this section.

2121 (5) Whenever all or part of any rule proposed for adoption  
2122 by the department is substantively identical to a regulation  
2123 adopted in the Federal Register by the United States  
2124 Environmental Protection Agency pursuant to federal law, such  
2125 rule shall be written in a manner so that the rule specifically  
2126 references such regulation whenever possible.

2127 Section 31. Subsection (1) of section 403.814, Florida  
2128 Statutes, is amended to read:

2129 403.814 General permits; delegation.—

2130 (1) The secretary is authorized to adopt rules establishing  
2131 and providing for a program of general permits under this  
2132 chapter and chapter 253 and this chapter for projects, or  
2133 categories of projects, which have, either singly or  
2134 cumulatively, a minimal adverse environmental effect. Such rules  
2135 must shall specify design or performance criteria that which, if  
2136 applied, would result in compliance with appropriate standards  
2137 ~~adopted by the commission~~. Except as provided for in subsection  
2138 (3), any person complying with the requirements of a general  
2139 permit may use the permit 30 days after giving notice to the  
2140 department without any agency action by the department.

2141 Section 32. Paragraph (a) of subsection (1) of section  
2142 376.302, Florida Statutes, is amended to read:

2143 376.302 Prohibited acts; penalties.—

2144 (1) It shall be a violation of this chapter and it shall be  
2145 prohibited for any reason:

2146 (a) To discharge pollutants or hazardous substances into or

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2147 upon the surface or ground waters of the state or lands, which  
2148 discharge violates any departmental "standard" as defined in s.  
2149 403.803 ~~s. 403.803(13)~~.

2150 Section 33. Paragraph (b) of subsection (1) of section  
2151 380.5105, Florida Statutes, is amended to read:

2152 380.5105 The Stan Mayfield Working Waterfronts; Florida  
2153 Forever program.—

2154 (1) Notwithstanding any other provision of this chapter, it  
2155 is the intent of the Legislature that the trust shall administer  
2156 the working waterfronts land acquisition program as set forth in  
2157 this section.

2158 (b) For projects that will require more than the grant  
2159 amount awarded for completion, the applicant must identify in  
2160 their project application funding sources that will provide the  
2161 difference between the grant award and the estimated project  
2162 completion cost. Such rules may be incorporated into those  
2163 developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

2164 Section 34. For the purpose of incorporating the amendment  
2165 made by this act to section 381.0065, Florida Statutes, in a  
2166 reference thereto, paragraph (k) of subsection (2) of section  
2167 381.0066, Florida Statutes, is reenacted to read:

2168 381.0066 Onsite sewage treatment and disposal systems;  
2169 fees.—

2170 (2) The minimum fees in the following fee schedule apply  
2171 until changed by rule by the department within the following  
2172 limits:

2173 (k) Research: An additional \$5 fee shall be added to each  
2174 new system construction permit issued to be used to fund onsite  
2175 sewage treatment and disposal system research, demonstration,

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2176 and training projects. Five dollars from any repair permit fee  
2177 collected under this section shall be used for funding the  
2178 hands-on training centers described in s. 381.0065(3)(j).

2179  
2180 The funds collected pursuant to this subsection for the  
2181 implementation of onsite sewage treatment and disposal system  
2182 regulation and for the purposes of ss. 381.00655 and 381.0067,  
2183 subsequent to any phased transfer of implementation from the  
2184 Department of Health to the department within any county  
2185 pursuant to s. 381.0065, must be deposited in the Florida Permit  
2186 Fee Trust Fund under s. 403.0871, to be administered by the  
2187 department.

2188 Section 35. For the purpose of incorporating the amendment  
2189 made by this act to section 403.067, Florida Statutes, in a  
2190 reference thereto, section 373.4595, Florida Statutes, is  
2191 reenacted to read:

2192 373.4595 Northern Everglades and Estuaries Protection  
2193 Program.—

2194 (1) FINDINGS AND INTENT.—

2195 (a) The Legislature finds that the Lake Okeechobee  
2196 watershed, the Caloosahatchee River watershed, and the St. Lucie  
2197 River watershed are critical water resources of the state,  
2198 providing many economic, natural habitat, and biodiversity  
2199 functions benefiting the public interest, including  
2200 agricultural, public, and environmental water supply; flood  
2201 control; fishing; navigation and recreation; and habitat to  
2202 endangered and threatened species and other flora and fauna.

2203 (b) The Legislature finds that changes in land uses, the  
2204 construction of the Central and Southern Florida Project, and

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2205 the loss of surface water storage have resulted in adverse  
2206 changes to the hydrology and water quality of Lake Okeechobee  
2207 and the Caloosahatchee and St. Lucie Rivers and their estuaries.

2208 (c) The Legislature finds that improvement to the  
2209 hydrology, water quality, and associated aquatic habitats within  
2210 the Lake Okeechobee watershed, the Caloosahatchee River  
2211 watershed, and the St. Lucie River watershed, is essential to  
2212 the protection of the greater Everglades ecosystem.

2213 (d) The Legislature also finds that it is imperative for  
2214 the state, local governments, and agricultural and environmental  
2215 communities to commit to restoring and protecting the surface  
2216 water resources of the Lake Okeechobee watershed, the  
2217 Caloosahatchee River watershed, and the St. Lucie River  
2218 watershed, and that a watershed-based approach to address these  
2219 issues must be developed and implemented immediately.

2220 (e) The Legislature finds that phosphorus loads from the  
2221 Lake Okeechobee watershed have contributed to excessive  
2222 phosphorus levels throughout the Lake Okeechobee watershed and  
2223 downstream receiving waters and that a reduction in levels of  
2224 phosphorus will benefit the ecology of these systems. The  
2225 excessive levels of phosphorus have also resulted in an  
2226 accumulation of phosphorus in the sediments of Lake Okeechobee.  
2227 If not removed, internal phosphorus loads from the sediments are  
2228 expected to delay responses of the lake to external phosphorus  
2229 reductions.

2230 (f) The Legislature finds that the Lake Okeechobee  
2231 phosphorus loads set forth in the total maximum daily loads  
2232 established in accordance with s. 403.067 represent an  
2233 appropriate basis for restoration of the Lake Okeechobee

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2234 watershed.

2235 (g) The Legislature finds that, in addition to phosphorus,  
2236 other pollutants are contributing to water quality problems in  
2237 the Lake Okeechobee watershed, the Caloosahatchee River  
2238 watershed, and the St. Lucie River watershed, and that the total  
2239 maximum daily load requirements of s. 403.067 provide a means of  
2240 identifying and addressing these problems.

2241 (h) The Legislature finds that the expeditious  
2242 implementation of the Lake Okeechobee Watershed Protection  
2243 Program, the Caloosahatchee River Watershed Protection Program,  
2244 and the St. Lucie River Watershed Protection Program is needed  
2245 to improve the quality, quantity, timing, and distribution of  
2246 water in the northern Everglades ecosystem and that this  
2247 section, in conjunction with s. 403.067, including the  
2248 implementation of the plans developed and approved pursuant to  
2249 subsections (3) and (4), and any related basin management action  
2250 plan developed and implemented pursuant to s. 403.067(7)(a),  
2251 provide a reasonable means of achieving the total maximum daily  
2252 load requirements and achieving and maintaining compliance with  
2253 state water quality standards.

2254 (i) The Legislature finds that the implementation of the  
2255 programs contained in this section is for the benefit of the  
2256 public health, safety, and welfare and is in the public  
2257 interest.

2258 (j) The Legislature finds that sufficient research has been  
2259 conducted and sufficient plans developed to immediately expand  
2260 and accelerate programs to address the hydrology and water  
2261 quality in the Lake Okeechobee watershed, the Caloosahatchee  
2262 River watershed, and the St. Lucie River watershed.

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

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

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

(n) It is the intent of the Legislature that the coordinating agencies encourage and support the development of creative public-private partnerships and programs, including opportunities for water storage and quality improvement on

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2292 private lands and water quality credit trading, to facilitate or  
2293 further the restoration of the surface water resources of the  
2294 Lake Okeechobee watershed, the Caloosahatchee River watershed,  
2295 and the St. Lucie River watershed, consistent with s. 403.067.

2296 (2) DEFINITIONS.—As used in this section, the term:

2297 (a) "Best management practice" means a practice or  
2298 combination of practices determined by the coordinating  
2299 agencies, based on research, field-testing, and expert review,  
2300 to be the most effective and practicable on-location means,  
2301 including economic and technological considerations, for  
2302 improving water quality in agricultural and urban discharges.  
2303 Best management practices for agricultural discharges shall  
2304 reflect a balance between water quality improvements and  
2305 agricultural productivity.

2306 (b) "Biosolids" means the solid, semisolid, or liquid  
2307 residue generated during the treatment of domestic wastewater in  
2308 a domestic wastewater treatment facility, formerly known as  
2309 "domestic wastewater residuals" or "residuals," and includes  
2310 products and treated material from biosolids treatment  
2311 facilities and septage management facilities regulated by the  
2312 department. The term does not include the treated effluent or  
2313 reclaimed water from a domestic wastewater treatment facility,  
2314 solids removed from pump stations and lift stations, screenings  
2315 and grit removed from the preliminary treatment components of  
2316 domestic wastewater treatment facilities, or ash generated  
2317 during the incineration of biosolids.

2318 (c) "Caloosahatchee River watershed" means the  
2319 Caloosahatchee River, its tributaries, its estuary, and the area  
2320 within Charlotte, Glades, Hendry, and Lee Counties from which

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2321 surface water flow is directed or drains, naturally or by  
2322 constructed works, to the river, its tributaries, or its  
2323 estuary.

2324 (d) "Coordinating agencies" means the Department of  
2325 Agriculture and Consumer Services, the Department of  
2326 Environmental Protection, and the South Florida Water Management  
2327 District.

2328 (e) "Corps of Engineers" means the United States Army Corps  
2329 of Engineers.

2330 (f) "Department" means the Department of Environmental  
2331 Protection.

2332 (g) "District" means the South Florida Water Management  
2333 District.

2334 (h) "Lake Okeechobee Watershed Construction Project" means  
2335 the construction project developed pursuant to this section.

2336 (i) "Lake Okeechobee Watershed Protection Plan" means the  
2337 Lake Okeechobee Watershed Construction Project and the Lake  
2338 Okeechobee Watershed Research and Water Quality Monitoring  
2339 Program.

2340 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
2341 tributaries, and the area within which surface water flow is  
2342 directed or drains, naturally or by constructed works, to the  
2343 lake or its tributaries.

2344 (k) "Northern Everglades" means the Lake Okeechobee  
2345 watershed, the Caloosahatchee River watershed, and the St. Lucie  
2346 River watershed.

2347 (l) "Project component" means any structural or operational  
2348 change, resulting from the Restudy, to the Central and Southern  
2349 Florida Project as it existed and was operated as of January 1,

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2350 1999.

2351 (m) "Restudy" means the Comprehensive Review Study of the  
2352 Central and Southern Florida Project, for which federal  
2353 participation was authorized by the Federal Water Resources  
2354 Development Acts of 1992 and 1996 together with related  
2355 congressional resolutions and for which participation by the  
2356 South Florida Water Management District is authorized by s.  
2357 373.1501. The term includes all actions undertaken pursuant to  
2358 the aforementioned authorizations which will result in  
2359 recommendations for modifications or additions to the Central  
2360 and Southern Florida Project.

2361 (n) "River Watershed Protection Plans" means the  
2362 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
2363 River Watershed Protection Plan developed pursuant to this  
2364 section.

2365 (o) "Soil amendment" means any substance or mixture of  
2366 substances sold or offered for sale for soil enriching or  
2367 corrective purposes, intended or claimed to be effective in  
2368 promoting or stimulating plant growth, increasing soil or plant  
2369 productivity, improving the quality of crops, or producing any  
2370 chemical or physical change in the soil, except amendments,  
2371 conditioners, additives, and related products that are derived  
2372 solely from inorganic sources and that contain no recognized  
2373 plant nutrients.

2374 (p) "St. Lucie River watershed" means the St. Lucie River,  
2375 its tributaries, its estuary, and the area within Martin,  
2376 Okeechobee, and St. Lucie Counties from which surface water flow  
2377 is directed or drains, naturally or by constructed works, to the  
2378 river, its tributaries, or its estuary.

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

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

(a) *Lake Okeechobee Watershed Protection Plan.*—To protect and restore surface water resources, the district, in cooperation with the other coordinating agencies, shall complete

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2408 a Lake Okeechobee Watershed Protection Plan in accordance with  
2409 this section and ss. 373.451-373.459. Beginning March 1, 2020,  
2410 and every 5 years thereafter, the district shall update the Lake  
2411 Okeechobee Watershed Protection Plan to ensure that it is  
2412 consistent with the Lake Okeechobee Basin Management Action Plan  
2413 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
2414 Protection Plan shall identify the geographic extent of the  
2415 watershed, be coordinated with the plans developed pursuant to  
2416 paragraphs (4) (a) and (c), and include the Lake Okeechobee  
2417 Watershed Construction Project and the Lake Okeechobee Watershed  
2418 Research and Water Quality Monitoring Program. The plan shall  
2419 consider and build upon a review and analysis of the performance  
2420 of projects constructed during Phase I and Phase II of the Lake  
2421 Okeechobee Watershed Construction Project, pursuant to  
2422 subparagraph 1.; relevant information resulting from the Lake  
2423 Okeechobee Basin Management Action Plan, pursuant to paragraph  
2424 (b); relevant information resulting from the Lake Okeechobee  
2425 Watershed Research and Water Quality Monitoring Program,  
2426 pursuant to subparagraph 2.; relevant information resulting from  
2427 the Lake Okeechobee Exotic Species Control Program, pursuant to  
2428 paragraph (c); and relevant information resulting from the Lake  
2429 Okeechobee Internal Phosphorus Management Program, pursuant to  
2430 paragraph (d).

2431 1. Lake Okeechobee Watershed Construction Project.—To  
2432 improve the hydrology and water quality of Lake Okeechobee and  
2433 downstream receiving waters, including the Caloosahatchee and  
2434 St. Lucie Rivers and their estuaries, the district, in  
2435 cooperation with the other coordinating agencies, shall design  
2436 and construct the Lake Okeechobee Watershed Construction

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2437 Project. The project shall include:

2438 a. Phase I.—Phase I of the Lake Okeechobee Watershed  
2439 Construction Project shall consist of a series of project  
2440 features consistent with the recommendations of the South  
2441 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
2442 Action Plan. Priority basins for such projects include S-191, S-  
2443 154, and Pools D and E in the Lower Kissimmee River. To obtain  
2444 phosphorus load reductions to Lake Okeechobee as soon as  
2445 possible, the following actions shall be implemented:

2446 (I) The district shall serve as a full partner with the  
2447 Corps of Engineers in the design and construction of the Grassy  
2448 Island Ranch and New Palm Dairy stormwater treatment facilities  
2449 as components of the Lake Okeechobee Water Retention/Phosphorus  
2450 Removal Critical Project. The Corps of Engineers shall have the  
2451 lead in design and construction of these facilities. Should  
2452 delays be encountered in the implementation of either of these  
2453 facilities, the district shall notify the department and  
2454 recommend corrective actions.

2455 (II) The district shall obtain permits and complete  
2456 construction of two of the isolated wetland restoration projects  
2457 that are part of the Lake Okeechobee Water Retention/Phosphorus  
2458 Removal Critical Project. The additional isolated wetland  
2459 projects included in this critical project shall further reduce  
2460 phosphorus loading to Lake Okeechobee.

2461 (III) The district shall work with the Corps of Engineers  
2462 to expedite initiation of the design process for the Taylor  
2463 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
2464 Area, a project component of the Comprehensive Everglades  
2465 Restoration Plan. The district shall propose to the Corps of

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2466 Engineers that the district take the lead in the design and  
2467 construction of the Reservoir Assisted Stormwater Treatment Area  
2468 and receive credit towards the local share of the total cost of  
2469 the Comprehensive Everglades Restoration Plan.

2470 b. Phase II technical plan and construction.—The district,  
2471 in cooperation with the other coordinating agencies, shall  
2472 develop a detailed technical plan for Phase II of the Lake  
2473 Okeechobee Watershed Construction Project which provides the  
2474 basis for the Lake Okeechobee Basin Management Action Plan  
2475 adopted by the department pursuant to s. 403.067. The detailed  
2476 technical plan shall include measures for the improvement of the  
2477 quality, quantity, timing, and distribution of water in the  
2478 northern Everglades ecosystem, including the Lake Okeechobee  
2479 watershed and the estuaries, and for facilitating the  
2480 achievement of water quality standards. Use of cost-effective  
2481 biologically based, hybrid wetland/chemical and other innovative  
2482 nutrient control technologies shall be incorporated in the plan  
2483 where appropriate. The detailed technical plan shall also  
2484 include a Process Development and Engineering component to  
2485 finalize the detail and design of Phase II projects and identify  
2486 additional measures needed to increase the certainty that the  
2487 overall objectives for improving water quality and quantity can  
2488 be met. Based on information and recommendations from the  
2489 Process Development and Engineering component, the Phase II  
2490 detailed technical plan shall be periodically updated. Phase II  
2491 shall include construction of additional facilities in the  
2492 priority basins identified in sub subparagraph a., as well as  
2493 facilities for other basins in the Lake Okeechobee watershed.  
2494 The technical plan shall:

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

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

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

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

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

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

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

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

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

c. Evaluation.—Within 5 years after the adoption of the Lake Okeechobee Basin Management Action Plan pursuant to s. 403.067 and every 5 years thereafter, the department, in cooperation with the other coordinating agencies, shall conduct an evaluation of the Lake Okeechobee Watershed Construction Project and identify any further load reductions necessary to achieve compliance with the Lake Okeechobee total maximum daily loads established pursuant to s. 403.067. The district shall identify modifications to facilities of the Lake Okeechobee Watershed Construction Project as appropriate to meet the total maximum daily loads. Modifications to the Lake Okeechobee Watershed Construction Project resulting from this evaluation shall be incorporated into the Lake Okeechobee Basin Management Action Plan and included in the applicable annual progress report submitted pursuant to subsection (6).

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

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2553           2. Lake Okeechobee Watershed Research and Water Quality  
2554       Monitoring Program.—The coordinating agencies shall implement a  
2555       Lake Okeechobee Watershed Research and Water Quality Monitoring  
2556       Program. Results from the program shall be used by the  
2557       department, in cooperation with the other coordinating agencies,  
2558       to make modifications to the Lake Okeechobee Basin Management  
2559       Action Plan adopted pursuant to s. 403.067, as appropriate. The  
2560       program shall:

2561           a. Evaluate all available existing water quality data  
2562       concerning total phosphorus in the Lake Okeechobee watershed,  
2563       develop a water quality baseline to represent existing  
2564       conditions for total phosphorus, monitor long-term ecological  
2565       changes, including water quality for total phosphorus, and  
2566       measure compliance with water quality standards for total  
2567       phosphorus, including any applicable total maximum daily load  
2568       for the Lake Okeechobee watershed as established pursuant to s.  
2569       403.067. Beginning March 1, 2020, and every 5 years thereafter,  
2570       the department shall reevaluate water quality and quantity data  
2571       to ensure that the appropriate projects are being designated and  
2572       incorporated into the Lake Okeechobee Basin Management Action  
2573       Plan adopted pursuant to s. 403.067. The district shall  
2574       implement a total phosphorus monitoring program at appropriate  
2575       structures owned or operated by the district and within the Lake  
2576       Okeechobee watershed.

2577           b. Develop a Lake Okeechobee water quality model that  
2578       reasonably represents the phosphorus dynamics of Lake Okeechobee  
2579       and incorporates an uncertainty analysis associated with model  
2580       predictions.

2581           c. Determine the relative contribution of phosphorus from

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2582 all identifiable sources and all primary and secondary land  
2583 uses.

2584 d. Conduct an assessment of the sources of phosphorus from  
2585 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their  
2586 relative contribution to the water quality of Lake Okeechobee.  
2587 The results of this assessment shall be used by the coordinating  
2588 agencies as part of the Lake Okeechobee Basin Management Action  
2589 Plan adopted pursuant to s. 403.067 to develop interim measures,  
2590 best management practices, or regulations, as applicable.

2591 e. Assess current water management practices within the  
2592 Lake Okeechobee watershed and develop recommendations for  
2593 structural and operational improvements. Such recommendations  
2594 shall balance water supply, flood control, estuarine salinity,  
2595 maintenance of a healthy lake littoral zone, and water quality  
2596 considerations.

2597 f. Evaluate the feasibility of alternative nutrient  
2598 reduction technologies, including sediment traps, canal and  
2599 ditch maintenance, fish production or other aquaculture,  
2600 bioenergy conversion processes, and algal or other biological  
2601 treatment technologies and include any alternative nutrient  
2602 reduction technologies determined to be feasible in the Lake  
2603 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2604 403.067.

2605 g. Conduct an assessment of the water volumes and timing  
2606 from the Lake Okeechobee watershed and their relative  
2607 contribution to the water level changes in Lake Okeechobee and  
2608 to the timing and volume of water delivered to the estuaries.

2609 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake  
2610 Okeechobee Basin Management Action Plan adopted pursuant to s.

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2611 403.067 shall be the watershed phosphorus control component for  
2612 Lake Okeechobee. The Lake Okeechobee Basin Management Action  
2613 Plan shall be a multifaceted approach designed to achieve the  
2614 total maximum daily load by improving the management of  
2615 phosphorus sources within the Lake Okeechobee watershed through  
2616 implementation of regulations and best management practices,  
2617 continued development and continued implementation of improved  
2618 best management practices, improvement and restoration of the  
2619 hydrologic function of natural and managed systems, and use of  
2620 alternative technologies for nutrient reduction. As provided in  
2621 s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action  
2622 Plan must include milestones for implementation and water  
2623 quality improvement, and an associated water quality monitoring  
2624 component sufficient to evaluate whether reasonable progress in  
2625 pollutant load reductions is being achieved over time. An  
2626 assessment of progress toward these milestones shall be  
2627 conducted every 5 years and shall be provided to the Governor,  
2628 the President of the Senate, and the Speaker of the House of  
2629 Representatives. Revisions to the plan shall be made, as  
2630 appropriate, as a result of each 5-year review. Revisions to the  
2631 basin management action plan shall be made by the department in  
2632 cooperation with the basin stakeholders. Revisions to best  
2633 management practices or other measures must follow the  
2634 procedures set forth in s. 403.067(7)(c)4. Revised basin  
2635 management action plans must be adopted pursuant to s.  
2636 403.067(7)(a)5. The department shall develop an implementation  
2637 schedule establishing 5-year, 10-year, and 15-year measurable  
2638 milestones and targets to achieve the total maximum daily load  
2639 no more than 20 years after adoption of the plan. The initial

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2640 implementation schedule shall be used to provide guidance for  
2641 planning and funding purposes and is exempt from chapter 120.  
2642 Upon the first 5-year review, the implementation schedule shall  
2643 be adopted as part of the plan. If achieving the total maximum  
2644 daily load within 20 years is not practicable, the  
2645 implementation schedule must contain an explanation of the  
2646 constraints that prevent achievement of the total maximum daily  
2647 load within 20 years, an estimate of the time needed to achieve  
2648 the total maximum daily load, and additional 5-year measurable  
2649 milestones, as necessary. The coordinating agencies shall  
2650 develop an interagency agreement pursuant to ss. 373.046 and  
2651 373.406(5) which is consistent with the department taking the  
2652 lead on water quality protection measures through the Lake  
2653 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2654 403.067; the district taking the lead on hydrologic improvements  
2655 pursuant to paragraph (a); and the Department of Agriculture and  
2656 Consumer Services taking the lead on agricultural interim  
2657 measures, best management practices, and other measures adopted  
2658 pursuant to s. 403.067. The interagency agreement must specify  
2659 how best management practices for nonagricultural nonpoint  
2660 sources are developed and how all best management practices are  
2661 implemented and verified consistent with s. 403.067 and this  
2662 section and must address measures to be taken by the  
2663 coordinating agencies during any best management practice  
2664 reevaluation performed pursuant to subparagraphs 5. and 10. The  
2665 department shall use best professional judgment in making the  
2666 initial determination of best management practice effectiveness.  
2667 The coordinating agencies may develop an intergovernmental  
2668 agreement with local governments to implement nonagricultural

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2669 nonpoint source best management practices within their  
2670 respective geographic boundaries. The coordinating agencies  
2671 shall facilitate the application of federal programs that offer  
2672 opportunities for water quality treatment, including  
2673 preservation, restoration, or creation of wetlands on  
2674 agricultural lands.

2675 1. Agricultural nonpoint source best management practices,  
2676 developed in accordance with s. 403.067 and designed to achieve  
2677 the objectives of the Lake Okeechobee Watershed Protection  
2678 Program as part of a phased approach of management strategies  
2679 within the Lake Okeechobee Basin Management Action Plan, shall  
2680 be implemented on an expedited basis.

2681 2. As provided in s. 403.067, the Department of Agriculture  
2682 and Consumer Services, in consultation with the department, the  
2683 district, and affected parties, shall initiate rule development  
2684 for interim measures, best management practices, conservation  
2685 plans, nutrient management plans, or other measures necessary  
2686 for Lake Okeechobee watershed total maximum daily load  
2687 reduction. The rule shall include thresholds for requiring  
2688 conservation and nutrient management plans and criteria for the  
2689 contents of such plans. Development of agricultural nonpoint  
2690 source best management practices shall initially focus on those  
2691 priority basins listed in sub subparagraph (a)1.a. The  
2692 Department of Agriculture and Consumer Services, in consultation  
2693 with the department, the district, and affected parties, shall  
2694 conduct an ongoing program for improvement of existing and  
2695 development of new agricultural nonpoint source interim measures  
2696 and best management practices. The Department of Agriculture and  
2697 Consumer Services shall adopt such practices by rule. The

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2698       Department of Agriculture and Consumer Services shall work with  
2699       the University of Florida Institute of Food and Agriculture  
2700       Sciences to review and, where appropriate, develop revised  
2701       nutrient application rates for all agricultural soil amendments  
2702       in the watershed.

2703       3. As provided in s. 403.067, where agricultural nonpoint  
2704       source best management practices or interim measures have been  
2705       adopted by rule of the Department of Agriculture and Consumer  
2706       Services, the owner or operator of an agricultural nonpoint  
2707       source addressed by such rule shall either implement interim  
2708       measures or best management practices or demonstrate compliance  
2709       with state water quality standards addressed by the Lake  
2710       Okeechobee Basin Management Action Plan adopted pursuant to s.  
2711       403.067 by conducting monitoring prescribed by the department or  
2712       the district. Owners or operators of agricultural nonpoint  
2713       sources who implement interim measures or best management  
2714       practices adopted by rule of the Department of Agriculture and  
2715       Consumer Services shall be subject to s. 403.067.

2716       4. The district or department shall conduct monitoring at  
2717       representative sites to verify the effectiveness of agricultural  
2718       nonpoint source best management practices.

2719       5. Where water quality problems are detected for  
2720       agricultural nonpoint sources despite the appropriate  
2721       implementation of adopted best management practices, a  
2722       reevaluation of the best management practices shall be conducted  
2723       pursuant to s. 403.067(7)(c)4. If the reevaluation determines  
2724       that the best management practices or other measures require  
2725       modification, the rule shall be revised to require  
2726       implementation of the modified practice within a reasonable

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2727 period as specified in the rule.

2728 6. As provided in s. 403.067, nonagricultural nonpoint  
2729 source best management practices, developed in accordance with  
2730 s. 403.067 and designed to achieve the objectives of the Lake  
2731 Okeechobee Watershed Protection Program as part of a phased  
2732 approach of management strategies within the Lake Okeechobee  
2733 Basin Management Action Plan, shall be implemented on an  
2734 expedited basis.

2735 7. The department and the district are directed to work  
2736 with the University of Florida Institute of Food and  
2737 Agricultural Sciences to develop appropriate nutrient  
2738 application rates for all nonagricultural soil amendments in the  
2739 watershed. As provided in s. 403.067, the department, in  
2740 consultation with the district and affected parties, shall  
2741 develop nonagricultural nonpoint source interim measures, best  
2742 management practices, or other measures necessary for Lake  
2743 Okeechobee watershed total maximum daily load reduction.  
2744 Development of nonagricultural nonpoint source best management  
2745 practices shall initially focus on those priority basins listed  
2746 in sub subparagraph (a)1.a. The department, the district, and  
2747 affected parties shall conduct an ongoing program for  
2748 improvement of existing and development of new interim measures  
2749 and best management practices. The department or the district  
2750 shall adopt such practices by rule.

2751 8. Where nonagricultural nonpoint source best management  
2752 practices or interim measures have been developed by the  
2753 department and adopted by the district, the owner or operator of  
2754 a nonagricultural nonpoint source shall implement interim  
2755 measures or best management practices and be subject to s.

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2756 403.067.

2757 9. As provided in s. 403.067, the district or the  
2758 department shall conduct monitoring at representative sites to  
2759 verify the effectiveness of nonagricultural nonpoint source best  
2760 management practices.

2761 10. Where water quality problems are detected for  
2762 nonagricultural nonpoint sources despite the appropriate  
2763 implementation of adopted best management practices, a  
2764 reevaluation of the best management practices shall be conducted  
2765 pursuant to s. 403.067(7)(c)4. If the reevaluation determines  
2766 that the best management practices or other measures require  
2767 modification, the rule shall be revised to require  
2768 implementation of the modified practice within a reasonable time  
2769 period as specified in the rule.

2770 11. Subparagraphs 2. and 7. do not preclude the department  
2771 or the district from requiring compliance with water quality  
2772 standards or with current best management practices requirements  
2773 set forth in any applicable regulatory program authorized by law  
2774 for the purpose of protecting water quality. Subparagraphs 2.  
2775 and 7. are applicable only to the extent that they do not  
2776 conflict with any rules adopted by the department that are  
2777 necessary to maintain a federally delegated or approved program.

2778 12. The program of agricultural best management practices  
2779 set forth in the Everglades Program of the district meets the  
2780 requirements of this paragraph and s. 403.067(7) for the Lake  
2781 Okeechobee watershed. An entity in compliance with the best  
2782 management practices set forth in the Everglades Program of the  
2783 district may elect to use that permit in lieu of the  
2784 requirements of this paragraph. The provisions of subparagraph

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2785 5. apply to this subparagraph. This subparagraph does not alter  
2786 any requirement of s. 373.4592.

2787 13. The Department of Agriculture and Consumer Services, in  
2788 cooperation with the department and the district, shall provide  
2789 technical and financial assistance for implementation of  
2790 agricultural best management practices, subject to the  
2791 availability of funds. The department and district shall provide  
2792 technical and financial assistance for implementation of  
2793 nonagricultural nonpoint source best management practices,  
2794 subject to the availability of funds.

2795 14. Projects that reduce the phosphorus load originating  
2796 from domestic wastewater systems within the Lake Okeechobee  
2797 watershed shall be given funding priority in the department's  
2798 revolving loan program under s. 403.1835. The department shall  
2799 coordinate and provide assistance to those local governments  
2800 seeking financial assistance for such priority projects.

2801 15. Projects that make use of private lands, or lands held  
2802 in trust for Indian tribes, to reduce nutrient loadings or  
2803 concentrations within a basin by one or more of the following  
2804 methods: restoring the natural hydrology of the basin, restoring  
2805 wildlife habitat or impacted wetlands, reducing peak flows after  
2806 storm events, increasing aquifer recharge, or protecting range  
2807 and timberland from conversion to development, are eligible for  
2808 grants available under this section from the coordinating  
2809 agencies. For projects of otherwise equal priority, special  
2810 funding priority will be given to those projects that make best  
2811 use of the methods outlined above that involve public-private  
2812 partnerships or that obtain federal match money. Preference  
2813 ranking above the special funding priority will be given to

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2814 projects located in a rural area of opportunity designated by  
2815 the Governor. Grant applications may be submitted by any person  
2816 or tribal entity, and eligible projects may include, but are not  
2817 limited to, the purchase of conservation and flowage easements,  
2818 hydrologic restoration of wetlands, creating treatment wetlands,  
2819 development of a management plan for natural resources, and  
2820 financial support to implement a management plan.

2821 16. The department shall require all entities disposing of  
2822 domestic wastewater biosolids within the Lake Okeechobee  
2823 watershed and the remaining areas of Okeechobee, Glades, and  
2824 Hendry Counties to develop and submit to the department an  
2825 agricultural use plan that limits applications based upon  
2826 phosphorus loading consistent with the Lake Okeechobee Basin  
2827 Management Action Plan adopted pursuant to s. 403.067. The  
2828 department may not authorize the disposal of domestic wastewater  
2829 biosolids within the Lake Okeechobee watershed unless the  
2830 applicant can affirmatively demonstrate that the phosphorus in  
2831 the biosolids will not add to phosphorus loadings in Lake  
2832 Okeechobee or its tributaries. This demonstration shall be based  
2833 on achieving a net balance between phosphorus imports relative  
2834 to exports on the permitted application site. Exports shall  
2835 include only phosphorus removed from the Lake Okeechobee  
2836 watershed through products generated on the permitted  
2837 application site. This prohibition does not apply to Class AA  
2838 biosolids that are marketed and distributed as fertilizer  
2839 products in accordance with department rule.

2840 17. Private and government-owned utilities within Monroe,  
2841 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
2842 River, Okeechobee, Highlands, Hendry, and Glades Counties that

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2843 dispose of wastewater biosolids sludge from utility operations  
2844 and septic removal by land spreading in the Lake Okeechobee  
2845 watershed may use a line item on local sewer rates to cover  
2846 wastewater biosolids treatment and disposal if such disposal and  
2847 treatment is done by approved alternative treatment methodology  
2848 at a facility located within the areas designated by the  
2849 Governor as rural areas of opportunity pursuant to s. 288.0656.  
2850 This additional line item is an environmental protection  
2851 disposal fee above the present sewer rate and may not be  
2852 considered a part of the present sewer rate to customers,  
2853 notwithstanding provisions to the contrary in chapter 367. The  
2854 fee shall be established by the county commission or its  
2855 designated assignee in the county in which the alternative  
2856 method treatment facility is located. The fee shall be  
2857 calculated to be no higher than that necessary to recover the  
2858 facility's prudent cost of providing the service. Upon request  
2859 by an affected county commission, the Florida Public Service  
2860 Commission will provide assistance in establishing the fee.  
2861 Further, for utilities and utility authorities that use the  
2862 additional line item environmental protection disposal fee, such  
2863 fee may not be considered a rate increase under the rules of the  
2864 Public Service Commission and shall be exempt from such rules.  
2865 Utilities using this section may immediately include in their  
2866 sewer invoicing the new environmental protection disposal fee.  
2867 Proceeds from this environmental protection disposal fee shall  
2868 be used for treatment and disposal of wastewater biosolids,  
2869 including any treatment technology that helps reduce the volume  
2870 of biosolids that require final disposal, but such proceeds may  
2871 not be used for transportation or shipment costs for disposal or

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2872 any costs relating to the land application of biosolids in the  
2873 Lake Okeechobee watershed.

2874 18. No less frequently than once every 3 years, the Florida  
2875 Public Service Commission or the county commission through the  
2876 services of an independent auditor shall perform a financial  
2877 audit of all facilities receiving compensation from an  
2878 environmental protection disposal fee. The Florida Public  
2879 Service Commission or the county commission through the services  
2880 of an independent auditor shall also perform an audit of the  
2881 methodology used in establishing the environmental protection  
2882 disposal fee. The Florida Public Service Commission or the  
2883 county commission shall, within 120 days after completion of an  
2884 audit, file the audit report with the President of the Senate  
2885 and the Speaker of the House of Representatives and shall  
2886 provide copies to the county commissions of the counties set  
2887 forth in subparagraph 17. The books and records of any  
2888 facilities receiving compensation from an environmental  
2889 protection disposal fee shall be open to the Florida Public  
2890 Service Commission and the Auditor General for review upon  
2891 request.

2892 19. The Department of Health shall require all entities  
2893 disposing of septage within the Lake Okeechobee watershed to  
2894 develop and submit to that agency an agricultural use plan that  
2895 limits applications based upon phosphorus loading consistent  
2896 with the Lake Okeechobee Basin Management Action Plan adopted  
2897 pursuant to s. 403.067.

2898 20. The Department of Agriculture and Consumer Services  
2899 shall initiate rulemaking requiring entities within the Lake  
2900 Okeechobee watershed which land-apply animal manure to develop

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2901 resource management system level conservation plans, according  
2902 to United States Department of Agriculture criteria, which limit  
2903 such application. Such rules must include criteria and  
2904 thresholds for the requirement to develop a conservation or  
2905 nutrient management plan, requirements for plan approval, site  
2906 inspection requirements, and recordkeeping requirements.

2907 21. The district shall revise chapter 40E-61, Florida  
2908 Administrative Code, to be consistent with this section and s.  
2909 403.067; provide for a monitoring program for nonpoint source  
2910 dischargers required to monitor water quality by s. 403.067; and  
2911 provide for the results of such monitoring to be reported to the  
2912 coordinating agencies.

2913 (c) *Lake Okeechobee Exotic Species Control Program.*—The  
2914 coordinating agencies shall identify the exotic species that  
2915 threaten the native flora and fauna within the Lake Okeechobee  
2916 watershed and develop and implement measures to protect the  
2917 native flora and fauna.

2918 (d) *Lake Okeechobee Internal Phosphorus Management  
2919 Program.*—The district, in cooperation with the other  
2920 coordinating agencies and interested parties, shall evaluate the  
2921 feasibility of Lake Okeechobee internal phosphorus load removal  
2922 projects. The evaluation shall be based on technical  
2923 feasibility, as well as economic considerations, and shall  
2924 consider all reasonable methods of phosphorus removal. If  
2925 projects are found to be feasible, the district shall  
2926 immediately pursue the design, funding, and permitting for  
2927 implementing such projects.

2928 (e) *Lake Okeechobee Watershed Protection Program  
2929 implementation.*—The coordinating agencies shall be jointly

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2930 responsible for implementing the Lake Okeechobee Watershed  
2931 Protection Program, consistent with the statutory authority and  
2932 responsibility of each agency. Annual funding priorities shall  
2933 be jointly established, and the highest priority shall be  
2934 assigned to programs and projects that address sources that have  
2935 the highest relative contribution to loading and the greatest  
2936 potential for reductions needed to meet the total maximum daily  
2937 loads. In determining funding priorities, the coordinating  
2938 agencies shall also consider the need for regulatory compliance,  
2939 the extent to which the program or project is ready to proceed,  
2940 and the availability of federal matching funds or other nonstate  
2941 funding, including public-private partnerships. Federal and  
2942 other nonstate funding shall be maximized to the greatest extent  
2943 practicable.

2944 (f) *Priorities and implementation schedules.*—The  
2945 coordinating agencies are authorized and directed to establish  
2946 priorities and implementation schedules for the achievement of  
2947 total maximum daily loads, compliance with the requirements of  
2948 s. 403.067, and compliance with applicable water quality  
2949 standards within the waters and watersheds subject to this  
2950 section.

2951 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
2952 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
2953 program shall be developed and implemented as specified in this  
2954 subsection. To protect and restore surface water resources, the  
2955 program shall address the reduction of pollutant loadings,  
2956 restoration of natural hydrology, and compliance with applicable  
2957 state water quality standards. The program shall be achieved  
2958 through a phased program of implementation. In addition,

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2959 pollutant load reductions based upon adopted total maximum daily  
2960 loads established in accordance with s. 403.067 shall serve as a  
2961 program objective. In the development and administration of the  
2962 program, the coordinating agencies shall maximize opportunities  
2963 provided by federal and local government cost-sharing programs  
2964 and opportunities for partnerships with the private sector and  
2965 local government. The program shall include a goal for salinity  
2966 envelopes and freshwater inflow targets for the estuaries based  
2967 upon existing research and documentation. The goal may be  
2968 revised as new information is available. This goal shall seek to  
2969 reduce the frequency and duration of undesirable salinity ranges  
2970 while meeting the other water-related needs of the region,  
2971 including water supply and flood protection, while recognizing  
2972 the extent to which water inflows are within the control and  
2973 jurisdiction of the district.

2974 (a) *Caloosahatchee River Watershed Protection Plan.*—The  
2975 district, in cooperation with the other coordinating agencies,  
2976 Lee County, and affected counties and municipalities, shall  
2977 complete a River Watershed Protection Plan in accordance with  
2978 this subsection. The Caloosahatchee River Watershed Protection  
2979 Plan shall identify the geographic extent of the watershed, be  
2980 coordinated as needed with the plans developed pursuant to  
2981 paragraph (3)(a) and paragraph (c) of this subsection, and  
2982 include the Caloosahatchee River Watershed Construction Project  
2983 and the Caloosahatchee River Watershed Research and Water  
2984 Quality Monitoring Program.

2985 1. *Caloosahatchee River Watershed Construction Project.*—To  
2986 improve the hydrology, water quality, and aquatic habitats  
2987 within the watershed, the district shall, no later than January

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2988 1, 2012, plan, design, and construct the initial phase of the  
2989 Watershed Construction Project. In doing so, the district shall:

2990 a. Develop and designate the facilities to be constructed  
2991 to achieve stated goals and objectives of the Caloosahatchee  
2992 River Watershed Protection Plan.

2993 b. Conduct scientific studies that are necessary to support  
2994 the design of the Caloosahatchee River Watershed Construction  
2995 Project facilities.

2996 c. Identify the size and location of all such facilities.

2997 d. Provide a construction schedule for all such facilities,  
2998 including the sequencing and specific timeframe for construction  
2999 of each facility.

3000 e. Provide a schedule for the acquisition of lands or  
3001 sufficient interests necessary to achieve the construction  
3002 schedule.

3003 f. Provide a schedule of costs and benefits associated with  
3004 each construction project and identify funding sources.

3005 g. To ensure timely implementation, coordinate the design,  
3006 scheduling, and sequencing of project facilities with the  
3007 coordinating agencies, Lee County, other affected counties and  
3008 municipalities, and other affected parties.

3009 2. Caloosahatchee River Watershed Research and Water  
3010 Quality Monitoring Program.—The district, in cooperation with  
3011 the other coordinating agencies and local governments, shall  
3012 implement a Caloosahatchee River Watershed Research and Water  
3013 Quality Monitoring Program that builds upon the district's  
3014 existing research program and that is sufficient to carry out,  
3015 comply with, or assess the plans, programs, and other  
3016 responsibilities created by this subsection. The program shall

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3017 also conduct an assessment of the water volumes and timing from  
3018 Lake Okeechobee and the Caloosahatchee River watershed and their  
3019 relative contributions to the timing and volume of water  
3020 delivered to the estuary.

3021 (b) *Caloosahatchee River Watershed Basin Management Action*  
3022 *Plans.*—The basin management action plans adopted pursuant to s.  
3023 403.067 for the Caloosahatchee River watershed shall be the  
3024 Caloosahatchee River Watershed Pollutant Control Program. The  
3025 plans shall be designed to be a multifaceted approach to  
3026 reducing pollutant loads by improving the management of  
3027 pollutant sources within the Caloosahatchee River watershed  
3028 through implementation of regulations and best management  
3029 practices, development and implementation of improved best  
3030 management practices, improvement and restoration of the  
3031 hydrologic function of natural and managed systems, and  
3032 utilization of alternative technologies for pollutant reduction,  
3033 such as cost-effective biologically based, hybrid  
3034 wetland/chemical and other innovative nutrient control  
3035 technologies. As provided in s. 403.067(7)(a)6., the  
3036 Caloosahatchee River Watershed Basin Management Action Plans  
3037 must include milestones for implementation and water quality  
3038 improvement, and an associated water quality monitoring  
3039 component sufficient to evaluate whether reasonable progress in  
3040 pollutant load reductions is being achieved over time. An  
3041 assessment of progress toward these milestones shall be  
3042 conducted every 5 years and shall be provided to the Governor,  
3043 the President of the Senate, and the Speaker of the House of  
3044 Representatives. Revisions to the plans shall be made, as  
3045 appropriate, as a result of each 5-year review. Revisions to the

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3046 basin management action plans shall be made by the department in  
3047 cooperation with the basin stakeholders. Revisions to best  
3048 management practices or other measures must follow the  
3049 procedures set forth in s. 403.067(7)(c)4. Revised basin  
3050 management action plans must be adopted pursuant to s.  
3051 403.067(7)(a)5. The department shall develop an implementation  
3052 schedule establishing 5-year, 10-year, and 15-year measurable  
3053 milestones and targets to achieve the total maximum daily load  
3054 no more than 20 years after adoption of the plan. The initial  
3055 implementation schedule shall be used to provide guidance for  
3056 planning and funding purposes and is exempt from chapter 120.  
3057 Upon the first 5-year review, the implementation schedule shall  
3058 be adopted as part of the plans. If achieving the total maximum  
3059 daily load within 20 years is not practicable, the  
3060 implementation schedule must contain an explanation of the  
3061 constraints that prevent achievement of the total maximum daily  
3062 load within 20 years, an estimate of the time needed to achieve  
3063 the total maximum daily load, and additional 5-year measurable  
3064 milestones, as necessary. The coordinating agencies shall  
3065 facilitate the use of federal programs that offer opportunities  
3066 for water quality treatment, including preservation,  
3067 restoration, or creation of wetlands on agricultural lands.

3068 1. Nonpoint source best management practices consistent  
3069 with s. 403.067, designed to achieve the objectives of the  
3070 Caloosahatchee River Watershed Protection Program, shall be  
3071 implemented on an expedited basis. The coordinating agencies may  
3072 develop an intergovernmental agreement with local governments to  
3073 implement the nonagricultural, nonpoint source best management  
3074 practices within their respective geographic boundaries.

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3075        2. This subsection does not preclude the department or the  
3076 district from requiring compliance with water quality standards,  
3077 adopted total maximum daily loads, or current best management  
3078 practices requirements set forth in any applicable regulatory  
3079 program authorized by law for the purpose of protecting water  
3080 quality. This subsection applies only to the extent that it does  
3081 not conflict with any rules adopted by the department or  
3082 district which are necessary to maintain a federally delegated  
3083 or approved program.

3084        3. Projects that make use of private lands, or lands held  
3085 in trust for Indian tribes, to reduce pollutant loadings or  
3086 concentrations within a basin, or that reduce the volume of  
3087 harmful discharges by one or more of the following methods:  
3088 restoring the natural hydrology of the basin, restoring wildlife  
3089 habitat or impacted wetlands, reducing peak flows after storm  
3090 events, or increasing aquifer recharge, are eligible for grants  
3091 available under this section from the coordinating agencies.

3092        4. The Caloosahatchee River Watershed Basin Management  
3093 Action Plans shall require assessment of current water  
3094 management practices within the watershed and shall require  
3095 development of recommendations for structural, nonstructural,  
3096 and operational improvements. Such recommendations shall  
3097 consider and balance water supply, flood control, estuarine  
3098 salinity, aquatic habitat, and water quality considerations.

3099        5. The department may not authorize the disposal of  
3100 domestic wastewater biosolids within the Caloosahatchee River  
3101 watershed unless the applicant can affirmatively demonstrate  
3102 that the nutrients in the biosolids will not add to nutrient  
3103 loadings in the watershed. This demonstration shall be based on

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3104 achieving a net balance between nutrient imports relative to  
3105 exports on the permitted application site. Exports shall include  
3106 only nutrients removed from the watershed through products  
3107 generated on the permitted application site. This prohibition  
3108 does not apply to Class AA biosolids that are marketed and  
3109 distributed as fertilizer products in accordance with department  
3110 rule.

3111 6. The Department of Health shall require all entities  
3112 disposing of septage within the Caloosahatchee River watershed  
3113 to develop and submit to that agency an agricultural use plan  
3114 that limits applications based upon nutrient loading consistent  
3115 with any basin management action plan adopted pursuant to s.  
3116 403.067.

3117 7. The Department of Agriculture and Consumer Services  
3118 shall require entities within the Caloosahatchee River watershed  
3119 which land-apply animal manure to develop a resource management  
3120 system level conservation plan, according to United States  
3121 Department of Agriculture criteria, which limit such  
3122 application. Such rules shall include criteria and thresholds  
3123 for the requirement to develop a conservation or nutrient  
3124 management plan, requirements for plan approval, site inspection  
3125 requirements, and recordkeeping requirements.

3126 8. The district shall initiate rulemaking to provide for a  
3127 monitoring program for nonpoint source dischargers required to  
3128 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.  
3129 The results of such monitoring must be reported to the  
3130 coordinating agencies.

3131 (c) *St. Lucie River Watershed Protection Plan.*—The  
3132 district, in cooperation with the other coordinating agencies,

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3133 Martin County, and affected counties and municipalities shall  
3134 complete a plan in accordance with this subsection. The St.  
3135 Lucie River Watershed Protection Plan shall identify the  
3136 geographic extent of the watershed, be coordinated as needed  
3137 with the plans developed pursuant to paragraph (3)(a) and  
3138 paragraph (a) of this subsection, and include the St. Lucie  
3139 River Watershed Construction Project and St. Lucie River  
3140 Watershed Research and Water Quality Monitoring Program.

3141 1. St. Lucie River Watershed Construction Project.—To  
3142 improve the hydrology, water quality, and aquatic habitats  
3143 within the watershed, the district shall, no later than January  
3144 1, 2012, plan, design, and construct the initial phase of the  
3145 Watershed Construction Project. In doing so, the district shall:

3146 a. Develop and designate the facilities to be constructed  
3147 to achieve stated goals and objectives of the St. Lucie River  
3148 Watershed Protection Plan.

3149 b. Identify the size and location of all such facilities.

3150 c. Provide a construction schedule for all such facilities,  
3151 including the sequencing and specific timeframe for construction  
3152 of each facility.

3153 d. Provide a schedule for the acquisition of lands or  
3154 sufficient interests necessary to achieve the construction  
3155 schedule.

3156 e. Provide a schedule of costs and benefits associated with  
3157 each construction project and identify funding sources.

3158 f. To ensure timely implementation, coordinate the design,  
3159 scheduling, and sequencing of project facilities with the  
3160 coordinating agencies, Martin County, St. Lucie County, other  
3161 interested parties, and other affected local governments.

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3162        2. St. Lucie River Watershed Research and Water Quality  
3163        Monitoring Program.—The district, in cooperation with the other  
3164        coordinating agencies and local governments, shall establish a  
3165        St. Lucie River Watershed Research and Water Quality Monitoring  
3166        Program that builds upon the district's existing research  
3167        program and that is sufficient to carry out, comply with, or  
3168        assess the plans, programs, and other responsibilities created  
3169        by this subsection. The district shall also conduct an  
3170        assessment of the water volumes and timing from Lake Okeechobee  
3171        and the St. Lucie River watershed and their relative  
3172        contributions to the timing and volume of water delivered to the  
3173        estuary.

3174        (d) *St. Lucie River Watershed Basin Management Action*  
3175        *Plan.*—The basin management action plan for the St. Lucie River  
3176        watershed adopted pursuant to s. 403.067 shall be the St. Lucie  
3177        River Watershed Pollutant Control Program and shall be designed  
3178        to be a multifaceted approach to reducing pollutant loads by  
3179        improving the management of pollutant sources within the St.  
3180        Lucie River watershed through implementation of regulations and  
3181        best management practices, development and implementation of  
3182        improved best management practices, improvement and restoration  
3183        of the hydrologic function of natural and managed systems, and  
3184        use of alternative technologies for pollutant reduction, such as  
3185        cost-effective biologically based, hybrid wetland/chemical and  
3186        other innovative nutrient control technologies. As provided in  
3187        s. 403.067(7)(a)6., the St. Lucie River Watershed Basin  
3188        Management Action Plan must include milestones for  
3189        implementation and water quality improvement, and an associated  
3190        water quality monitoring component sufficient to evaluate

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3191 whether reasonable progress in pollutant load reductions is  
3192 being achieved over time. An assessment of progress toward these  
3193 milestones shall be conducted every 5 years and shall be  
3194 provided to the Governor, the President of the Senate, and the  
3195 Speaker of the House of Representatives. Revisions to the plan  
3196 shall be made, as appropriate, as a result of each 5-year  
3197 review. Revisions to the basin management action plan shall be  
3198 made by the department in cooperation with the basin  
3199 stakeholders. Revisions to best management practices or other  
3200 measures must follow the procedures set forth in s.

3201 403.067(7)(c)4. Revised basin management action plans must be  
3202 adopted pursuant to s. 403.067(7)(a)5. The department shall  
3203 develop an implementation schedule establishing 5-year, 10-year,  
3204 and 15-year measurable milestones and targets to achieve the  
3205 total maximum daily load no more than 20 years after adoption of  
3206 the plan. The initial implementation schedule shall be used to  
3207 provide guidance for planning and funding purposes and is exempt  
3208 from chapter 120. Upon the first 5-year review, the  
3209 implementation schedule shall be adopted as part of the plan. If  
3210 achieving the total maximum daily load within 20 years is not  
3211 practicable, the implementation schedule must contain an  
3212 explanation of the constraints that prevent achievement of the  
3213 total maximum daily load within 20 years, an estimate of the  
3214 time needed to achieve the total maximum daily load, and  
3215 additional 5-year measurable milestones, as necessary. The  
3216 coordinating agencies shall facilitate the use of federal  
3217 programs that offer opportunities for water quality treatment,  
3218 including preservation, restoration, or creation of wetlands on  
3219 agricultural lands.

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3220        1. Nonpoint source best management practices consistent  
3221 with s. 403.067, designed to achieve the objectives of the St.  
3222 Lucie River Watershed Protection Program, shall be implemented  
3223 on an expedited basis. The coordinating agencies may develop an  
3224 intergovernmental agreement with local governments to implement  
3225 the nonagricultural nonpoint source best management practices  
3226 within their respective geographic boundaries.

3227        2. This subsection does not preclude the department or the  
3228 district from requiring compliance with water quality standards,  
3229 adopted total maximum daily loads, or current best management  
3230 practices requirements set forth in any applicable regulatory  
3231 program authorized by law for the purpose of protecting water  
3232 quality. This subsection applies only to the extent that it does  
3233 not conflict with any rules adopted by the department or  
3234 district which are necessary to maintain a federally delegated  
3235 or approved program.

3236        3. Projects that make use of private lands, or lands held  
3237 in trust for Indian tribes, to reduce pollutant loadings or  
3238 concentrations within a basin, or that reduce the volume of  
3239 harmful discharges by one or more of the following methods:  
3240 restoring the natural hydrology of the basin, restoring wildlife  
3241 habitat or impacted wetlands, reducing peak flows after storm  
3242 events, or increasing aquifer recharge, are eligible for grants  
3243 available under this section from the coordinating agencies.

3244        4. The St. Lucie River Watershed Basin Management Action  
3245 Plan shall require assessment of current water management  
3246 practices within the watershed and shall require development of  
3247 recommendations for structural, nonstructural, and operational  
3248 improvements. Such recommendations shall consider and balance

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3249 water supply, flood control, estuarine salinity, aquatic  
3250 habitat, and water quality considerations.

3251 5. The department may not authorize the disposal of  
3252 domestic wastewater biosolids within the St. Lucie River  
3253 watershed unless the applicant can affirmatively demonstrate  
3254 that the nutrients in the biosolids will not add to nutrient  
3255 loadings in the watershed. This demonstration shall be based on  
3256 achieving a net balance between nutrient imports relative to  
3257 exports on the permitted application site. Exports shall include  
3258 only nutrients removed from the St. Lucie River watershed  
3259 through products generated on the permitted application site.  
3260 This prohibition does not apply to Class AA biosolids that are  
3261 marketed and distributed as fertilizer products in accordance  
3262 with department rule.

3263 6. The Department of Health shall require all entities  
3264 disposing of septage within the St. Lucie River watershed to  
3265 develop and submit to that agency an agricultural use plan that  
3266 limits applications based upon nutrient loading consistent with  
3267 any basin management action plan adopted pursuant to s. 403.067.

3268 7. The Department of Agriculture and Consumer Services  
3269 shall initiate rulemaking requiring entities within the St.  
3270 Lucie River watershed which land-apply animal manure to develop  
3271 a resource management system level conservation plan, according  
3272 to United States Department of Agriculture criteria, which limit  
3273 such application. Such rules shall include criteria and  
3274 thresholds for the requirement to develop a conservation or  
3275 nutrient management plan, requirements for plan approval, site  
3276 inspection requirements, and recordkeeping requirements.

3277 8. The district shall initiate rulemaking to provide for a

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3278 monitoring program for nonpoint source dischargers required to  
3279 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.  
3280 The results of such monitoring must be reported to the  
3281 coordinating agencies.

3282 (e) *River Watershed Protection Plan implementation.*—The  
3283 coordinating agencies shall be jointly responsible for  
3284 implementing the River Watershed Protection Plans, consistent  
3285 with the statutory authority and responsibility of each agency.  
3286 Annual funding priorities shall be jointly established, and the  
3287 highest priority shall be assigned to programs and projects that  
3288 have the greatest potential for achieving the goals and  
3289 objectives of the plans. In determining funding priorities, the  
3290 coordinating agencies shall also consider the need for  
3291 regulatory compliance, the extent to which the program or  
3292 project is ready to proceed, and the availability of federal or  
3293 local government matching funds. Federal and other nonstate  
3294 funding shall be maximized to the greatest extent practicable.

3295 (f) *Evaluation.*—Beginning March 1, 2020, and every 5 years  
3296 thereafter, concurrent with the updates of the basin management  
3297 action plans adopted pursuant to s. 403.067, the department, in  
3298 cooperation with the other coordinating agencies, shall conduct  
3299 an evaluation of any pollutant load reduction goals, as well as  
3300 any other specific objectives and goals, as stated in the River  
3301 Watershed Protection Programs. The district shall identify  
3302 modifications to facilities of the River Watershed Construction  
3303 Projects, as appropriate, or any other elements of the River  
3304 Watershed Protection Programs. The evaluation shall be included  
3305 in the annual progress report submitted pursuant to this  
3306 section.

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

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

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

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

(c) As determined necessary by the department to achieve the total maximum daily loads, additional or modified projects or programs that complement those in the legislatively ratified

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3336 plans may be included during the development of the basin  
3337 management action plan.

3338 (d) As provided in s. 403.067, management strategies and  
3339 pollution reduction requirements set forth in a basin management  
3340 action plan subject to permitting by the department under  
3341 subsection (7) must be completed pursuant to the schedule set  
3342 forth in the basin management action plan, as amended. The  
3343 implementation schedule may extend beyond the 5-year permit  
3344 term.

3345 (e) As provided in s. 403.067, management strategies and  
3346 pollution reduction requirements set forth in a basin management  
3347 action plan for a specific pollutant of concern are not subject  
3348 to challenge under chapter 120 at the time they are  
3349 incorporated, in an identical form, into a department or  
3350 district issued permit or a permit modification issued in  
3351 accordance with subsection (7).

3352 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in  
3353 cooperation with the other coordinating agencies, shall report  
3354 on implementation of this section as part of the consolidated  
3355 annual report required in s. 373.036(7). The annual report shall  
3356 include a summary of the conditions of the hydrology, water  
3357 quality, and aquatic habitat in the northern Everglades based on  
3358 the results of the Research and Water Quality Monitoring  
3359 Programs, the status of the Lake Okeechobee Watershed  
3360 Construction Project, the status of the Caloosahatchee River  
3361 Watershed Construction Project, and the status of the St. Lucie  
3362 River Watershed Construction Project. In addition, the report  
3363 shall contain an annual accounting of the expenditure of funds  
3364 from the Save Our Everglades Trust Fund. At a minimum, the

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3365 annual report shall provide detail by program and plan,  
3366 including specific information concerning the amount and use of  
3367 funds from federal, state, or local government sources. In  
3368 detailing the use of these funds, the district shall indicate  
3369 those designated to meet requirements for matching funds. The  
3370 district shall prepare the report in cooperation with the other  
3371 coordinating agencies and affected local governments. The  
3372 department shall report on the status of the Lake Okeechobee  
3373 Basin Management Action Plan, the Caloosahatchee River Watershed  
3374 Basin Management Action Plan, and the St. Lucie River Watershed  
3375 Basin Management Action Plan. The Department of Agriculture and  
3376 Consumer Services shall report on the status of the  
3377 implementation of the agricultural nonpoint source best  
3378 management practices, including an implementation assurance  
3379 report summarizing survey responses and response rates, site  
3380 inspections, and other methods used to verify implementation of  
3381 and compliance with best management practices in the Lake  
3382 Okeechobee, Caloosahatchee River, and St. Lucie River  
3383 watersheds.

3384 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

3385 (a) The Legislature finds that the Lake Okeechobee  
3386 Watershed Protection Program will benefit Lake Okeechobee and  
3387 downstream receiving waters and is in the public interest. The  
3388 Lake Okeechobee Watershed Construction Project and structures  
3389 discharging into or from Lake Okeechobee shall be constructed,  
3390 operated, and maintained in accordance with this section.

3391 (b) Permits obtained pursuant to this section are in lieu  
3392 of all other permits under this chapter or chapter 403, except  
3393 those issued under s. 403.0885, if applicable. Additional

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3394 permits are not required for the Lake Okeechobee Watershed  
3395 Construction Project, or structures discharging into or from  
3396 Lake Okeechobee, if such project or structures are permitted  
3397 under this section. Construction activities related to  
3398 implementation of the Lake Okeechobee Watershed Construction  
3399 Project may be initiated before final agency action, or notice  
3400 of intended agency action, on any permit from the department  
3401 under this section.

3402 (c)1. Owners or operators of existing structures which  
3403 discharge into or from Lake Okeechobee that were subject to  
3404 Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707,  
3405 and RT50-205564 and that are subject to s. 373.4592(4)(a) do not  
3406 require a permit under this section and shall be governed by  
3407 permits issued under ss. 373.413 and 373.416 and the Lake  
3408 Okeechobee Basin Management Action Plan adopted pursuant to s.  
3409 403.067.

3410 2. For the purposes of this paragraph, owners and operators  
3411 of existing structures which are subject to s. 373.4592(4)(a)  
3412 and which discharge into or from Lake Okeechobee shall be deemed  
3413 in compliance with this paragraph if they are in full compliance  
3414 with the conditions of permits under chapter 40E-63, Florida  
3415 Administrative Code.

3416 3. By January 1, 2017, the district shall submit to the  
3417 department a complete application for a permit modification to  
3418 the Lake Okeechobee structure permits to incorporate proposed  
3419 changes necessary to ensure that discharges through the  
3420 structures covered by this permit are consistent with the basin  
3421 management action plan adopted pursuant to s. 403.067.

3422 (d) The department shall require permits for district

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3423 regional projects that are part of the Lake Okeechobee Watershed  
3424 Construction Project. However, projects that qualify as exempt  
3425 pursuant to s. 373.406 do not require permits under this  
3426 section. Such permits shall be issued for a term of 5 years upon  
3427 the demonstration of reasonable assurances that:

3428 1. District regional projects that are part of the Lake  
3429 Okeechobee Watershed Construction Project shall achieve the  
3430 design objectives for phosphorus required in subparagraph  
3431 (3) (a)1.;

3432 2. For water quality standards other than phosphorus, the  
3433 quality of water discharged from the facility is of equal or  
3434 better quality than the inflows;

3435 3. Discharges from the facility do not pose a serious  
3436 danger to public health, safety, or welfare; and

3437 4. Any impacts on wetlands or state-listed species  
3438 resulting from implementation of that facility of the Lake  
3439 Okeechobee Construction Project are minimized and mitigated, as  
3440 appropriate.

3441 (e) At least 60 days before the expiration of any permit  
3442 issued under this section, the permittee may apply for a renewal  
3443 thereof for a period of 5 years.

3444 (f) Permits issued under this section may include any  
3445 standard conditions provided by department rule which are  
3446 appropriate and consistent with this section.

3447 (g) Permits issued under this section may be modified, as  
3448 appropriate, upon review and approval by the department.

3449 (8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida  
3450 Water Management District shall not divert waters to the St.  
3451 Lucie River, the Indian River estuary, the Caloosahatchee River

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3452 or its estuary, or the Everglades National Park, in such a way  
3453 that the state water quality standards are violated, that the  
3454 nutrients in such diverted waters adversely affect indigenous  
3455 vegetation communities or wildlife, or that fresh waters  
3456 diverted to the St. Lucie River or the Caloosahatchee or Indian  
3457 River estuaries adversely affect the estuarine vegetation or  
3458 wildlife, unless the receiving waters will biologically benefit  
3459 by the diversion. However, diversion is permitted when an  
3460 emergency is declared by the water management district, if the  
3461 Secretary of Environmental Protection concurs.

3462 (9) PRESERVATION OF PROVISIONS RELATING TO THE EVERGLADES.—  
3463 Nothing in this section shall be construed to modify any  
3464 provision of s. 373.4592.

3465 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this  
3466 section is intended to diminish or alter the governmental  
3467 authority and powers of the Seminole Tribe of Florida, or  
3468 diminish or alter the rights of that tribe, including, but not  
3469 limited to, rights under the water rights compact among the  
3470 Seminole Tribe of Florida, the state, and the South Florida  
3471 Water Management District as enacted by Pub. L. No. 100-228, 101  
3472 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in  
3473 s. 285.165, and rights under any other agreement between the  
3474 Seminole Tribe of Florida and the state or its agencies. No land  
3475 of the Seminole Tribe of Florida shall be used for water storage  
3476 or stormwater treatment without the consent of the tribe.

3477 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—Nothing  
3478 in this section shall be construed to modify any existing state  
3479 water quality standard or to modify the provisions of s.  
3480 403.067(6) and (7)(a).

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

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

Section 36. For the purpose of incorporating the amendment made by this act to section 403.0872, Florida Statutes, in a reference thereto, section 403.0873, Florida Statutes, is reenacted to read:

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

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3510 substantially similar to or duplicative of the services  
3511 performed by the department or the United States Environmental  
3512 Protection Agency in the implementation of the major source air-  
3513 operation permit program is prohibited from collecting  
3514 additional fees attributable to such services from any source  
3515 permitted under s. 403.0872.

3516 Section 37. For the purpose of incorporating the amendment  
3517 made by this act to section 403.1838, Florida Statutes, in a  
3518 reference thereto, paragraph (d) of subsection (3) of section  
3519 403.1835, Florida Statutes, is reenacted to read:

3520 403.1835 Water pollution control financial assistance.—

3521 (3) The department may provide financial assistance through  
3522 any program authorized under 33 U.S.C. s. 1383, as amended,  
3523 including, but not limited to, making grants and loans,  
3524 providing loan guarantees, purchasing loan insurance or other  
3525 credit enhancements, and buying or refinancing local debt. This  
3526 financial assistance must be administered in accordance with  
3527 this section and applicable federal authorities.

3528 (d) The department may make grants to financially  
3529 disadvantaged small communities, as defined in s. 403.1838,  
3530 using funds made available from grant allocations on loans  
3531 authorized under subsection (4). The grants must be administered  
3532 in accordance with s. 403.1838.

3533 Section 38. This act shall take effect July 1, 2026.