

**By** the Committee on Fiscal Policy; the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Environment and Natural Resources; and Senator Massullo

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1                                   A bill to be entitled  
2       An act relating to the Department of Environmental  
3       Protection; amending s. 20.255, F.S.; deleting  
4       provisions creating the Environmental Regulation  
5       Commission; amending s. 163.3205, F.S.; requiring an  
6       applicant for specified permits to incorporate certain  
7       additional protections in the development and  
8       implementation of an erosion and sediment control plan  
9       for the construction of a solar facility; specifying  
10      requirements for such plan; specifying requirements  
11      for an operational phase stormwater management system  
12      serving a solar facility in a specified jurisdiction;  
13      providing applicability; requiring an operator of a  
14      solar facility or a proposed solar facility to  
15      implement specified construction and operational  
16      permit requirements; amending s. 259.035, F.S.;  
17      expanding the membership of the Acquisition and  
18      Restoration Council; providing requirements for  
19      membership; defining the term "metropolitan";  
20      requiring the council to administer the Florida  
21      Communities Trust; requiring the council to coordinate  
22      with the department for rulemaking and grant cycle  
23      administration of the trust; conforming provisions to  
24      changes made by the act; amending s. 259.105, F.S.;  
25      conforming a provision to changes made by the act;  
26      amending s. 373.469, F.S.; requiring that residential  
27      properties of a specified size located in a certain  
28      area connect to a central sewer system or upgrade to a  
29      specified type of nutrient-reducing wastewater

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30 treatment system; requiring a permitting agency to  
31 notify a property owner of such requirement if the  
32 agency, before a certain date, receives an application  
33 to repair, modify, or replace a conventional onsite  
34 sewage treatment and disposal system on certain  
35 property; amending s. 373.807, F.S.; authorizing  
36 remediation plans for certain properties to have  
37 certain requirements related to existing conventional  
38 onsite sewage treatment and disposal systems;  
39 repealing s. 373.811, F.S., relating to prohibited  
40 activities within a basin management action plan;  
41 amending s. 380.093, F.S.; revising the definition of  
42 the term "community eligible for a reduced cost  
43 share"; amending s. 380.502, F.S.; revising  
44 legislative findings and intent for the Florida  
45 Communities Trust; providing for the transfer of the  
46 administration and oversight of the trust from the  
47 department to the Acquisition and Restoration Council  
48 for a specified purpose; amending s. 380.504, F.S.;  
49 deleting provisions relating to the membership,  
50 appointments, and organizational structure of the  
51 governing body of the trust; providing the purpose of  
52 the trust; amending s. 380.507, F.S.; deleting  
53 provisions authorizing the trust to make certain  
54 loans; revising the powers of the trust; repealing ss.  
55 380.512, 380.513, and 380.514, F.S., relating to an  
56 annual report, corporate existence, and inconsistent  
57 provisions of other laws superseded, respectively;  
58 reenacting and amending s. 381.0065, F.S.; authorizing

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59 the department to annually review and audit certain  
60 inspection and maintenance reports for certain  
61 systems; authorizing the department to adopt rules to  
62 establish certain procedures; requiring the department  
63 to concurrently process operating permits and  
64 construction permits under certain circumstances;  
65 requiring that an operating permit be obtained before  
66 the use of an engineer-designed performance-based  
67 system; providing a timeframe for the validity of  
68 certain operating permits; requiring an operating  
69 permit modification upon certain changes or  
70 modifications; providing requirements for subsequent  
71 property owners when a property with an onsite sewage  
72 treatment and disposal system that requires an  
73 operating permit is sold or transferred; providing an  
74 exception to certain fees under certain circumstances;  
75 requiring an engineer-designed performance-based  
76 system maintenance entity to submit a report to the  
77 department on a specified basis; deleting a  
78 requirement for a property owner to obtain a certain  
79 permit from the department for certain onsite sewage  
80 treatment and disposal systems; revising the approval  
81 criteria for certain onsite sewage treatment and  
82 disposal systems; requiring an aerobic treatment unit  
83 maintenance entity to submit a report to the  
84 department on a specified basis; deleting a  
85 requirement that the department contract with or  
86 delegate its powers and duties to a county only;  
87 amending s. 403.067, F.S.; conforming a provision to

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88 changes made by the act; providing a timeframe within  
89 which a basin management action plan or plan amendment  
90 becomes effective; prohibiting certain activities  
91 within a basin management action plan, a reasonable  
92 assurance plan, or a pollution reduction plan; making  
93 a technical change; amending s. 403.0671, F.S.;

94 conforming a provision to changes made by the act;  
95 amending s. 403.0872, F.S.; revising the date by which  
96 major permitted sources of air pollution operating in  
97 this state must pay an annual operation license fee;  
98 authorizing the department to impose penalties if it  
99 does not receive such fee by the specified date;

100 deleting provisions relating to costs for  
101 administering air pollution construction permits;  
102 amending s. 403.1838, F.S.; conforming provisions to  
103 changes made by the act; repealing s. 403.804, F.S.,  
104 relating to the powers and duties of the Environmental  
105 Regulation Commission; amending s. 403.892, F.S.;

106 revising applicability of provisions relating to  
107 development incentives for the use of graywater  
108 technologies; amending ss. 120.81, 373.421, 403.031,  
109 403.061, 403.704, 403.707, 403.7222, 403.7234,  
110 403.803, 403.805, 403.8055, and 403.814, F.S.;

111 conforming provisions to changes made by the act;  
112 amending ss. 376.302 and 380.5105, F.S.; conforming  
113 cross-references; reenacting s. 381.0066(2)(k), F.S.,  
114 relating to onsite sewage treatment and disposal  
115 system fees, to incorporate the amendment made to s.  
116 381.0065, F.S., in a reference thereto; reenacting s.

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117 373.4595, F.S., relating to the Northern Everglades  
118 and Estuaries Protection Program, to incorporate the  
119 amendment made to s. 403.067, F.S., in a reference  
120 thereto; reenacting s. 403.0873, F.S., relating to the  
121 Florida Air-Operation License Fee Account, to  
122 incorporate the amendment made to s. 403.0872, F.S.,  
123 in a reference thereto; reenacting s. 403.1835(3)(d),  
124 F.S., relating to water pollution control financial  
125 assistance, to incorporate the amendment made to s.  
126 403.1838, F.S., in a reference thereto; providing an  
127 effective date.

128  
129 Be It Enacted by the Legislature of the State of Florida:  
130

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

133 20.255 Department of Environmental Protection.—There is  
134 created a Department of Environmental Protection.

135 ~~(6) There is created as a part of the Department of~~  
136 ~~Environmental Protection an Environmental Regulation Commission.~~  
137 ~~The commission shall be composed of seven residents of this~~  
138 ~~state appointed by the Governor, subject to confirmation by the~~  
139 ~~Senate. In making appointments, the Governor shall provide~~  
140 ~~reasonable representation from all sections of the state.~~  
141 ~~Membership shall be representative of agriculture, the~~  
142 ~~development industry, local government, the environmental~~  
143 ~~community, lay citizens, and members of the scientific and~~  
144 ~~technical community who have substantial expertise in the areas~~  
145 ~~of the fate and transport of water pollutants, toxicology,~~

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

158 Section 2. Section 163.3205, Florida Statutes, is amended  
159 to read:

160 163.3205 Solar facility approval process; best management  
161 practices for stormwater.—

162 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
163 to encourage renewable solar electrical generation throughout  
164 this state. It is essential that solar facilities and associated  
165 electric infrastructure be constructed and maintained in various  
166 locations throughout this state in order to ensure the  
167 availability of renewable energy production, which is critical  
168 to this state's energy and economic future.

169 (2) DEFINITIONS.—As used in this section, the term "solar  
170 facility" means a production facility for electric power which:

171 (a) Uses photovoltaic modules to convert solar energy to  
172 electricity that may be stored on site, delivered to a  
173 transmission system, and consumed primarily offsite.

174 (b) Consists principally of photovoltaic modules, a

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175 mounting or racking system, power inverters, transformers,  
176 collection systems, battery systems, fire suppression equipment,  
177 and associated components.

178 (c) May include accessory administration or maintenance  
179 buildings, electric transmission lines, substations, energy  
180 storage equipment, and related accessory uses and structures.

181 (3) PERMITTED USE.—A solar facility ~~is shall be~~ a permitted  
182 use in all agricultural land use categories in a local  
183 government comprehensive plan and all agricultural zoning  
184 districts within an unincorporated area and must comply with the  
185 setback and landscaped buffer area criteria for other similar  
186 uses in the agricultural district.

187 (4) LANDSCAPE REQUIREMENTS.—A county may adopt an ordinance  
188 specifying buffer and landscaping requirements for solar  
189 facilities. Such requirements may not exceed the requirements  
190 for similar uses involving the construction of other facilities  
191 that are permitted uses in agricultural land use categories and  
192 zoning districts.

193 (5) BEST MANAGEMENT PRACTICES FOR STORMWATER.—

194 (a) An applicant for a permit under s. 373.413 for a  
195 stormwater management system related to the construction of a  
196 solar facility must incorporate site specific and appropriate  
197 additional protections in the development and implementation of  
198 an erosion and sediment control (E&SC) plan. Such E&SC plan must  
199 include, but not be limited to, all of the following:

200 1. Soil percolation testing on the premises of the proposed  
201 solar facility.

202 2. Implementation of stormwater best management practices  
203 and related erosion controls for runoff during the construction

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204 of the solar facility based on rainfall amounts up to the 100-  
205 year, 24-hour design storm for the project site.

206 3. Clearing and stabilization in phases as needed to reduce  
207 disturbed portions of the project site, which may be susceptible  
208 to erosion during construction.

209 4. Inspections performed by a certified Florida Stormwater,  
210 Erosion, and Sedimentation Control Inspector during construction  
211 to ensure the E&SC plan is implemented in accordance with s.  
212 373.413.

213 (b) An operational phase stormwater management system  
214 permitted in accordance with s. 373.4145 serving a solar  
215 facility within the jurisdictional boundary of the Northwest  
216 Florida Water Management District shall be designed based on the  
217 100-year, 24-hour design storm for the project site. This  
218 provision applies to applications for solar facilities filed  
219 after July 1, 2026.

220 (c) An operator of a solar facility or a proposed solar  
221 facility shall implement all construction and operational permit  
222 requirements as developed and applicable pursuant to paragraph  
223 (a).

224 (6) APPLICABILITY.—This section does not apply to any site  
225 that was the subject of an application to construct a solar  
226 facility submitted to a local governmental entity before July 1,  
227 2021.

228 Section 3. Paragraph (a) of subsection (1) and subsections  
229 (2), (3), and (5) of section 259.035, Florida Statutes, are  
230 amended to read:

231 259.035 Acquisition and Restoration Council.—

232 (1) There is created the Acquisition and Restoration

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233 Council.

234 (a) The council shall be composed of 12 ~~10~~ voting members,  
235 6 ~~4~~ of whom shall be appointed by the Governor. Of these 6 ~~four~~  
236 appointees, 3 ~~must~~ ~~three~~ ~~shall~~ be from scientific disciplines  
237 related to land, water, or environmental sciences, 1 ~~must~~ ~~and~~  
238 ~~the fourth~~ ~~shall~~ have at least 5 years of experience in managing  
239 lands for both active and passive types of recreation, 1 ~~must~~ ~~be~~  
240 a former elected official of a county, and 1 must be a former  
241 elected official of a metropolitan municipality. As used in this  
242 paragraph, the term "metropolitan" has the same meaning as in s.  
243 380.503. They shall serve 4-year terms, except that, initially,  
244 to provide for staggered terms, 2 ~~two~~ of the appointees shall  
245 serve 2-year terms. All subsequent appointments shall be for 4-  
246 year terms. An appointee may not serve more than 6 years. The  
247 Governor may at any time fill a vacancy for the unexpired term  
248 of a member appointed under this paragraph.

249 (2) The 6 ~~four~~ members of the council appointed pursuant to  
250 paragraph (1) (a) ~~(a)~~ and the 2 ~~two~~ members of the council  
251 appointed pursuant to paragraph (1) (c) ~~(e)~~ shall receive  
252 reimbursement for expenses and per diem for travel, to attend  
253 council meetings, as allowed state officers and employees while  
254 in the performance of their duties, pursuant to s. 112.061.

255 (3) The council shall:

256 (a) Provide assistance to the board in reviewing the  
257 recommendations and plans for state-owned conservation lands  
258 required under s. 253.034 and this chapter. The council shall,  
259 in reviewing such plans, consider the optimization of multiple-  
260 use and conservation strategies to accomplish the provisions  
261 funded pursuant to former s. 259.101(3) (a), Florida Statutes

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262 2014, and to s. 259.105(3) (b).

263 (b) Effective July 1, 2026, administer the Florida  
264 Communities Trust established in ss. 380.501-380.515, including  
265 reviewing, approving, and overseeing project applications and  
266 disbursements, and implementation measures consistent with the  
267 trust's purposes. The council shall coordinate with the  
268 department for rulemaking and grant cycle administration for the  
269 trust, ensuring alignment with the Florida Forever Act and the  
270 state's conservation priorities.

271 (5) An affirmative vote of 6 ~~five~~ members of the council is  
272 required in order to change a project boundary or to place a  
273 proposed project on a list developed pursuant to subsection (4).  
274 Any member of the council, who by family or a business  
275 relationship has a connection with all or a portion of any  
276 proposed project, shall declare the interest before voting on  
277 its inclusion on a list.

278 Section 4. Paragraph (i) of subsection (4) of section  
279 259.105, Florida Statutes, is amended to read:

280 259.105 The Florida Forever Act.—

281 (4) It is the intent of the Legislature that projects or  
282 acquisitions funded pursuant to paragraphs (3) (a) and (b)  
283 contribute to the achievement of the following goals, which  
284 shall be evaluated in accordance with specific criteria and  
285 numeric performance measures developed pursuant to s.  
286 259.035(4):

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

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

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291           2. The number of acres acquired or developed to serve dual  
292 functions as:

293           a. Flow ways or temporary water storage areas during  
294 flooding or high water events, not including permanent  
295 reservoirs; and

296           b. Greenways or open spaces available to the public for  
297 recreation;

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

301           4. The percentage of the land acquired within the project  
302 boundary that creates additional open spaces, natural buffer  
303 areas, and greenways within a floodplain, while precluding  
304 rebuilding in areas that repeatedly flood.

305

306 Florida Forever projects and acquisitions funded pursuant to  
307 paragraph (3) (c) shall be measured by goals developed by rule by  
308 the Florida Communities Trust ~~Governing Board created in s.~~  
309 ~~380.504.~~

310           Section 5. Paragraph (d) of subsection (3) of section  
311 373.469, Florida Statutes, is amended to read:

312           373.469 Indian River Lagoon Protection Program.—

313           (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian  
314 River Lagoon Protection Program consists of the Banana River  
315 Lagoon Basin Management Action Plan, Central Indian River Lagoon  
316 Basin Management Action Plan, North Indian River Lagoon Basin  
317 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
318 Plan, and such plans are the components of the Indian River  
319 Lagoon Protection Program which achieve phosphorous and nitrogen

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320 load reductions for the Indian River Lagoon.

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

322 1. Beginning on January 1, 2024, unless previously  
323 permitted, the installation of new onsite sewage treatment and  
324 disposal systems is prohibited within the Banana River Lagoon  
325 Basin Management Action Plan, Central Indian River Lagoon Basin  
326 Management Action Plan, North Indian River Lagoon Basin  
327 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
328 Plan areas where a publicly owned or investor-owned sewerage  
329 system is available as defined in s. 381.0065(2) (a). Where  
330 central sewerage is not available, only enhanced nutrient-  
331 reducing onsite sewage treatment and disposal systems or other  
332 wastewater treatment systems that achieve at least 65 percent  
333 nitrogen reduction are authorized.

334 2. By July 1, 2030, any commercial property or any  
335 residential property of 10 acres or less with an existing onsite  
336 sewage treatment and disposal system located within the Banana  
337 River Lagoon Basin Management Action Plan, Central Indian River  
338 Lagoon Basin Management Action Plan, North Indian River Lagoon  
339 Basin Management Action Plan, and Mosquito Lagoon Reasonable  
340 Assurance Plan areas must connect to central sewer if available  
341 or upgrade to an enhanced nutrient-reducing onsite sewage  
342 treatment and disposal system or other wastewater treatment  
343 system that achieves at least 65 percent nitrogen reduction. For  
344 all applications submitted before July 1, 2030, to a permitting  
345 agency to repair, modify, or replace a conventional onsite  
346 sewage treatment and disposal system on a commercial property or  
347 a residential property of 10 acres or less, the permitting  
348 agency shall notify the property owner of the requirement

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349 provided in this subparagraph.

350 Section 6. Paragraph (a) of subsection (1) of section  
351 373.807, Florida Statutes, is amended to read:

352 373.807 Protection of water quality in Outstanding Florida  
353 Springs.—By July 1, 2016, the department shall initiate  
354 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
355 Springs or spring systems for which an impairment determination  
356 has not been made under the numeric nutrient standards in effect  
357 for spring vents. Assessments must be completed by July 1, 2018.

358 (1)(a) Concurrent with the adoption of a nutrient total  
359 maximum daily load for an Outstanding Florida Spring, the  
360 department, or the department in conjunction with a water  
361 management district, shall initiate development of a basin  
362 management action plan, as specified in s. 403.067. For an  
363 Outstanding Florida Spring with a nutrient total maximum daily  
364 load adopted before July 1, 2016, the department, or the  
365 department in conjunction with a water management district,  
366 shall initiate development of a basin management action plan by  
367 July 1, 2016. During the development of a basin management  
368 action plan, if the department identifies onsite sewage  
369 treatment and disposal systems as contributors of at least 20  
370 percent of nonpoint source nitrogen pollution or if the  
371 department determines remediation is necessary to achieve the  
372 total maximum daily load, the basin management action plan must  
373 ~~shall~~ include an onsite sewage treatment and disposal system  
374 remediation plan pursuant to subsection (3) for those systems  
375 identified as requiring remediation. For properties 10 acres or  
376 less located outside the boundary of an established priority  
377 focus area of an Outstanding Florida Spring but within the

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378 boundary of a specific springs basin management action plan,  
379 such remediation plans may require existing conventional onsite  
380 sewage treatment and disposal systems to upgrade to a nutrient-  
381 reducing onsite sewage treatment and disposal system where  
382 central sewerage is not available. Such remediation plan may  
383 also require properties of any size located within the boundary  
384 of an established priority focus area of an Outstanding Florida  
385 Spring to upgrade existing conventional onsite sewage treatment  
386 and disposal systems to a nutrient-reducing onsite sewage  
387 treatment and disposal system where central sewerage is not  
388 available.

389 Section 7. Section 373.811, Florida Statutes, is repealed.

390 Section 8. Paragraph (e) of subsection (5) of section  
391 380.093, Florida Statutes, is amended to read:

392 380.093 Resilient Florida Grant Program; comprehensive  
393 statewide flood vulnerability and sea level rise data set and  
394 assessment; Statewide Flooding and Sea Level Rise Resilience  
395 Plan; regional resilience entities.—

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

397 (e) Each project included in the plan must have a minimum  
398 50 percent cost share unless the project assists or is within a  
399 community eligible for a reduced cost share. For purposes of  
400 this section, the term "community eligible for a reduced cost  
401 share" means:

402 1. A municipality that has a population of less than 10,000  
403 ~~or fewer~~, according to the most recent April 1 population  
404 estimates posted on the Office of Economic and Demographic  
405 Research's website, and a per capita annual income that is less  
406 than the state's per capita annual income as shown in the most

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407 recent release from the Bureau of the Census of the United  
408 States Department of Commerce that includes both measurements;

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

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

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

423 Section 9. Subsection (3) of section 380.502, Florida  
424 Statutes, is amended to read:

425 380.502 Legislative findings and intent.—

426 (3) The Legislature further finds that the goals of land  
427 conservation and community development are best served through  
428 coordinated decisionmaking and streamlined oversight. It is  
429 therefore the intent of the Legislature to transfer the  
430 administration and oversight of the Florida Communities Trust  
431 from the Department of Environmental Protection to the  
432 Acquisition and Restoration Council to improve consistency and  
433 effectiveness in conservation land acquisition and resource  
434 stewardship ~~It is the intent of the Legislature to establish a~~  
435 ~~nonregulatory agency that will assist local governments in~~

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436 ~~bringing local comprehensive plans into compliance and~~  
437 ~~implementing the goals, objectives, and policies of the~~  
438 ~~conservation, recreation and open space, and coastal elements of~~  
439 ~~local comprehensive plans, or in conserving natural resources~~  
440 ~~and resolving land use conflicts by:~~

441 (a) Responding promptly and creatively to opportunities to  
442 correct undesirable development patterns, restore degraded  
443 natural areas, enhance resource values, restore deteriorated or  
444 deteriorating urban waterfronts, preserve working waterfronts,  
445 reserve lands for later purchase, participate in and promote the  
446 use of innovative land acquisition methods, and provide public  
447 access to surface waters.

448 (b) Providing financial and technical assistance to local  
449 governments, state agencies, and nonprofit organizations to  
450 carry out projects and activities and to develop programs  
451 authorized by this part.

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

454 Section 10. Section 380.504, Florida Statutes, is amended  
455 to read:

456 380.504 Florida Communities Trust; creation; ~~membership;~~  
457 ~~expenses.~~—

458 (1) There is created ~~within the Department of Environmental~~  
459 ~~Protection a nonregulatory state agency and instrumentality,~~  
460 ~~which shall be a public body corporate and politic, known as the~~  
461 ~~“Florida Communities Trust, .”~~ administered by the Acquisition  
462 and Restoration Council ~~The governing body of the trust shall~~  
463 ~~consist of:~~

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

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

467  
468 ~~The Governor shall appoint a former elected official of a county~~  
469 ~~government, a former elected official of a metropolitan~~  
470 ~~municipal government, a representative of a nonprofit~~  
471 ~~organization as defined in this part, and a representative of~~  
472 ~~the development industry. The Secretary of Environmental~~  
473 ~~Protection may appoint his or her deputy secretary, the director~~  
474 ~~of the Division of State Lands, or the director of the Division~~  
475 ~~of Recreation and Parks to serve in his or her absence. The~~  
476 ~~Secretary of Environmental Protection shall be the chair of the~~  
477 ~~governing body of the trust. The Governor shall make his or her~~  
478 ~~appointments upon the expiration of any current terms or within~~  
479 ~~60 days after the effective date of the resignation of any~~  
480 ~~member.~~

481 (2) The purpose of the trust is to assist local governments  
482 in bringing into compliance and implementing the conservation,  
483 recreation and open space, and coastal elements of their  
484 comprehensive plans or in conserving natural resources and  
485 resolving land use conflicts by providing financial assistance  
486 to local governments and nonprofit environmental organizations  
487 to carry out projects and activities authorized by this part ~~of~~  
488 ~~the initial governing body members, two of the Governor's~~  
489 ~~appointees shall serve for a term of 2 years and the remaining~~  
490 ~~one shall serve for a term of 4 years from the date of~~  
491 ~~appointment. Thereafter, governing body members whom the~~  
492 ~~Governor appoints shall serve for terms of 4 years. The Governor~~  
493 ~~may fill any vacancy for an unexpired term.~~

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

499 Section 11. Subsections (6), (7), (9) through (12), and  
500 (14) of section 380.507, Florida Statutes, are amended to read:

501 380.507 Powers of the trust.—The trust shall have all the  
502 powers necessary or convenient to carry out the purposes and  
503 provisions of this part, including:

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

509 (7) To provide by grant ~~or loan~~ up to the total cost of any  
510 project approved according to this part, including the local  
511 share of federally supported projects. The trust may require  
512 local funding participation in projects. The trust shall  
513 determine the funding it will provide by considering the total  
514 amount of funding available for the project, the fiscal  
515 resources of other project participants, the urgency of the  
516 project relative to other eligible projects, and other factors  
517 which the trust shall have prescribed by rule. The trust may  
518 fund up to 100 percent of any local government land acquisition  
519 costs, if part of an approved project.

520 (9) To review project recommendations and funding  
521 priorities and provide acquisition decisions ~~To invest any funds~~  
522 ~~held in reserves or sinking funds, or any funds not required for~~

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523 ~~immediate disbursement, in such investments as may be authorized~~  
524 ~~for trust funds under s. 215.47, and in any other authorized~~  
525 ~~investments, if such investments are made on behalf of the trust~~  
526 ~~by the State Board of Administration.~~

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

531 (11) To submit project recommendations, funding priorities,  
532 and acquisition decisions to the Acquisition and Restoration  
533 Council, which shall have final approval authority over trust  
534 expenditures and acquisitions ~~to make rules necessary to carry~~  
535 ~~out the purposes of this part and to exercise any power granted~~  
536 ~~in this part, pursuant to chapter 120. The trust shall adopt~~  
537 ~~rules governing the acquisition of lands with proceeds from the~~  
538 ~~Florida Forever Trust Fund, consistent with the intent expressed~~  
539 ~~in the Florida Forever Act. Such rules for land acquisition must~~  
540 ~~include, but are not limited to, procedures for appraisals and~~  
541 ~~confidentiality consistent with ss. 125.355(1)(a) and (b) and~~  
542 ~~166.045(1)(a) and (b), a method of determining a maximum~~  
543 ~~purchase price, and procedures to assure that the land is~~  
544 ~~acquired in a voluntarily negotiated transaction, surveyed,~~  
545 ~~conveyed with marketable title, and examined for hazardous~~  
546 ~~materials contamination. Land acquisition procedures of a local~~  
547 ~~land authority created pursuant to s. 380.0663 may be used for~~  
548 ~~the land acquisition programs described in former s.~~  
549 ~~259.101(3)(c), Florida Statutes 2014, and in s. 259.105 if~~  
550 ~~within areas of critical state concern designated pursuant to s.~~  
551 ~~380.05, subject to approval of the trust.~~

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552           (12) To develop, in conjunction with the council, rules,  
553 policies, and guidelines for the administration of the trust  
554 consistent with this part and ss. 259.035 and 259.105 ~~to~~  
555 ~~contract with private consultants and nonprofit organizations~~  
556 ~~for professional and technical assistance and advice.~~

557           ~~(14) To conduct promotional campaigns, including~~  
558 ~~advertising, for the sale of communities trust license plates~~  
559 ~~authorized in s. 320.08058.~~

560           Section 12. Section 380.512, Florida Statutes, is repealed.

561           Section 13. Section 380.513, Florida Statutes, is repealed.

562           Section 14. Section 380.514, Florida Statutes, is repealed.

563           Section 15. Paragraph (n) of subsection (3) and subsections  
564 (4) and (9) of section 381.0065, Florida Statutes, are amended,  
565 and subsection (7) of that section is reenacted, to read:

566           381.0065 Onsite sewage treatment and disposal systems;  
567 regulation.—

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

570           (n) Regulate and permit maintenance entities for  
571 performance-based treatment systems and aerobic treatment unit  
572 systems. To ensure systems are maintained and operated according  
573 to manufacturer's specifications and designs, the department  
574 shall establish by rule minimum qualifying criteria for  
575 maintenance entities. The criteria shall include training,  
576 access to approved spare parts and components, access to  
577 manufacturer's maintenance and operation manuals, and service  
578 response time. The maintenance entity shall employ a contractor  
579 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
580 a state-licensed wastewater plant operator, who is responsible

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581 for maintenance and repair of all systems under contract. The  
582 department may annually review and audit up to 25 percent of all  
583 inspection and maintenance reports submitted by such maintenance  
584 entities for performance-based treatment systems and aerobic  
585 treatment unit systems. The department may adopt rules to  
586 establish procedures for such audits.

587 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not  
588 construct, repair, modify, abandon, or operate an onsite sewage  
589 treatment and disposal system without first obtaining a permit  
590 approved by the department. The department may issue permits to  
591 carry out this section, except that the issuance of a permit for  
592 work seaward of the coastal construction control line  
593 established under s. 161.053 shall be contingent upon receipt of  
594 any required coastal construction control line permit from the  
595 department. A construction permit is valid for 18 months after  
596 the date of issuance and may be extended by the department for  
597 one 90-day period under rules adopted by the department. A  
598 repair permit is valid for 90 days after the date of issuance.  
599 When a person jointly applies for a construction permit and an  
600 operating permit for the same onsite sewage treatment and  
601 disposal system, the department shall concurrently process the  
602 operating permit with the construction permit. An operating  
603 permit must be obtained before the use of any aerobic treatment  
604 unit or engineer-designed performance-based system, or if the  
605 establishment generates commercial waste. Buildings or  
606 establishments that use an aerobic treatment unit or generate  
607 commercial waste shall be inspected by the department at least  
608 annually to ensure assure compliance with the terms of the  
609 operating permit. The operating permit for a commercial

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610 wastewater system is valid for 1 year after the date of issuance  
611 and must be renewed annually. The operating permit, where  
612 required for a residential onsite sewage treatment and disposal  
613 system, is valid for the lifetime of the installation; however,  
614 any subsequent change in ownership of the property or any  
615 modification of the wastewater system requires an operating  
616 permit modification upon such change. When an onsite sewage  
617 treatment and disposal system that requires an operating permit  
618 is sold or transferred, the subsequent owner with a controlling  
619 interest shall provide written notice and proof of ownership to  
620 the department to amend the operating permit information within  
621 60 days after such property sale or transfer ~~commercial~~  
622 ~~wastewater system is valid for 1 year after the date of issuance~~  
623 ~~and must be renewed annually. The operating permit for an~~  
624 ~~aerobic treatment unit is valid for 2 years after the date of~~  
625 ~~issuance and must be renewed every 2 years. If all information~~  
626 ~~pertaining to the siting, location, and installation conditions~~  
627 ~~or repair of an onsite sewage treatment and disposal system~~  
628 ~~remains the same, a construction or repair permit for the onsite~~  
629 ~~sewage treatment and disposal system may be transferred to~~  
630 ~~another person, if the transferee files, within 60 days after~~  
631 ~~the transfer of ownership, an amended application providing all~~  
632 ~~corrected information and proof of ownership of the property. A~~  
633 ~~fee is not associated with the processing of this supplemental~~  
634 ~~information~~ if only ownership information is updated to reflect  
635 a permit transfer for a construction, repair, or an operating  
636 permit. A person may not contract to construct, modify, alter,  
637 repair, service, abandon, or maintain any portion of an onsite  
638 sewage treatment and disposal system without being registered

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639 under part III of chapter 489. A property owner who personally  
640 performs construction, maintenance, or repairs to a system  
641 serving his or her own owner-occupied single-family residence is  
642 exempt from registration requirements for performing such  
643 construction, maintenance, or repairs on that residence, but is  
644 subject to all permitting requirements. A municipality or  
645 political subdivision of the state may not issue a building or  
646 plumbing permit for any building that requires the use of an  
647 onsite sewage treatment and disposal system unless the owner or  
648 builder has received a construction permit for such system from  
649 the department. A building or structure may not be occupied and  
650 a municipality, political subdivision, or any state or federal  
651 agency may not authorize occupancy until the department approves  
652 the final installation of the onsite sewage treatment and  
653 disposal system. A municipality or political subdivision of the  
654 state may not approve any change in occupancy or tenancy of a  
655 building that uses an onsite sewage treatment and disposal  
656 system until the department has reviewed the use of the system  
657 with the proposed change, approved the change, and amended the  
658 operating permit.

659 (a) Subdivisions and lots in which each lot has a minimum  
660 area of at least one-half acre and either a minimum dimension of  
661 100 feet or a mean of at least 100 feet of the side bordering  
662 the street and the distance formed by a line parallel to the  
663 side bordering the street drawn between the two most distant  
664 points of the remainder of the lot may be developed with a water  
665 system regulated under s. 381.0062 and onsite sewage treatment  
666 and disposal systems, provided the projected daily sewage flow  
667 does not exceed an average of 1,500 gallons per acre per day,

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668 and provided satisfactory drinking water can be obtained and all  
669 distance and setback, soil condition, water table elevation, and  
670 other related requirements of this section and rules adopted  
671 under this section can be met.

672 (b) Subdivisions and lots using a public water system as  
673 defined in s. 403.852 may use onsite sewage treatment and  
674 disposal systems, provided there are no more than four lots per  
675 acre, provided the projected daily sewage flow does not exceed  
676 an average of 2,500 gallons per acre per day, and provided that  
677 all distance and setback, soil condition, water table elevation,  
678 and other related requirements that are generally applicable to  
679 the use of onsite sewage treatment and disposal systems are met.

680 (c) Notwithstanding paragraphs (a) and (b), for  
681 subdivisions platted of record on or before October 1, 1991,  
682 when a developer or other appropriate entity has previously made  
683 or makes provisions, including financial assurances or other  
684 commitments, acceptable to the department, that a central water  
685 system will be installed by a regulated public utility based on  
686 a density formula, private potable wells may be used with onsite  
687 sewage treatment and disposal systems until the agreed-upon  
688 densities are reached. In a subdivision regulated by this  
689 paragraph, the average daily sewage flow may not exceed 2,500  
690 gallons per acre per day. This section does not affect the  
691 validity of existing prior agreements. After October 1, 1991,  
692 the exception provided under this paragraph is not available to  
693 a developer or other appropriate entity.

694 (d) Paragraphs (a) and (b) do not apply to any proposed  
695 residential subdivision with more than 50 lots or to any  
696 proposed commercial subdivision with more than 5 lots where a

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697 publicly owned or investor-owned sewage treatment system is  
698 available. This paragraph does not allow development of  
699 additional proposed subdivisions in order to evade the  
700 requirements of this paragraph.

701 (e) The department shall adopt rules relating to the  
702 location of onsite sewage treatment and disposal systems,  
703 including establishing setback distances, to prevent groundwater  
704 contamination and surface water contamination and to preserve  
705 the public health. The rules must consider conventional and  
706 enhanced nutrient-reducing onsite sewage treatment and disposal  
707 system designs, impaired or degraded water bodies, domestic  
708 wastewater and drinking water infrastructure, potable water  
709 sources, nonpotable wells, stormwater infrastructure, the onsite  
710 sewage treatment and disposal system remediation plans developed  
711 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the  
712 recommendations of the onsite sewage treatment and disposal  
713 systems technical advisory committee established pursuant to  
714 former s. 381.00652. The rules must also allow a person to apply  
715 for and receive a variance from a rule requirement upon  
716 demonstration that the requirement would cause an undue hardship  
717 and granting the variance would not cause or contribute to the  
718 exceedance of a total maximum daily load.

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

- 721 1. Seventy-five feet from a private potable well.
- 722 2. Two hundred feet from a public potable well serving a  
723 residential or nonresidential establishment having a total  
724 sewage flow of greater than 2,000 gallons per day.
- 725 3. One hundred feet from a public potable well serving a

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726 residential or nonresidential establishment having a total  
727 sewage flow of less than or equal to 2,000 gallons per day.

728 4. Fifty feet from any nonpotable well.

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

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

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

736 8. Fifteen feet from the design high-water line of  
737 retention areas, detention areas, or swales designed to contain  
738 standing or flowing water for less than 72 hours after a  
739 rainfall or the design high-water level of normally dry drainage  
740 ditches or normally dry individual lot stormwater retention  
741 areas.

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

746 1. Any residential lot that was platted and recorded on or  
747 after January 1, 1972, or that is part of a residential  
748 subdivision that was approved by the appropriate permitting  
749 agency on or after January 1, 1972, and that was eligible for an  
750 onsite sewage treatment and disposal system construction permit  
751 on the date of such platting and recording or approval shall be  
752 eligible for an onsite sewage treatment and disposal system  
753 construction permit, regardless of when the application for a  
754 permit is made. If rules in effect at the time the permit

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755 application is filed cannot be met, residential lots platted and  
756 recorded or approved on or after January 1, 1972, shall, to the  
757 maximum extent possible, comply with the rules in effect at the  
758 time the permit application is filed. At a minimum, however,  
759 those residential lots platted and recorded or approved on or  
760 after January 1, 1972, but before January 1, 1983, shall comply  
761 with those rules in effect on January 1, 1983, and those  
762 residential lots platted and recorded or approved on or after  
763 January 1, 1983, shall comply with those rules in effect at the  
764 time of such platting and recording or approval. In determining  
765 the maximum extent of compliance with current rules that is  
766 possible, the department shall allow structures and  
767 appurtenances thereto which were authorized at the time such  
768 lots were platted and recorded or approved.

769 2. Lots platted before 1972 are subject to a 50-foot  
770 minimum surface water setback and are not subject to lot size  
771 requirements. The projected daily flow for onsite sewage  
772 treatment and disposal systems for lots platted before 1972 may  
773 not exceed:

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

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

778 (h)1. The department may grant variances in hardship cases  
779 which may be less restrictive than the provisions specified in  
780 this section. If a variance is granted and the onsite sewage  
781 treatment and disposal system construction permit has been  
782 issued, the variance may be transferred with the system  
783 construction permit, if the transferee files, within 60 days

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784 after the transfer of ownership, an amended construction permit  
785 application providing all corrected information and proof of  
786 ownership of the property and if the same variance would have  
787 been required for the new owner of the property as was  
788 originally granted to the original applicant for the variance. A  
789 fee is not associated with the processing of this supplemental  
790 information. A variance may not be granted under this section  
791 until the department is satisfied that:

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

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

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

801  
802 Where soil conditions, water table elevation, and setback  
803 provisions are determined by the department to be satisfactory,  
804 special consideration must be given to those lots platted before  
805 1972.

806 2. The department shall appoint and staff a variance review  
807 and advisory committee, which shall meet monthly to recommend  
808 agency action on variance requests. The committee shall make its  
809 recommendations on variance requests at the meeting in which the  
810 application is scheduled for consideration, except for an  
811 extraordinary change in circumstances, the receipt of new  
812 information that raises new issues, or when the applicant

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813 requests an extension. The committee shall consider the criteria  
814 in subparagraph 1. in its recommended agency action on variance  
815 requests and shall also strive to allow property owners the full  
816 use of their land where possible.

817 a. The committee is composed of the following:

818 (I) The Secretary of Environmental Protection or his or her  
819 designee.

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

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

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

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

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

830 (VII) A representative from the engineering profession  
831 recommended by the Florida Engineering Society.

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

837 3. The variance review and advisory committee is not  
838 responsible for reviewing water well permitting. However, the  
839 committee shall consider all requirements of law related to  
840 onsite sewage treatment and disposal systems when making  
841 recommendations on variance requests for onsite sewage treatment

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842 and disposal system permits.

843 (i) A construction permit may not be issued for an onsite  
844 sewage treatment and disposal system in any area zoned or used  
845 for industrial or manufacturing purposes, or its equivalent,  
846 where a publicly owned or investor-owned sewage treatment system  
847 is available, or where a likelihood exists that the system will  
848 receive toxic, hazardous, or industrial waste. An existing  
849 onsite sewage treatment and disposal system may be repaired if a  
850 publicly owned or investor-owned sewage treatment system is not  
851 available within 500 feet of the building sewer stub-out and if  
852 system construction and operation standards can be met. This  
853 paragraph does not require publicly owned or investor-owned  
854 sewage treatment systems to accept anything other than domestic  
855 wastewater.

856 1. A building located in an area zoned or used for  
857 industrial or manufacturing purposes, or its equivalent, when  
858 such building is served by an onsite sewage treatment and  
859 disposal system, must not be occupied until the owner or tenant  
860 has obtained written approval from the department. The  
861 department may not grant approval when the proposed use of the  
862 system is to dispose of toxic, hazardous, or industrial  
863 wastewater or toxic or hazardous chemicals.

864 2. Each person who owns or operates a business or facility  
865 in an area zoned or used for industrial or manufacturing  
866 purposes, or its equivalent, or who owns or operates a business  
867 that has the potential to generate toxic, hazardous, or  
868 industrial wastewater or toxic or hazardous chemicals, and uses  
869 an onsite sewage treatment and disposal system that is installed  
870 on or after July 5, 1989, must obtain an annual system operating

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871 permit from the department. A person who owns or operates a  
872 business that uses an onsite sewage treatment and disposal  
873 system that was installed and approved before July 5, 1989, does  
874 not need to obtain a system operating permit. However, upon  
875 change of ownership or tenancy, the new owner or operator must  
876 notify the department of the change, and the new owner or  
877 operator must obtain an annual system operating permit,  
878 regardless of the date that the system was installed or  
879 approved.

880 3. The department shall periodically review and evaluate  
881 the continued use of onsite sewage treatment and disposal  
882 systems in areas zoned or used for industrial or manufacturing  
883 purposes, or its equivalent, and may require the collection and  
884 analyses of samples from within and around such systems. If the  
885 department finds that toxic or hazardous chemicals or toxic,  
886 hazardous, or industrial wastewater have been or are being  
887 disposed of through an onsite sewage treatment and disposal  
888 system, the department shall initiate enforcement actions  
889 against the owner or tenant to ensure adequate cleanup,  
890 treatment, and disposal.

891 (j) An onsite sewage treatment and disposal system designed  
892 by a professional engineer registered in the state and certified  
893 by such engineer as complying with performance criteria adopted  
894 by the department must be approved by the department subject to  
895 the following:

896 1. The performance criteria applicable to engineer-designed  
897 systems must be limited to those necessary to ensure that such  
898 systems do not adversely affect the public health or  
899 significantly degrade the groundwater or surface water. Such

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900 performance criteria shall include consideration of the quality  
901 of system effluent, the proposed total sewage flow per acre,  
902 wastewater treatment capabilities of the natural or replaced  
903 soil, water quality classification of the potential surface-  
904 water-receiving body, and the structural and maintenance  
905 viability of the system for the treatment of domestic  
906 wastewater. However, performance criteria shall address only the  
907 performance of a system and not a system's design.

908       2. A person electing to use an engineer-designed system  
909 shall, upon completion of the system design, submit such design,  
910 certified by a registered professional engineer, to the county  
911 health department. The county health department may use an  
912 outside consultant to review the engineer-designed system, with  
913 the actual cost of such review to be borne by the applicant.  
914 Within 5 working days after receiving an engineer-designed  
915 system permit application, the county health department shall  
916 request additional information if the application is not  
917 complete. Within 15 working days after receiving a complete  
918 application for an engineer-designed system, the county health  
919 department shall issue the permit or, if it determines that the  
920 system does not comply with the performance criteria, shall  
921 notify the applicant of that determination and refer the  
922 application to the department for a determination as to whether  
923 the system should be approved, disapproved, or approved with  
924 modification. The department engineer's determination shall  
925 prevail over the action of the county health department. The  
926 applicant shall be notified in writing of the department's  
927 determination and of the applicant's rights to pursue a variance  
928 or seek review under the provisions of chapter 120.

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929           3. The owner of an engineer-designed performance-based  
930 system must maintain a current maintenance service agreement  
931 with a maintenance entity permitted by the department. The  
932 maintenance entity shall inspect each system at least twice each  
933 year and shall submit an inspection report to the department  
934 each time the system is inspected which states ~~report quarterly~~  
935 ~~to the department on~~ the number of systems inspected and  
936 serviced. The reports may be submitted electronically.

937           4. The property owner of an owner-occupied, single-family  
938 residence may be approved and permitted by the department as a  
939 maintenance entity for his or her own performance-based  
940 treatment system upon written certification from the system  
941 manufacturer's approved representative that the property owner  
942 has received training on the proper installation and service of  
943 the system. The maintenance service agreement must conspicuously  
944 disclose that the property owner has the right to maintain his  
945 or her own system and is exempt from contractor registration  
946 requirements for performing construction, maintenance, or  
947 repairs on the system but is subject to all permitting  
948 requirements.

949           5. ~~The property owner shall obtain a biennial system~~  
950 ~~operating permit from the department for each system.~~ The  
951 department may ~~shall~~ inspect the system at least annually, or on  
952 such periodic basis as the fee collected permits, and may  
953 collect system-effluent samples if appropriate to determine  
954 compliance with the performance criteria. The fee for the  
955 biennial operating permit must ~~shall~~ be collected beginning with  
956 the second year of system operation.

957           6. If an engineer-designed system fails to properly

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958 function or fails to meet performance standards, the system must  
959 ~~shall~~ be re-engineered, if necessary, to bring the system into  
960 compliance with the provisions of this section.

961 (k) An innovative system may be approved in conjunction  
962 with an engineer-designed site-specific system that is certified  
963 by the engineer to meet the performance-based criteria adopted  
964 by the department.

965 (l) For the Florida Keys, the department shall adopt a  
966 special rule for the construction, installation, modification,  
967 operation, repair, maintenance, and performance of onsite sewage  
968 treatment and disposal systems which considers the unique soil  
969 conditions and water table elevations, densities, and setback  
970 requirements. On lots where a setback distance of 75 feet from  
971 surface waters, saltmarsh, and buttonwood association habitat  
972 areas cannot be met, an injection well, approved and permitted  
973 by the department, may be used for disposal of effluent from  
974 onsite sewage treatment and disposal systems. The following  
975 additional requirements apply to onsite sewage treatment and  
976 disposal systems in Monroe County:

977 1. The county, each municipality, and those special  
978 districts established for the purpose of the collection,  
979 transmission, treatment, or disposal of sewage shall ensure, in  
980 accordance with the specific schedules adopted by the  
981 Administration Commission under s. 380.0552, the completion of  
982 onsite sewage treatment and disposal system upgrades to meet the  
983 requirements of this paragraph.

984 2. Onsite sewage treatment and disposal systems must cease  
985 discharge by December 31, 2015, or must comply with department  
986 rules and provide the level of treatment which, on a permitted

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987 annual average basis, produces an effluent that contains no more  
988 than the following concentrations:

- 989 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
990 b. Suspended Solids of 10 mg/l.  
991 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
992 reduction in nitrogen of at least 70 percent. A system that has  
993 been tested and certified to reduce nitrogen concentrations by  
994 at least 70 percent shall be deemed to be in compliance with  
995 this standard.  
996 d. Total Phosphorus, expressed as P, of 1 mg/l.

997  
998 In addition, onsite sewage treatment and disposal systems  
999 discharging to an injection well must provide basic disinfection  
1000 as defined by department rule.

1001 3. In areas not scheduled to be served by a central  
1002 sewerage system, onsite sewage treatment and disposal systems  
1003 must, by December 31, 2015, comply with department rules and  
1004 provide the level of treatment described in subparagraph 2.

1005 4. In areas scheduled to be served by a central sewerage  
1006 system by December 31, 2015, if the property owner has paid a  
1007 connection fee or assessment for connection to the central  
1008 sewerage system, the property owner may install a holding tank  
1009 with a high water alarm or an onsite sewage treatment and  
1010 disposal system that meets the following minimum standards:

1011 a. The existing tanks must be pumped and inspected and  
1012 certified as being watertight and free of defects in accordance  
1013 with department rule; and

1014 b. A sand-lined drainfield or injection well in accordance  
1015 with department rule must be installed.

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1016 5. Onsite sewage treatment and disposal systems must be  
1017 monitored for total nitrogen and total phosphorus concentrations  
1018 as required by department rule.

1019 6. The department shall enforce proper installation,  
1020 operation, and maintenance of onsite sewage treatment and  
1021 disposal systems pursuant to this chapter, including ensuring  
1022 that the appropriate level of treatment described in  
1023 subparagraph 2. is met.

1024 7. The authority of a local government, including a special  
1025 district, to mandate connection of an onsite sewage treatment  
1026 and disposal system is governed by s. 4, chapter 99-395, Laws of  
1027 Florida.

1028 8. Notwithstanding any other law, an onsite sewage  
1029 treatment and disposal system installed after July 1, 2010, in  
1030 unincorporated Monroe County, excluding special wastewater  
1031 districts, that complies with the standards in subparagraph 2.  
1032 is not required to connect to a central sewerage system until  
1033 December 31, 2020.

1034 (m) A product sold in the state for use in onsite sewage  
1035 treatment and disposal systems may not contain any substance in  
1036 concentrations or amounts that would interfere with or prevent  
1037 the successful operation of such system, or that would cause  
1038 discharges from such systems to violate applicable water quality  
1039 standards. The department shall publish criteria for products  
1040 known or expected to meet the conditions of this paragraph. If a  
1041 product does not meet such criteria, such product may be sold if  
1042 the manufacturer satisfactorily demonstrates to the department  
1043 that the conditions of this paragraph are met.

1044 (n) Evaluations for determining the seasonal high-water

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1045 table elevations or the suitability of soils for the use of a  
1046 new onsite sewage treatment and disposal system shall be  
1047 performed by department personnel, professional engineers  
1048 registered in the state, or such other persons with expertise,  
1049 as defined by rule, in making such evaluations. Evaluations for  
1050 determining mean annual flood lines shall be performed by those  
1051 persons identified in paragraph (2)(1). The department shall  
1052 accept evaluations submitted by professional engineers and such  
1053 other persons as meet the expertise established by this section  
1054 or by rule unless the department has a reasonable scientific  
1055 basis for questioning the accuracy or completeness of the  
1056 evaluation.

1057 (o) An application for an onsite sewage treatment and  
1058 disposal system permit shall be completed in full, signed by the  
1059 owner or the owner's authorized representative, or by a  
1060 contractor licensed under chapter 489, and shall be accompanied  
1061 by all required exhibits and fees. Specific documentation of  
1062 property ownership is not required as a prerequisite to the  
1063 review of an application or the issuance of a permit. The  
1064 issuance of a permit does not constitute determination by the  
1065 department of property ownership.

1066 (p) The department may not require any form of subdivision  
1067 analysis of property by an owner, developer, or subdivider  
1068 before submission of an application for an onsite sewage  
1069 treatment and disposal system.

1070 (q) This section does not limit the power of a municipality  
1071 or county to enforce other laws for the protection of the public  
1072 health and safety.

1073 (r) In the siting of onsite sewage treatment and disposal

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1074 systems, including drainfields, shoulders, and slopes, guttering  
1075 may not be required on single-family residential dwelling units  
1076 for systems located greater than 5 feet from the roof drip line  
1077 of the house. If guttering is used on residential dwelling  
1078 units, the downspouts shall be directed away from the  
1079 drainfield.

1080 (s) Notwithstanding subparagraph (g)1., onsite sewage  
1081 treatment and disposal systems located in floodways of the  
1082 Suwannee and Aucilla Rivers must adhere to the following  
1083 requirements:

1084 1. The absorption surface of the drainfield may not be  
1085 subject to flooding based on 10-year flood elevations. Provided,  
1086 however, for lots or parcels created by the subdivision of land  
1087 in accordance with applicable local government regulations  
1088 before January 17, 1990, if an applicant cannot construct a  
1089 drainfield system with the absorption surface of the drainfield  
1090 at an elevation equal to or above 10-year flood elevation, the  
1091 department shall issue a permit for an onsite sewage treatment  
1092 and disposal system within the 10-year floodplain of rivers,  
1093 streams, and other bodies of flowing water if all of the  
1094 following criteria are met:

1095 a. The lot is at least one-half acre in size;

1096 b. The bottom of the drainfield is at least 36 inches above  
1097 the 2-year flood elevation; and

1098 c. The applicant installs a waterless, incinerating, or  
1099 organic waste composting toilet and a graywater system and  
1100 drainfield in accordance with department rules; an aerobic  
1101 treatment unit and drainfield in accordance with department  
1102 rules; a system that is capable of reducing effluent nitrate by

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1103 at least 50 percent in accordance with department rules; or a  
1104 system other than a system using alternative drainfield  
1105 materials in accordance with department rules. The United States  
1106 Department of Agriculture Soil Conservation Service soil maps,  
1107 State of Florida Water Management District data, and Federal  
1108 Emergency Management Agency Flood Insurance maps are resources  
1109 that shall be used to identify flood-prone areas.

1110 2. The use of fill or mounding to elevate a drainfield  
1111 system out of the 10-year floodplain of rivers, streams, or  
1112 other bodies of flowing water may not be permitted if such a  
1113 system lies within a regulatory floodway of the Suwannee and  
1114 Aucilla Rivers. In cases where the 10-year flood elevation does  
1115 not coincide with the boundaries of the regulatory floodway, the  
1116 regulatory floodway will be considered for the purposes of this  
1117 subsection to extend at a minimum to the 10-year flood  
1118 elevation.

1119 (t)1. The owner of an aerobic treatment unit system shall  
1120 maintain a current maintenance service agreement with an aerobic  
1121 treatment unit maintenance entity permitted by the department.  
1122 The maintenance entity shall inspect each aerobic treatment unit  
1123 system at least twice each year and shall submit an inspection  
1124 report to the department each time the system is inspected  
1125 stating ~~report quarterly to the department on~~ the number of  
1126 aerobic treatment unit systems inspected and serviced. The  
1127 reports may be submitted electronically.

1128 2. The property owner of an owner-occupied, single-family  
1129 residence may be approved and permitted by the department as a  
1130 maintenance entity for his or her own aerobic treatment unit  
1131 system upon written certification from the system manufacturer's

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1132 approved representative that the property owner has received  
1133 training on the proper installation and service of the system.  
1134 The maintenance entity service agreement must conspicuously  
1135 disclose that the property owner has the right to maintain his  
1136 or her own system and is exempt from contractor registration  
1137 requirements for performing construction, maintenance, or  
1138 repairs on the system but is subject to all permitting  
1139 requirements.

1140         3. A septic tank contractor licensed under part III of  
1141 chapter 489, if approved by the manufacturer, may not be denied  
1142 access by the manufacturer to aerobic treatment unit system  
1143 training or spare parts for maintenance entities. After the  
1144 original warranty period, component parts for an aerobic  
1145 treatment unit system may be replaced with parts that meet  
1146 manufacturer's specifications but are manufactured by others.  
1147 The maintenance entity shall maintain documentation of the  
1148 substitute part's equivalency for 2 years and shall provide such  
1149 documentation to the department upon request.

1150         4. The owner of an aerobic treatment unit system shall  
1151 obtain a system operating permit from the department and allow  
1152 the department to inspect during reasonable hours each aerobic  
1153 treatment unit system at least annually, and such inspection may  
1154 include collection and analysis of system-effluent samples for  
1155 performance criteria established by rule of the department.

1156         (u) The department may require the submission of detailed  
1157 system construction plans that are prepared by a professional  
1158 engineer registered in this state. The department shall  
1159 establish by rule criteria for determining when such a  
1160 submission is required.

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1161 (v) Any permit issued and approved by the department for  
1162 the installation, modification, or repair of an onsite sewage  
1163 treatment and disposal system shall transfer with the title to  
1164 the property in a real estate transaction. A title may not be  
1165 encumbered at the time of transfer by new permit requirements by  
1166 a governmental entity for an onsite sewage treatment and  
1167 disposal system which differ from the permitting requirements in  
1168 effect at the time the system was permitted, modified, or  
1169 repaired. An inspection of a system may not be mandated by a  
1170 governmental entity at the point of sale in a real estate  
1171 transaction. This paragraph does not affect a septic tank phase-  
1172 out deferral program implemented by a consolidated government as  
1173 defined in s. 9, Art. VIII of the State Constitution of 1885.

1174 (w) A governmental entity, including a municipality,  
1175 county, or statutorily created commission, may not require an  
1176 engineer-designed performance-based treatment system, excluding  
1177 a passive engineer-designed performance-based treatment system,  
1178 before the completion of the Florida Onsite Sewage Nitrogen  
1179 Reduction Strategies Project. This paragraph does not apply to a  
1180 governmental entity, including a municipality, county, or  
1181 statutorily created commission, which adopted a local law,  
1182 ordinance, or regulation on or before January 31, 2012.

1183 Notwithstanding this paragraph, an engineer-designed  
1184 performance-based treatment system may be used to meet the  
1185 requirements of the variance review and advisory committee  
1186 recommendations.

1187 (x)1. An onsite sewage treatment and disposal system is not  
1188 considered abandoned if the system is disconnected from a  
1189 structure that was made unusable or destroyed following a

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1190 disaster and if the system was properly functioning at the time  
1191 of disconnection and was not adversely affected by the disaster.  
1192 The onsite sewage treatment and disposal system may be  
1193 reconnected to a rebuilt structure if:

1194       a. The reconnection of the system is to the same type of  
1195 structure which contains the same number of bedrooms or fewer,  
1196 if the square footage of the structure is less than or equal to  
1197 110 percent of the original square footage of the structure that  
1198 existed before the disaster;

1199       b. The system is not a sanitary nuisance; and

1200       c. The system has not been altered without prior  
1201 authorization.

1202       2. An onsite sewage treatment and disposal system that  
1203 serves a property that is foreclosed upon is not considered  
1204 abandoned.

1205       (y) If an onsite sewage treatment and disposal system  
1206 permittee receives, relies upon, and undertakes construction of  
1207 a system based upon a validly issued construction permit under  
1208 rules applicable at the time of construction but a change to a  
1209 rule occurs within 5 years after the approval of the system for  
1210 construction but before the final approval of the system, the  
1211 rules applicable and in effect at the time of construction  
1212 approval apply at the time of final approval if fundamental site  
1213 conditions have not changed between the time of construction  
1214 approval and final approval.

1215       (z) An existing-system inspection or evaluation and  
1216 assessment, or a modification, replacement, or upgrade of an  
1217 onsite sewage treatment and disposal system is not required for  
1218 a remodeling addition or modification to a single-family home if

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1219 a bedroom is not added. However, a remodeling addition or  
1220 modification to a single-family home may not cover any part of  
1221 the existing system or encroach upon a required setback or the  
1222 unobstructed area. To determine if a setback or the unobstructed  
1223 area is impacted, the local health department shall review and  
1224 verify a floor plan and site plan of the proposed remodeling  
1225 addition or modification to the home submitted by a remodeler  
1226 which shows the location of the system, including the distance  
1227 of the remodeling addition or modification to the home from the  
1228 onsite sewage treatment and disposal system. The local health  
1229 department may visit the site or otherwise determine the best  
1230 means of verifying the information submitted. A verification of  
1231 the location of a system is not an inspection or evaluation and  
1232 assessment of the system. The review and verification must be  
1233 completed within 7 business days after receipt by the local  
1234 health department of a floor plan and site plan. If the review  
1235 and verification is not completed within such time, the  
1236 remodeling addition or modification to the single-family home,  
1237 for the purposes of this paragraph, is approved.

1238 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE  
1239 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a  
1240 total maximum daily load, the department shall implement a fast-  
1241 track approval process of no longer than 6 months for the  
1242 determination of the use of American National Standards  
1243 Institute 245 systems approved by NSF International before July  
1244 1, 2020. The department shall also establish an enhanced  
1245 nutrient-reducing onsite sewage treatment and disposal system  
1246 approval program that will expeditiously evaluate and approve  
1247 such systems for use in this state to comply with ss.

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1248 403.067(7)(a)10. and 373.469(3)(d).

1249 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may  
1250 contract with or delegate its powers and duties under this  
1251 section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

1252 Section 16. Paragraph (c) of subsection (6) and paragraph  
1253 (a) of subsection (7) of section 403.067, Florida Statutes, are  
1254 amended to read:

1255 403.067 Establishment and implementation of total maximum  
1256 daily loads.—

1257 (6) CALCULATION AND ALLOCATION.—

1258 (c) Adoption of rules. The total maximum daily load  
1259 calculations and allocations established under this subsection  
1260 for each water body or water body segment shall be adopted by  
1261 rule by the secretary pursuant to ss. 120.536(1), 120.54, and  
1262 403.805. Where additional data collection and analysis are  
1263 needed to increase the scientific precision and accuracy of the  
1264 total maximum daily load, the department is authorized to adopt  
1265 phased total maximum daily loads that are subject to change as  
1266 additional data becomes available. Where phased total maximum  
1267 daily loads are proposed, the department shall, in the detailed  
1268 statement of facts and circumstances justifying the rule,  
1269 explain why the data are inadequate so as to justify a phased  
1270 total maximum daily load. The rules adopted pursuant to this  
1271 paragraph are not ~~subject to approval by the Environmental~~  
1272 ~~Regulation Commission and are not subject to the provisions of~~  
1273 s. 120.541(3). As part of the rule development process, the  
1274 department shall hold at least one public workshop in the  
1275 vicinity of the water body or water body segment for which the  
1276 total maximum daily load is being developed. Notice of the

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1277 public workshop shall be published not less than 5 days nor more  
1278 than 15 days before the public workshop in a newspaper of  
1279 general circulation in the county or counties containing the  
1280 water bodies or water body segments for which the total maximum  
1281 daily load calculation and allocation are being developed.

1282 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
1283 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1284 (a) *Basin management action plans.*—

1285 1. In developing and implementing the total maximum daily  
1286 load for a waterbody, the department, or the department in  
1287 conjunction with a water management district, may develop a  
1288 basin management action plan that addresses some or all of the  
1289 watersheds and basins tributary to the waterbody. Such plan must  
1290 integrate the appropriate management strategies available to the  
1291 state through existing water quality protection programs to  
1292 achieve the total maximum daily loads and may provide for phased  
1293 implementation of these management strategies to promote timely,  
1294 cost-effective actions as provided for in s. 403.151. The plan  
1295 must establish a schedule implementing the management  
1296 strategies, establish a basis for evaluating the plan's  
1297 effectiveness, and identify feasible funding strategies for  
1298 implementing the plan's management strategies. The management  
1299 strategies may include regional treatment systems or other  
1300 public works, when appropriate, and voluntary trading of water  
1301 quality credits to achieve the needed pollutant load reductions.

1302 2. A basin management action plan must equitably allocate,  
1303 pursuant to paragraph (6) (b), pollutant reductions to individual  
1304 basins, as a whole to all basins, or to each identified point  
1305 source or category of nonpoint sources, as appropriate. For

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1306 nonpoint sources for which best management practices have been  
1307 adopted, the initial requirement specified by the plan must be  
1308 those practices developed pursuant to paragraph (c). When  
1309 appropriate, the plan may take into account the benefits of  
1310 pollutant load reduction achieved by point or nonpoint sources  
1311 that have implemented management strategies to reduce pollutant  
1312 loads, including best management practices, before the  
1313 development of the basin management action plan. The plan must  
1314 also identify the mechanisms that will address potential future  
1315 increases in pollutant loading.

1316         3. The basin management action planning process is intended  
1317 to involve the broadest possible range of interested parties,  
1318 with the objective of encouraging the greatest amount of  
1319 cooperation and consensus possible. In developing a basin  
1320 management action plan, the department shall assure that key  
1321 stakeholders, including, but not limited to, applicable local  
1322 governments, water management districts, the Department of  
1323 Agriculture and Consumer Services, other appropriate state  
1324 agencies, local soil and water conservation districts,  
1325 environmental groups, regulated interests, and affected  
1326 pollution sources, are invited to participate in the process.  
1327 The department shall hold at least one public meeting in the  
1328 vicinity of the watershed or basin to discuss and receive  
1329 comments during the planning process and shall otherwise  
1330 encourage public participation to the greatest practicable  
1331 extent. Notice of the public meeting must be published in a  
1332 newspaper of general circulation in each county in which the  
1333 watershed or basin lies at least 5 days, but not more than 15  
1334 days, before the public meeting. A basin management action plan

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1335 does not supplant or otherwise alter any assessment made under  
1336 subsection (3) or subsection (4) or any calculation or initial  
1337 allocation.

1338 4. Each new or revised basin management action plan must  
1339 include all of the following:

1340 a. The appropriate management strategies available through  
1341 existing water quality protection programs to achieve total  
1342 maximum daily loads, which may provide for phased implementation  
1343 to promote timely, cost-effective actions as provided for in s.  
1344 403.151.

1345 b. A description of best management practices adopted by  
1346 rule.

1347 c. For the applicable 5-year implementation milestone, a  
1348 list of projects that will achieve the pollutant load reductions  
1349 needed to meet the total maximum daily load or the load  
1350 allocations established pursuant to subsection (6). Each project  
1351 must include a planning-level cost estimate and an estimated  
1352 date of completion.

1353 d. A list of projects developed pursuant to paragraph (e),  
1354 if applicable.

1355 e. The source and amount of financial assistance to be made  
1356 available by the department, a water management district, or  
1357 other entity for each listed project, if applicable.

1358 f. A planning-level estimate of each listed project's  
1359 expected load reduction, if applicable.

1360 5. The department shall adopt all or any part of a basin  
1361 management action plan and any amendment to such plan by  
1362 secretarial order pursuant to chapter 120 to implement this  
1363 section. A basin management action plan and any amendment to

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1364 such plan shall become effective 60 days after the date the  
1365 secretarial order is filed.

1366 6. The basin management action plan must include 5-year  
1367 milestones for implementation and water quality improvement, and  
1368 an associated water quality monitoring component sufficient to  
1369 evaluate whether reasonable progress in pollutant load  
1370 reductions is being achieved over time. An assessment of  
1371 progress toward these milestones shall be conducted every 5  
1372 years, and revisions to the plan shall be made as appropriate.  
1373 Any entity with a specific pollutant load reduction requirement  
1374 established in a basin management action plan shall identify the  
1375 projects or strategies that such entity will undertake to meet  
1376 current 5-year pollution reduction milestones, beginning with  
1377 the first 5-year milestone for new basin management action  
1378 plans, and submit such projects to the department for inclusion  
1379 in the appropriate basin management action plan. Each project  
1380 identified must include an estimated amount of nutrient  
1381 reduction that is reasonably expected to be achieved based on  
1382 the best scientific information available. Revisions to the  
1383 basin management action plan shall be made by the department in  
1384 cooperation with basin stakeholders. Revisions to the management  
1385 strategies required for nonpoint sources must follow the  
1386 procedures in subparagraph (c)4. Revised basin management action  
1387 plans must be adopted pursuant to subparagraph 5.

1388 7. In accordance with procedures adopted by rule under  
1389 paragraph (9)(c), basin management action plans, and other  
1390 pollution control programs under local, state, or federal  
1391 authority as provided in subsection (4), may allow point or  
1392 nonpoint sources that will achieve greater pollutant reductions

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1393 than required by an adopted total maximum daily load or  
1394 wasteload allocation to generate, register, and trade water  
1395 quality credits for the excess reductions to enable other  
1396 sources to achieve their allocation; however, the generation of  
1397 water quality credits does not remove the obligation of a source  
1398 or activity to meet applicable technology requirements or  
1399 adopted best management practices. Such plans must allow trading  
1400 between NPDES permittees, and trading that may or may not  
1401 involve NPDES permittees, where the generation or use of the  
1402 credits involve an entity or activity not subject to department  
1403 water discharge permits whose owner voluntarily elects to obtain  
1404 department authorization for the generation and sale of credits.

1405 8. The department's rule relating to the equitable  
1406 abatement of pollutants into surface waters do not apply to  
1407 water bodies or waterbody segments for which a basin management  
1408 plan that takes into account future new or expanded activities  
1409 or discharges has been adopted under this section.

1410 9. In order to promote resilient wastewater utilities, if  
1411 the department identifies domestic wastewater treatment  
1412 facilities or onsite sewage treatment and disposal systems as  
1413 contributors of at least 20 percent of point source or nonpoint  
1414 source nutrient pollution or if the department determines  
1415 remediation is necessary to achieve the total maximum daily  
1416 load, a basin management action plan for a nutrient total  
1417 maximum daily load must include the following:

1418 a. A domestic wastewater treatment plan developed by each  
1419 local government, in cooperation with the department, the water  
1420 management district, and the public and private domestic  
1421 wastewater treatment facilities providing services or located

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1422 within the jurisdiction of the local government, which addresses  
1423 domestic wastewater. Private domestic wastewater facilities and  
1424 special districts providing domestic wastewater services must  
1425 provide the required wastewater facility information to the  
1426 applicable local governments. The domestic wastewater treatment  
1427 plan must:

1428 (I) Provide for construction, expansion, or upgrades  
1429 necessary to achieve the total maximum daily load requirements  
1430 applicable to the domestic wastewater treatment facility.

1431 (II) Include the permitted capacity in average annual  
1432 gallons per day for the domestic wastewater treatment facility;  
1433 the average nutrient concentration and the estimated average  
1434 nutrient load of the domestic wastewater; a projected timeline  
1435 of the dates by which the construction of any facility  
1436 improvements will begin and be completed and the date by which  
1437 operations of the improved facility will begin; the estimated  
1438 cost of the improvements; and the identity of responsible  
1439 parties.

1440

1441 The domestic wastewater treatment plan must be adopted as part  
1442 of the basin management action plan no later than July 1, 2025.  
1443 A local government that does not have a domestic wastewater  
1444 treatment facility in its jurisdiction is not required to  
1445 develop a domestic wastewater treatment plan unless there is a  
1446 demonstrated need to establish a domestic wastewater treatment  
1447 facility within its jurisdiction to improve water quality  
1448 necessary to achieve a total maximum daily load. A local  
1449 government is not responsible for a private domestic wastewater  
1450 facility's compliance with a basin management action plan unless

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1451 such facility is operated through a public-private partnership  
1452 to which the local government is a party.

1453       b. An onsite sewage treatment and disposal system  
1454 remediation plan developed by each local government in  
1455 cooperation with the department, the Department of Health, water  
1456 management districts, and public and private domestic wastewater  
1457 treatment facilities.

1458       (I) The onsite sewage treatment and disposal system  
1459 remediation plan must identify cost-effective and financially  
1460 feasible projects necessary to achieve the nutrient load  
1461 reductions required for onsite sewage treatment and disposal  
1462 systems. To identify cost-effective and financially feasible  
1463 projects for remediation of onsite sewage treatment and disposal  
1464 systems, the local government shall:

1465       (A) Include an inventory of onsite sewage treatment and  
1466 disposal systems based on the best information available;

1467       (B) Identify onsite sewage treatment and disposal systems  
1468 that would be eliminated through connection to existing or  
1469 future central domestic wastewater infrastructure in the  
1470 jurisdiction or domestic wastewater service area of the local  
1471 government, that would be replaced with or upgraded to enhanced  
1472 nutrient-reducing onsite sewage treatment and disposal systems,  
1473 or that would remain on conventional onsite sewage treatment and  
1474 disposal systems;

1475       (C) Estimate the costs of potential onsite sewage treatment  
1476 and disposal system connections, upgrades, or replacements; and

1477       (D) Identify deadlines and interim milestones for the  
1478 planning, design, and construction of projects.

1479       (II) The department shall adopt the onsite sewage treatment

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1480 and disposal system remediation plan as part of the basin  
1481 management action plan no later than July 1, 2025, or as  
1482 required for Outstanding Florida Springs under s. 373.807.

1483 10. The following activities are prohibited within a basin  
1484 management action plan adopted under this section, a reasonable  
1485 assurance plan, or a pollution reduction plan:

1486 a. The installation of new onsite sewage treatment and  
1487 disposal systems constructed within a basin management action  
1488 plan area adopted under this section, a reasonable assurance  
1489 plan, or a pollution reduction plan is prohibited where  
1490 connection to a publicly owned or investor-owned sewerage system  
1491 is available as defined in s. 381.0065(2) (a). On lots of 1 acre  
1492 or less ~~within a basin management action plan adopted under this~~  
1493 ~~section, a reasonable assurance plan, or a pollution reduction~~  
1494 ~~plan~~ where a publicly owned or investor-owned sewerage system is  
1495 not available, the installation of enhanced nutrient-reducing  
1496 onsite sewage treatment and disposal systems, distributed  
1497 wastewater treatment systems as defined in s. 403.814(13), or  
1498 other wastewater treatment systems that achieve at least 65  
1499 percent nitrogen reduction is required.

1500 b. The construction or installation of new domestic  
1501 wastewater disposal facilities, including rapid infiltration  
1502 basins, with permitted capacities of 100,000 or more gallons per  
1503 day, except for those facilities that meet an advanced  
1504 wastewater treatment standard of no more than 3 mg/l total  
1505 nitrogen and 1 mg/l total phosphorus on an annual permitted  
1506 basis, or a more stringent treatment standard if the department  
1507 determines the more stringent standard is necessary to attain a  
1508 total maximum daily load.

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1509 c. The construction or installation of new facilities for  
1510 the disposal of hazardous waste.

1511 11. When identifying wastewater projects in a basin  
1512 management action plan, the department may not require the  
1513 higher cost option if it achieves the same nutrient load  
1514 reduction as a lower cost option. A regulated entity may choose  
1515 a different cost option if it complies with the pollutant  
1516 reduction requirements of an adopted total maximum daily load  
1517 and meets or exceeds the pollution reduction requirement of the  
1518 original project.

1519 12. Annually, local governments subject to a basin  
1520 management action plan or located within the basin of a  
1521 waterbody not attaining nutrient or nutrient-related standards  
1522 must provide to the department an update on the status of  
1523 construction of sanitary sewers to serve such areas, in a manner  
1524 prescribed by the department.

1525 Section 17. Paragraph (e) of subsection (1) of section  
1526 403.0671, Florida Statutes, is amended to read:

1527 403.0671 Basin management action plan wastewater reports.—

1528 (1) By July 1, 2021, the department, in coordination with  
1529 the county health departments, wastewater treatment facilities,  
1530 and other governmental entities, shall submit a report to the  
1531 Governor, the President of the Senate, and the Speaker of the  
1532 House of Representatives evaluating the costs of wastewater  
1533 projects identified in the basin management action plans  
1534 developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
1535 sewage treatment and disposal system remediation plans and other  
1536 restoration plans developed to meet the total maximum daily  
1537 loads required under s. 403.067. The report must include all of

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1538 the following:

1539 (e) The projected costs of installing enhanced nutrient-  
1540 reducing onsite sewage treatment and disposal systems on  
1541 buildable lots in priority focus areas ~~to comply with s.~~  
1542 ~~373.811.~~

1543 Section 18. Subsection (11) of section 403.0872, Florida  
1544 Statutes, is amended to read:

1545 403.0872 Operation permits for major sources of air  
1546 pollution; annual operation license fee.—Provided that program  
1547 approval pursuant to 42 U.S.C. s. 7661a has been received from  
1548 the United States Environmental Protection Agency, beginning  
1549 January 2, 1995, each major source of air pollution, including  
1550 electrical power plants certified under s. 403.511, must obtain  
1551 from the department an operation permit for a major source of  
1552 air pollution under this section. This operation permit is the  
1553 only department operation permit for a major source of air  
1554 pollution required for such source; provided, at the applicant's  
1555 request, the department shall issue a separate acid rain permit  
1556 for a major source of air pollution that is an affected source  
1557 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
1558 for major sources of air pollution, except general permits  
1559 issued pursuant to s. 403.814, must be issued in accordance with  
1560 the procedures contained in this section and in accordance with  
1561 chapter 120; however, to the extent that chapter 120 is  
1562 inconsistent with this section, the procedures contained in this  
1563 section prevail.

1564 (11) Each major source of air pollution permitted to  
1565 operate in this state must pay by June 30 ~~between January 15 and~~  
1566 ~~April 1~~ of each year, upon written notice from the department,

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1567 an annual operation license fee in an amount determined by  
1568 department rule. The annual operation license fee shall be  
1569 terminated immediately in the event the United States  
1570 Environmental Protection Agency imposes annual fees solely to  
1571 implement and administer the major source air-operation permit  
1572 program in Florida under 40 C.F.R. s. 70.10(d).

1573 (a) The annual fee must be assessed based upon the source's  
1574 previous year's emissions and must be calculated by multiplying  
1575 the applicable annual operation license fee factor times the  
1576 tons of each regulated air pollutant actually emitted, as  
1577 calculated in accordance with the department's emissions  
1578 computation and reporting rules. The annual fee shall only apply  
1579 to those regulated pollutants, except carbon monoxide and  
1580 greenhouse gases, for which an allowable numeric emission  
1581 limiting standard is specified in the source's most recent  
1582 construction or operation permit; provided, however, that:

1583 1. The license fee factor is \$25 or another amount  
1584 determined by department rule which ensures that the revenue  
1585 provided by each year's operation license fees is sufficient to  
1586 cover all reasonable direct and indirect costs of the major  
1587 stationary source air-operation permit program established by  
1588 this section. The license fee factor may be increased beyond \$25  
1589 only if the secretary of the department affirmatively finds that  
1590 a shortage of revenue for support of the major stationary source  
1591 air-operation permit program will occur in the absence of a fee  
1592 factor adjustment. The annual license fee factor may never  
1593 exceed \$35.

1594 2. The amount of each regulated air pollutant in excess of  
1595 4,000 tons per year emitted by any source, or group of sources

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1596 belonging to the same Major Group as described in the Standard  
1597 Industrial Classification Manual, 1987, may not be included in  
1598 the calculation of the fee. Any source, or group of sources,  
1599 which does not emit any regulated air pollutant in excess of  
1600 4,000 tons per year, is allowed a one-time credit not to exceed  
1601 25 percent of the first annual licensing fee for the prorated  
1602 portion of existing air-operation permit application fees  
1603 remaining upon commencement of the annual licensing fees.

1604 3. If the department has not received the fee ~~by March 1 of~~  
1605 ~~the calendar year, the permittee must be sent a written warning~~  
1606 ~~of the consequences for failing to pay the fee by April 1. If~~  
1607 ~~the fee is not postmarked by June 30 April 1~~ of the calendar  
1608 year, the department shall impose, in addition to the fee, a  
1609 penalty of 50 percent of the amount of the fee, plus interest on  
1610 such amount computed in accordance with s. 220.807. The  
1611 department may not impose such penalty or interest on any amount  
1612 underpaid, provided that the permittee has timely remitted  
1613 payment of at least 90 percent of the amount determined to be  
1614 due and remits full payment within 60 days after receipt of  
1615 notice of the amount underpaid. The department may waive the  
1616 collection of underpayment and may not be required to refund  
1617 overpayment of the fee, if the amount due is less than 1 percent  
1618 of the fee, up to \$50. The department may revoke any major air  
1619 pollution source operation permit if it finds that the  
1620 permitholder has failed to timely pay any required annual  
1621 operation license fee, penalty, or interest.

1622 4. Notwithstanding the computational provisions of this  
1623 subsection, the annual operation license fee for any source  
1624 subject to this section may not be less than \$250, except that

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1625 the annual operation license fee for sources permitted solely  
1626 through general permits issued under s. 403.814 may not exceed  
1627 \$50 per year.

1628 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes  
1629 air pollution construction permit fees, the department may not  
1630 require such fees for changes or additions to a major source of  
1631 air pollution permitted pursuant to this section, unless the  
1632 activity triggers permitting requirements under Title I, Part C  
1633 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-  
1634 7514a. ~~Costs to issue and administer such permits shall be~~  
1635 ~~considered direct and indirect costs of the major stationary~~  
1636 ~~source air-operation permit program under s. 403.0873.~~ The  
1637 department shall, however, require fees pursuant to s.  
1638 403.087(7)(a)5.a. for the construction of a new major source of  
1639 air pollution that will be subject to the permitting  
1640 requirements of this section once constructed and for activities  
1641 triggering permitting requirements under Title I, Part C or Part  
1642 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

1643 (b) Annual operation license fees collected by the  
1644 department must be sufficient to cover all reasonable direct and  
1645 indirect costs required to develop and administer the major  
1646 stationary source air-operation permit program, which shall  
1647 consist of the following elements to the extent that they are  
1648 reasonably related to the regulation of major stationary air  
1649 pollution sources, in accordance with United States  
1650 Environmental Protection Agency regulations and guidelines:

- 1651 1. Reviewing and acting upon any application for such a  
1652 permit.
- 1653 2. Implementing and enforcing the terms and conditions of

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1654 any such permit, excluding court costs or other costs associated  
1655 with any enforcement action.

1656 3. Emissions and ambient monitoring.

1657 4. Preparing generally applicable regulations or guidance.

1658 5. Modeling, analyses, and demonstrations.

1659 6. Preparing inventories and tracking emissions.

1660 7. Implementing the Small Business Stationary Source  
1661 Technical and Environmental Compliance Assistance Program.

1662 8. Any audits conducted under paragraph (c).

1663 (c) An audit of the major stationary source air-operation  
1664 permit program must be conducted 2 years after the United States  
1665 Environmental Protection Agency has given full approval of the  
1666 program to ascertain whether the annual operation license fees  
1667 collected by the department are used solely to support any  
1668 reasonable direct and indirect costs as listed in paragraph (b).  
1669 A program audit must be performed biennially after the first  
1670 audit.

1671 Section 19. Paragraphs (a) and (b) of subsection (3) of  
1672 section 403.1838, Florida Statutes, are amended to read:

1673 403.1838 Small Community Sewer Construction Assistance  
1674 Act.—

1675 (3) (a) In accordance with rules adopted by the department  
1676 ~~Environmental Regulation Commission under this section~~, the  
1677 department may provide grants, from funds specifically  
1678 appropriated for this purpose, to financially disadvantaged  
1679 small communities for up to 100 percent of the costs of  
1680 planning, designing, constructing, upgrading, or replacing  
1681 wastewater collection, transmission, treatment, disposal, and  
1682 reuse facilities, including necessary legal and administrative

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1683 expenses.

1684 (b) The rules of the department ~~Environmental Regulation~~  
1685 ~~Commission~~ must:

1686 1. Require that projects to plan, design, construct,  
1687 upgrade, or replace wastewater collection, transmission,  
1688 treatment, disposal, and reuse facilities be cost-effective,  
1689 environmentally sound, permittable, and implementable.

1690 2. Require appropriate user charges, connection fees, and  
1691 other charges sufficient to ensure the long-term operation,  
1692 maintenance, and replacement of the facilities constructed under  
1693 each grant.

1694 3. Require grant applications to be submitted on  
1695 appropriate forms with appropriate supporting documentation, and  
1696 require records to be maintained.

1697 4. Establish a system to determine eligibility of grant  
1698 applications.

1699 5. Establish a system to determine the relative priority of  
1700 grant applications. The system must consider public health  
1701 protection and water pollution prevention or abatement and must  
1702 prioritize projects that plan for the installation of wastewater  
1703 transmission facilities to be constructed concurrently with  
1704 other construction projects occurring within or along a  
1705 transportation facility right-of-way.

1706 6. Establish requirements for competitive procurement of  
1707 engineering and construction services, materials, and equipment.

1708 7. Provide for termination of grants when program  
1709 requirements are not met.

1710 Section 20. Section 403.804, Florida Statutes, is repealed.

1711 Section 21. Subsection (6) of section 403.892, Florida

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1712 Statutes, is amended to read:

1713 403.892 Incentives for the use of graywater technologies.—

1714 (6) This section does not apply to multifamily projects  
1715 with a building height greater than the maximum height allowed  
1716 under s. 125.01055 or s. 166.04151 ~~more than five stories in~~  
1717 ~~height~~. Whether a dwelling is occupied by an owner is not an  
1718 eligibility criterion for a developer or homebuilder to receive  
1719 the incentives authorized under this section.

1720 Section 22. Subsection (6) of section 120.81, Florida  
1721 Statutes, is amended to read:

1722 120.81 Exceptions and special requirements; general areas.—

1723 (6) RISK IMPACT STATEMENT.—The Department of Environmental  
1724 Protection shall prepare a risk impact statement for any rule  
1725 that is proposed for adoption which ~~approval by the~~  
1726 ~~Environmental Regulation Commission and that~~ establishes or  
1727 changes standards or criteria based on impacts to or effects  
1728 upon human health. The Department of Agriculture and Consumer  
1729 Services shall prepare a risk impact statement for any rule that  
1730 is proposed for adoption that establishes standards or criteria  
1731 based on impacts to or effects upon human health.

1732 (a) This subsection does not apply to rules adopted  
1733 pursuant to federally delegated or mandated programs where such  
1734 rules are identical or substantially identical to the federal  
1735 regulations or laws being adopted or implemented by the  
1736 Department of Environmental Protection or Department of  
1737 Agriculture and Consumer Services, as applicable. However, the  
1738 Department of Environmental Protection and the Department of  
1739 Agriculture and Consumer Services shall identify any risk  
1740 analysis information available to them from the Federal

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1741 Government that has formed the basis of such a rule.

1742 (b) This subsection does not apply to emergency rules  
1743 adopted pursuant to this chapter.

1744 (c) The Department of Environmental Protection and the  
1745 Department of Agriculture and Consumer Services shall prepare  
1746 and publish notice of the availability of a clear and concise  
1747 risk impact statement for all applicable rules. The risk impact  
1748 statement must explain the risk to the public health addressed  
1749 by the rule and shall identify and summarize the source of the  
1750 scientific information used in evaluating that risk.

1751 (d) Nothing in this subsection shall be construed to create  
1752 a new cause of action or basis for challenging a rule nor  
1753 diminish any existing cause of action or basis for challenging a  
1754 rule.

1755 Section 23. Subsection (1) of section 373.421, Florida  
1756 Statutes, is amended, and paragraph (b) of subsection (7) of  
1757 that section is reenacted, to read:

1758 373.421 Delineation methods; formal determinations.—

1759 (1) The department's ~~Environmental Regulation Commission~~  
1760 ~~shall adopt a~~ unified statewide methodology for the delineation  
1761 of the extent of wetlands as defined in s. 373.019(27). ~~This~~  
1762 ~~methodology~~ shall consider regional differences in the types of  
1763 soils and vegetation that may serve as indicators of the extent  
1764 of wetlands. This methodology shall also include provisions for  
1765 determining the extent of surface waters other than wetlands for  
1766 the purposes of regulation under s. 373.414. This methodology  
1767 shall not become effective until ratified by the Legislature.  
1768 Subsequent to legislative ratification, the wetland definition  
1769 in s. 373.019(27) and the adopted wetland methodology shall be

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1770 binding on the department, the water management districts, local  
1771 governments, and any other governmental entities. Upon  
1772 ratification of such wetland methodology, the Legislature  
1773 preempts the authority of any water management district, state  
1774 or regional agency, or local government to define wetlands or  
1775 develop a delineation methodology to implement the definition  
1776 and determines that the exclusive definition and delineation  
1777 methodology for wetlands shall be that established pursuant to  
1778 s. 373.019(27) and this section. Upon such legislative  
1779 ratification, any existing wetlands definition or wetland  
1780 delineation methodology shall be superseded by the wetland  
1781 definition and delineation methodology established pursuant to  
1782 this chapter. Subsequent to legislative ratification, a  
1783 delineation of the extent of a surface water or wetland by the  
1784 department or a water management district, pursuant to a formal  
1785 determination under subsection (2), or pursuant to a permit  
1786 issued under this part in which the delineation was field-  
1787 verified by the permitting agency and specifically approved in  
1788 the permit, shall be binding on all other governmental entities  
1789 for the duration of the formal determination or permit. All  
1790 existing rules and methodologies of the department, the water  
1791 management districts, and local governments, regarding surface  
1792 water or wetland definition and delineation shall remain in full  
1793 force and effect until the common methodology rule becomes  
1794 effective. However, this shall not be construed to limit any  
1795 power of the department, the water management districts, and  
1796 local governments to amend or adopt a surface water or wetland  
1797 definition or delineation methodology until the common  
1798 methodology rule becomes effective.

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(7)

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

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

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

3. This subsection shall not be applicable to lands:

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

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1828           b. Within the geographical area to which a conceptual  
1829 permit issued prior to June 1, 1994, under rules adopted  
1830 pursuant to this part applies if wetland delineations were  
1831 identified and approved by the conceptual permit as set forth in  
1832 s. 373.414(12)(b)1. or 2.; or

1833           c. Where no development activity as defined in s. 380.01(1)  
1834 or (2)(a)-(d) and (f) has occurred within the project boundaries  
1835 since October 1, 1986; or

1836           d. Of a project which is not in compliance with this part  
1837 or the rules adopted pursuant to ss. 403.91-403.929, 1984  
1838 Supplement to the Florida Statutes 1983, as amended.

1839           4. The wetland delineation methodology required in this  
1840 subsection shall only apply within the geographical area of an  
1841 individual permit issued by the United States Army Corps of  
1842 Engineers under 33 U.S.C. s. 1344. The requirement to obtain  
1843 such individual permit to secure the benefit of this subsection  
1844 shall not apply to any activities exempt or not subject to  
1845 regulation under 33 U.S.C. s. 1344.

1846           5. Notwithstanding subsection (1), the wetland delineation  
1847 methodology required in this subsection and any wetland  
1848 delineation pursuant thereto, shall only apply to agency action  
1849 under this part and shall not be binding on local governments  
1850 except in their implementation of this part.

1851           Section 24. Paragraph (b) of subsection (23) of section  
1852 403.031, Florida Statutes, is amended to read:

1853           403.031 Definitions.—In construing this chapter, or rules  
1854 and regulations adopted pursuant hereto, the following words,  
1855 phrases, or terms, unless the context otherwise indicates, have  
1856 the following meanings:

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1857 (23) "Waters" include, but are not limited to, rivers,  
1858 lakes, streams, springs, impoundments, wetlands, and all other  
1859 waters or bodies of water, including fresh, brackish, saline,  
1860 tidal, surface, or underground waters. Waters owned entirely by  
1861 one person other than the state are included only in regard to  
1862 possible discharge on other property or water. Underground  
1863 waters include, but are not limited to, all underground waters  
1864 passing through pores of rock or soils or flowing through in  
1865 channels, whether manmade or natural. Solely for purposes of s.  
1866 403.0885, waters of the state also include navigable waters or  
1867 waters of the contiguous zone as used in s. 502 of the Clean  
1868 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in  
1869 existence on January 1, 1993, except for those navigable waters  
1870 seaward of the boundaries of the state set forth in s. 1, Art.  
1871 II of the State Constitution. Solely for purposes of this  
1872 chapter, waters of the state also include the area bounded by  
1873 the following:

1874 (b) The area bounded by the line described in paragraph (a)  
1875 generally includes those waters to be known as waters of the  
1876 state. The landward extent of these waters shall be determined  
1877 by the delineation methodology ratified in s. 373.4211. Any  
1878 waters which are outside the general boundary line described in  
1879 paragraph (a) but which are contiguous thereto by virtue of the  
1880 presence of a wetland, watercourse, or other surface water, as  
1881 determined by the delineation methodology ratified in s.  
1882 373.4211, shall be a part of this waterbody. Any areas within  
1883 the line described in paragraph (a) which are neither a wetland  
1884 nor surface water, as determined by the delineation methodology  
1885 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~

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1886 ~~Florida Environmental Regulation Commission designates the~~  
1887 ~~waters within the boundaries an Outstanding Florida Water,~~  
1888 ~~waters outside the boundaries may not be included as part of~~  
1889 ~~such designation unless a hearing is held pursuant to notice in~~  
1890 ~~each appropriate county and the boundaries of such lands are~~  
1891 ~~specifically considered and described for such designation.~~

1892 Section 25. Subsections (7) and (32) of section 403.061,  
1893 Florida Statutes, are amended to read:

1894 403.061 Department; powers and duties.—The department shall  
1895 have the power and the duty to control and prohibit pollution of  
1896 air and water in accordance with the law and rules adopted and  
1897 promulgated by it and, for this purpose, to:

1898 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1899 implement this act. Any rule adopted pursuant to this act must  
1900 be consistent with the provisions of federal law, if any,  
1901 relating to control of emissions from motor vehicles, effluent  
1902 limitations, pretreatment requirements, or standards of  
1903 performance. A county, municipality, or political subdivision  
1904 may not adopt or enforce any local ordinance, special law, or  
1905 local regulation requiring the installation of Stage II vapor  
1906 recovery systems, as currently defined by department rule,  
1907 unless such county, municipality, or political subdivision is or  
1908 has been in the past designated by federal regulation as a  
1909 moderate, serious, or severe ozone nonattainment area. Rules  
1910 adopted pursuant to this act may not require dischargers of  
1911 waste into waters of the state to improve natural background  
1912 conditions. The department shall adopt rules to reasonably  
1913 limit, reduce, and eliminate domestic wastewater collection and  
1914 transmission system pipe leakages and inflow and infiltration.

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1915 Discharges from steam electric generating plants existing or  
1916 licensed under this chapter on July 1, 1984, may not be required  
1917 to be treated to a greater extent than may be necessary to  
1918 assure that the quality of nonthermal components of discharges  
1919 from nonrecirculated cooling water systems is as high as the  
1920 quality of the makeup waters; that the quality of nonthermal  
1921 components of discharges from recirculated cooling water systems  
1922 is no lower than is allowed for blowdown from such systems; or  
1923 that the quality of noncooling system discharges which receive  
1924 makeup water from a receiving body of water which does not meet  
1925 applicable department water quality standards is as high as the  
1926 quality of the receiving body of water. ~~The department may not~~  
1927 ~~adopt standards more stringent than federal regulations, except~~  
1928 ~~as provided in s. 403.804.~~

1929 (32) Adopt rules necessary to obtain approval from the  
1930 United States Environmental Protection Agency to administer the  
1931 Federal National Pollution Discharge Elimination System (NPDES)  
1932 permitting program in Florida under ss. 318, 402, and 405 of the  
1933 federal Clean Water Act, Pub. L. No. 92-500, as amended. This  
1934 authority shall be implemented consistent with the provisions of  
1935 part II, which shall be applicable to facilities certified  
1936 thereunder. The department shall establish all rules, standards,  
1937 and requirements that regulate the discharge of pollutants into  
1938 waters of the United States as defined by and in a manner  
1939 consistent with federal regulations; provided, however, that the  
1940 department may adopt a standard that is stricter or more  
1941 stringent than one set by the United States Environmental  
1942 Protection Agency ~~if approved by the Governor and Cabinet in~~  
1943 ~~accordance with the procedures of s. 403.804(2).~~

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1945 The department shall implement such programs in conjunction with  
1946 its other powers and duties and shall place special emphasis on  
1947 reducing and eliminating contamination that presents a threat to  
1948 humans, animals or plants, or to the environment.

1949 Section 26. Subsection (9) of section 403.704, Florida  
1950 Statutes, is amended to read:

1951 403.704 Powers and duties of the department.—The department  
1952 shall have responsibility for the implementation and enforcement  
1953 of this act. In addition to other powers and duties, the  
1954 department shall:

1955 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1956 implement and enforce this act, including requirements for the  
1957 classification, construction, operation, maintenance, and  
1958 closure of solid waste management facilities and requirements  
1959 for, and conditions on, solid waste disposal in this state,  
1960 whether such solid waste is generated within this state or  
1961 outside this state as long as such requirements and conditions  
1962 are not based on the out-of-state origin of the waste and are  
1963 consistent with applicable law. When classifying solid waste  
1964 management facilities, the department shall consider the  
1965 hydrogeology of the site for the facility, the types of wastes  
1966 to be handled by the facility, and methods used to control the  
1967 types of waste to be handled by the facility and shall seek to  
1968 minimize the adverse effects of solid waste management on the  
1969 environment. ~~Whenever the department adopts any rule stricter or~~  
1970 ~~more stringent than one that has been set by the United States~~  
1971 ~~Environmental Protection Agency, the procedures set forth in s.~~  
1972 ~~403.804(2) shall be followed.~~ The department may ~~shall~~ not,

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1973 ~~however,~~ adopt hazardous waste rules for solid waste for which  
1974 special studies were required before ~~prior to~~ October 1, 1988,  
1975 under s. 8002 of the Resource Conservation and Recovery Act, 42  
1976 U.S.C. s. 6982, as amended, until the studies are completed by  
1977 the United States Environmental Protection Agency and the  
1978 information is available to the department for consideration in  
1979 adopting its own rule.

1980 Section 27. Paragraph (d) of subsection (3) and paragraph  
1981 (h) of subsection (9) of section 403.707, Florida Statutes, are  
1982 amended to read:

1983 403.707 Permits.—

1984 (3)

1985 (d) The department may adopt rules to administer this  
1986 subsection. ~~However, the department is not required to submit~~  
1987 ~~such rules to the Environmental Regulation Commission for~~  
1988 ~~approval.~~ Notwithstanding the limitations of s. 403.087(7)(a),  
1989 permit fee caps for solid waste management facilities must ~~shall~~  
1990 be prorated to reflect the extended permit term authorized by  
1991 this subsection.

1992 (9) The department shall establish a separate category for  
1993 solid waste management facilities that accept only construction  
1994 and demolition debris for disposal or recycling. The department  
1995 shall establish a reasonable schedule for existing facilities to  
1996 comply with this section to avoid undue hardship to such  
1997 facilities. However, a permitted solid waste disposal unit that  
1998 receives a significant amount of waste prior to the compliance  
1999 deadline established in this schedule shall not be required to  
2000 be retrofitted with liners or leachate control systems.

2001 (h) The department shall ensure that the requirements of

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2002 this section are applied and interpreted consistently throughout  
2003 this the state. ~~In accordance with s. 20.255,~~ The Division of  
2004 Waste Management shall direct the district offices and bureaus  
2005 on matters relating to the interpretation and applicability of  
2006 this section.

2007 Section 28. Subsection (3) of section 403.7222, Florida  
2008 Statutes, is amended to read:

2009 403.7222 Prohibition of hazardous waste landfills.—

2010 (3) This section does not prohibit the department from  
2011 banning the disposal of hazardous waste in other types of waste  
2012 management units in a manner consistent with federal  
2013 requirements, ~~except as provided under s. 403.804(2).~~

2014 Section 29. Subsection (4) of section 403.7234, Florida  
2015 Statutes, is amended to read:

2016 403.7234 Small quantity generator notification and  
2017 verification program.—

2018 (4) Within 30 days of receipt of a notification, which  
2019 includes a survey form, a small quantity generator shall  
2020 disclose its management practices and the types and quantities  
2021 of waste to the county government. Annually, each county shall  
2022 verify the management practices of at least 20 percent of its  
2023 small quantity generators. The procedure for verification used  
2024 by the county must ~~shall~~ be developed as part of the guidance  
2025 established by the department under s. 403.7226. The department  
2026 may also regulate the waste management practices of small  
2027 quantity generators in order to ensure proper management of  
2028 hazardous waste in a manner consistent with federal  
2029 requirements, ~~except as provided under s. 403.804(2).~~

2030 Section 30. Section 403.803, Florida Statutes, is amended

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2031 to read:

2032 403.803 Definitions.—When used in this part ~~act~~, the term,  
2033 phrase, or word:2034 (1) "Branch office" means a geographical area, the  
2035 boundaries of which may be established as a part of a district.2036 (2) "Canal" is a manmade trench, the bottom of which is  
2037 normally covered by water with the upper edges of its sides  
2038 normally above water.2039 (3) "Channel" is a trench, the bottom of which is normally  
2040 covered entirely by water, with the upper edges of its sides  
2041 normally below water.2042 (4) ~~"Commission" means the Environmental Regulation~~  
2043 ~~Commission.~~2044 ~~(5)~~ "Department" means the Department of Environmental  
2045 Protection.2046 (5)~~(6)~~ "District" or "environmental district" means one of  
2047 the geographical areas, the boundaries of which are established  
2048 pursuant to this act.2049 (6)~~(7)~~ "Drainage ditch" or "irrigation ditch" is a manmade  
2050 trench dug for the purpose of draining water from the land or  
2051 for transporting water for use on the land and is not built for  
2052 navigational purposes.2053 (7)~~(8)~~ "Environmental district center" means the facilities  
2054 and personnel which are centralized in each district for the  
2055 purposes of carrying out the provisions of this act.2056 (8)~~(9)~~ "Headquarters" means the physical location of the  
2057 offices of the secretary and the division directors of the  
2058 department.2059 (9)~~(10)~~ "Insect control impoundment dikes" means artificial

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2060 structures, including earthen berms, constructed and used to  
2061 impound waters for the purpose of insect control.

2062 (10)~~(11)~~ "Manager" means the head of an environmental  
2063 district or branch office who shall supervise all environmental  
2064 functions of the department within such environmental district  
2065 or branch office.

2066 (11)~~(12)~~ "Secretary" means the Secretary of Environmental  
2067 Protection.

2068 (12)~~(13)~~ "Standard" means any rule of the Department of  
2069 Environmental Protection relating to air and water quality,  
2070 noise, solid-waste management, and electric and magnetic fields  
2071 associated with electrical transmission and distribution lines  
2072 and substation facilities. The term "standard" does not include  
2073 rules of the department which relate exclusively to the internal  
2074 management of the department, the procedural processing of  
2075 applications, the administration of rulemaking or adjudicatory  
2076 proceedings, the publication of notices, the conduct of  
2077 hearings, or other procedural matters.

2078 (13)~~(14)~~ "Swale" means a manmade trench which:

2079 (a) Has a top width-to-depth ratio of the cross-section  
2080 equal to or greater than 6:1, or side slopes equal to or greater  
2081 than 3 feet horizontal to 1 foot vertical;

2082 (b) Contains contiguous areas of standing or flowing water  
2083 only following a rainfall event;

2084 (c) Is planted with or has stabilized vegetation suitable  
2085 for soil stabilization, stormwater treatment, and nutrient  
2086 uptake; and

2087 (d) Is designed to take into account the soil erodibility,  
2088 soil percolation, slope, slope length, and drainage area so as

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2089 to prevent erosion and reduce pollutant concentration of any  
2090 discharge.

2091 Section 31. Subsections (1) and (3) of section 403.805,  
2092 Florida Statutes, are amended to read:

2093 403.805 Secretary; powers and duties; review of specified  
2094 rules.—

2095 (1) The secretary shall have the powers and duties of heads  
2096 of departments set forth in chapter 20, including the authority  
2097 to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
2098 implement this chapter and the provisions of chapters 161, 253,  
2099 258, 260, 369, 373, 376, 377, 378, and 380 ~~253, 373, and 376~~ and  
2100 ~~this chapter. The secretary shall have rulemaking responsibility~~  
2101 ~~under chapter 120, but shall submit any proposed rule containing~~  
2102 ~~standards to the Environmental Regulation Commission for~~  
2103 ~~approval, modification, or disapproval pursuant to s. 403.804,~~  
2104 ~~except for total maximum daily load calculations and allocations~~  
2105 ~~developed pursuant to s. 403.067(6).~~ The secretary shall have  
2106 responsibility for final agency action regarding total maximum  
2107 daily load calculations and allocations developed pursuant to s.  
2108 403.067(6). The secretary shall employ legal counsel to  
2109 represent the department in matters affecting the department.  
2110 Except for appeals on permits specifically assigned by this act  
2111 to the Governor and Cabinet, and unless otherwise prohibited by  
2112 law, the secretary may delegate the authority assigned to the  
2113 department by this act to the assistant secretary, division  
2114 directors, and district and branch office managers and to the  
2115 water management districts.

2116 (3) After adoption of proposed rule 62-302.531(9), Florida  
2117 Administrative Code, a nonseverability and effective date

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2118 provision approved by the commission on December 8, 2011, ~~in~~  
2119 ~~accordance with the commission's legislative authority under s.~~  
2120 ~~403.804,~~ notice of which was published by the department on  
2121 December 22, 2011, in the Florida Administrative Register, Vol.  
2122 37, No. 51, page 4446, any subsequent rule or amendment altering  
2123 the effect of such rule must ~~shall~~ be submitted to the President  
2124 of the Senate and the Speaker of the House of Representatives no  
2125 later than 30 days before the next regular legislative session,  
2126 and such amendment may not take effect until it is ratified by  
2127 the Legislature.

2128 Section 32. Section 403.8055, Florida Statutes, is amended  
2129 to read:

2130 403.8055 Department adoption of federal standards.—  
2131 Notwithstanding s. 120.54 ~~ss. 120.54 and 403.804,~~ the secretary  
2132 is empowered to adopt rules substantively identical to  
2133 regulations adopted in the Federal Register by the United States  
2134 Environmental Protection Agency pursuant to federal law, in  
2135 accordance with the following procedures:

2136 (1) The secretary shall publish notice of intent to adopt a  
2137 rule pursuant to this section in the Florida Administrative  
2138 Register at least 21 days before ~~prior to~~ filing the rule with  
2139 the Department of State. The secretary shall mail a copy of the  
2140 notice of intent to adopt a rule to the Administrative  
2141 Procedures Committee at least 21 days before ~~prior to~~ the date  
2142 of filing with the Department of State. Before ~~Prior to~~ filing  
2143 the rule with the Department of State, the secretary shall  
2144 consider any written comments received within 21 days after the  
2145 date of publication of the notice of intent to adopt a rule. The  
2146 rule must ~~shall~~ be adopted upon filing with the Department of

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2147 State. Substantive changes from the rules as noticed ~~shall~~  
2148 require republishing of notice as required in this section.

2149 (2) Any rule adopted pursuant to this section becomes ~~shall~~  
2150 ~~become~~ effective upon the date designated in the rule by the  
2151 secretary; however, ~~no~~ such a rule may not ~~shall~~ become  
2152 effective earlier than the effective date of the substantively  
2153 identical United States Environmental Protection Agency  
2154 regulation.

2155 (3) The secretary shall stay any terms or conditions of a  
2156 permit implementing department rules adopted pursuant to this  
2157 section if the substantively identical provisions of a United  
2158 States Environmental Protection Agency regulation have been  
2159 stayed under federal judicial review. A stay issued pursuant to  
2160 this subsection shall terminate upon completion of federal  
2161 judicial review.

2162 (4) Any domestic for-profit or nonprofit corporation or  
2163 association formed, in whole or in part:

2164 (a) To promote conservation or natural beauty;

2165 (b) To protect the environment, personal health, or other  
2166 biological values;

2167 (c) To preserve historical sites;

2168 (d) To promote consumer interests;

2169 (e) To represent labor, commercial, or industrial groups;

2170 or

2171 (f) To promote orderly development;

2172  
2173 and any other substantially affected person may, within 14 days  
2174 after the date of publication of the notice of intent to adopt a  
2175 rule, file an objection to rulemaking with the department

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2176 ~~Environmental Regulation Commission~~. The objection shall specify  
2177 the portions of the proposed rule to which the person objects  
2178 and the reasons for the objection. The secretary shall not have  
2179 the authority under this section to adopt those portions of a  
2180 proposed rule specified in such objection. Objections which are  
2181 frivolous shall not be considered sufficient to prohibit the  
2182 secretary from adopting rules under this section.

2183 (5) Whenever all or part of any rule proposed for adoption  
2184 by the department is substantively identical to a regulation  
2185 adopted in the Federal Register by the United States  
2186 Environmental Protection Agency pursuant to federal law, such  
2187 rule shall be written in a manner so that the rule specifically  
2188 references such regulation whenever possible.

2189 Section 33. Subsection (1) of section 403.814, Florida  
2190 Statutes, is amended to read:

2191 403.814 General permits; delegation.—

2192 (1) The secretary is authorized to adopt rules establishing  
2193 and providing for a program of general permits under this  
2194 chapter and chapter 253 ~~and this chapter~~ for projects, or  
2195 categories of projects, which have, either singly or  
2196 cumulatively, a minimal adverse environmental effect. Such rules  
2197 must ~~shall~~ specify design or performance criteria that ~~which~~, if  
2198 applied, would result in compliance with appropriate standards  
2199 ~~adopted by the commission~~. Except as provided for in subsection  
2200 (3), any person complying with the requirements of a general  
2201 permit may use the permit 30 days after giving notice to the  
2202 department without any agency action by the department.

2203 Section 34. Paragraph (a) of subsection (1) of section  
2204 376.302, Florida Statutes, is amended to read:

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2205 376.302 Prohibited acts; penalties.—

2206 (1) It shall be a violation of this chapter and it shall be  
2207 prohibited for any reason:

2208 (a) To discharge pollutants or hazardous substances into or  
2209 upon the surface or ground waters of the state or lands, which  
2210 discharge violates any departmental "standard" as defined in s.  
2211 403.803 ~~s. 403.803(13)~~.

2212 Section 35. Paragraph (b) of subsection (1) of section  
2213 380.5105, Florida Statutes, is amended to read:

2214 380.5105 The Stan Mayfield Working Waterfronts; Florida  
2215 Forever program.—

2216 (1) Notwithstanding any other provision of this chapter, it  
2217 is the intent of the Legislature that the trust shall administer  
2218 the working waterfronts land acquisition program as set forth in  
2219 this section.

2220 (b) For projects that will require more than the grant  
2221 amount awarded for completion, the applicant must identify in  
2222 their project application funding sources that will provide the  
2223 difference between the grant award and the estimated project  
2224 completion cost. Such rules may be incorporated into those  
2225 developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

2226 Section 36. For the purpose of incorporating the amendment  
2227 made by this act to section 381.0065, Florida Statutes, in a  
2228 reference thereto, paragraph (k) of subsection (2) of section  
2229 381.0066, Florida Statutes, is reenacted to read:

2230 381.0066 Onsite sewage treatment and disposal systems;  
2231 fees.—

2232 (2) The minimum fees in the following fee schedule apply  
2233 until changed by rule by the department within the following

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2234 limits:

2235 (k) Research: An additional \$5 fee shall be added to each  
2236 new system construction permit issued to be used to fund onsite  
2237 sewage treatment and disposal system research, demonstration,  
2238 and training projects. Five dollars from any repair permit fee  
2239 collected under this section shall be used for funding the  
2240 hands-on training centers described in s. 381.0065(3)(j).

2241  
2242 The funds collected pursuant to this subsection for the  
2243 implementation of onsite sewage treatment and disposal system  
2244 regulation and for the purposes of ss. 381.00655 and 381.0067,  
2245 subsequent to any phased transfer of implementation from the  
2246 Department of Health to the department within any county  
2247 pursuant to s. 381.0065, must be deposited in the Florida Permit  
2248 Fee Trust Fund under s. 403.0871, to be administered by the  
2249 department.

2250 Section 37. For the purpose of incorporating the amendment  
2251 made by this act to section 403.067, Florida Statutes, in a  
2252 reference thereto, section 373.4595, Florida Statutes, is  
2253 reenacted to read:

2254 373.4595 Northern Everglades and Estuaries Protection  
2255 Program.—

2256 (1) FINDINGS AND INTENT.—

2257 (a) The Legislature finds that the Lake Okeechobee  
2258 watershed, the Caloosahatchee River watershed, and the St. Lucie  
2259 River watershed are critical water resources of the state,  
2260 providing many economic, natural habitat, and biodiversity  
2261 functions benefiting the public interest, including  
2262 agricultural, public, and environmental water supply; flood

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2263 control; fishing; navigation and recreation; and habitat to  
2264 endangered and threatened species and other flora and fauna.

2265 (b) The Legislature finds that changes in land uses, the  
2266 construction of the Central and Southern Florida Project, and  
2267 the loss of surface water storage have resulted in adverse  
2268 changes to the hydrology and water quality of Lake Okeechobee  
2269 and the Caloosahatchee and St. Lucie Rivers and their estuaries.

2270 (c) The Legislature finds that improvement to the  
2271 hydrology, water quality, and associated aquatic habitats within  
2272 the Lake Okeechobee watershed, the Caloosahatchee River  
2273 watershed, and the St. Lucie River watershed, is essential to  
2274 the protection of the greater Everglades ecosystem.

2275 (d) The Legislature also finds that it is imperative for  
2276 the state, local governments, and agricultural and environmental  
2277 communities to commit to restoring and protecting the surface  
2278 water resources of the Lake Okeechobee watershed, the  
2279 Caloosahatchee River watershed, and the St. Lucie River  
2280 watershed, and that a watershed-based approach to address these  
2281 issues must be developed and implemented immediately.

2282 (e) The Legislature finds that phosphorus loads from the  
2283 Lake Okeechobee watershed have contributed to excessive  
2284 phosphorus levels throughout the Lake Okeechobee watershed and  
2285 downstream receiving waters and that a reduction in levels of  
2286 phosphorus will benefit the ecology of these systems. The  
2287 excessive levels of phosphorus have also resulted in an  
2288 accumulation of phosphorus in the sediments of Lake Okeechobee.  
2289 If not removed, internal phosphorus loads from the sediments are  
2290 expected to delay responses of the lake to external phosphorus  
2291 reductions.

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2292 (f) The Legislature finds that the Lake Okeechobee  
2293 phosphorus loads set forth in the total maximum daily loads  
2294 established in accordance with s. 403.067 represent an  
2295 appropriate basis for restoration of the Lake Okeechobee  
2296 watershed.

2297 (g) The Legislature finds that, in addition to phosphorus,  
2298 other pollutants are contributing to water quality problems in  
2299 the Lake Okeechobee watershed, the Caloosahatchee River  
2300 watershed, and the St. Lucie River watershed, and that the total  
2301 maximum daily load requirements of s. 403.067 provide a means of  
2302 identifying and addressing these problems.

2303 (h) The Legislature finds that the expeditious  
2304 implementation of the Lake Okeechobee Watershed Protection  
2305 Program, the Caloosahatchee River Watershed Protection Program,  
2306 and the St. Lucie River Watershed Protection Program is needed  
2307 to improve the quality, quantity, timing, and distribution of  
2308 water in the northern Everglades ecosystem and that this  
2309 section, in conjunction with s. 403.067, including the  
2310 implementation of the plans developed and approved pursuant to  
2311 subsections (3) and (4), and any related basin management action  
2312 plan developed and implemented pursuant to s. 403.067(7)(a),  
2313 provide a reasonable means of achieving the total maximum daily  
2314 load requirements and achieving and maintaining compliance with  
2315 state water quality standards.

2316 (i) The Legislature finds that the implementation of the  
2317 programs contained in this section is for the benefit of the  
2318 public health, safety, and welfare and is in the public  
2319 interest.

2320 (j) The Legislature finds that sufficient research has been

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2321 conducted and sufficient plans developed to immediately expand  
2322 and accelerate programs to address the hydrology and water  
2323 quality in the Lake Okeechobee watershed, the Caloosahatchee  
2324 River watershed, and the St. Lucie River watershed.

2325 (k) The Legislature finds that a continuing source of  
2326 funding is needed to effectively implement the programs  
2327 developed and approved under this section which are needed to  
2328 address the hydrology and water quality problems within the Lake  
2329 Okeechobee watershed, the Caloosahatchee River watershed, and  
2330 the St. Lucie River watershed.

2331 (l) It is the intent of the Legislature to protect and  
2332 restore surface water resources and achieve and maintain  
2333 compliance with water quality standards in the Lake Okeechobee  
2334 watershed, the Caloosahatchee River watershed, and the St. Lucie  
2335 River watershed, and downstream receiving waters, through the  
2336 phased, comprehensive, and innovative protection program set  
2337 forth in this section which includes long-term solutions based  
2338 upon the total maximum daily loads established in accordance  
2339 with s. 403.067. This program shall be watershed-based, shall  
2340 provide for consideration of all water quality issues needed to  
2341 meet the total maximum daily load, and shall include research  
2342 and monitoring, development and implementation of best  
2343 management practices, refinement of existing regulations, and  
2344 structural and nonstructural projects, including public works.

2345 (m) It is the intent of the Legislature that this section  
2346 be implemented in coordination with the Comprehensive Everglades  
2347 Restoration Plan project components and other federal programs  
2348 in order to maximize opportunities for the most efficient and  
2349 timely expenditures of public funds.

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2350 (n) It is the intent of the Legislature that the  
2351 coordinating agencies encourage and support the development of  
2352 creative public-private partnerships and programs, including  
2353 opportunities for water storage and quality improvement on  
2354 private lands and water quality credit trading, to facilitate or  
2355 further the restoration of the surface water resources of the  
2356 Lake Okeechobee watershed, the Caloosahatchee River watershed,  
2357 and the St. Lucie River watershed, consistent with s. 403.067.

2358 (2) DEFINITIONS.—As used in this section, the term:

2359 (a) "Best management practice" means a practice or  
2360 combination of practices determined by the coordinating  
2361 agencies, based on research, field-testing, and expert review,  
2362 to be the most effective and practicable on-location means,  
2363 including economic and technological considerations, for  
2364 improving water quality in agricultural and urban discharges.  
2365 Best management practices for agricultural discharges shall  
2366 reflect a balance between water quality improvements and  
2367 agricultural productivity.

2368 (b) "Biosolids" means the solid, semisolid, or liquid  
2369 residue generated during the treatment of domestic wastewater in  
2370 a domestic wastewater treatment facility, formerly known as  
2371 "domestic wastewater residuals" or "residuals," and includes  
2372 products and treated material from biosolids treatment  
2373 facilities and septage management facilities regulated by the  
2374 department. The term does not include the treated effluent or  
2375 reclaimed water from a domestic wastewater treatment facility,  
2376 solids removed from pump stations and lift stations, screenings  
2377 and grit removed from the preliminary treatment components of  
2378 domestic wastewater treatment facilities, or ash generated

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2379 during the incineration of biosolids.

2380 (c) "Caloosahatchee River watershed" means the  
2381 Caloosahatchee River, its tributaries, its estuary, and the area  
2382 within Charlotte, Glades, Hendry, and Lee Counties from which  
2383 surface water flow is directed or drains, naturally or by  
2384 constructed works, to the river, its tributaries, or its  
2385 estuary.

2386 (d) "Coordinating agencies" means the Department of  
2387 Agriculture and Consumer Services, the Department of  
2388 Environmental Protection, and the South Florida Water Management  
2389 District.

2390 (e) "Corps of Engineers" means the United States Army Corps  
2391 of Engineers.

2392 (f) "Department" means the Department of Environmental  
2393 Protection.

2394 (g) "District" means the South Florida Water Management  
2395 District.

2396 (h) "Lake Okeechobee Watershed Construction Project" means  
2397 the construction project developed pursuant to this section.

2398 (i) "Lake Okeechobee Watershed Protection Plan" means the  
2399 Lake Okeechobee Watershed Construction Project and the Lake  
2400 Okeechobee Watershed Research and Water Quality Monitoring  
2401 Program.

2402 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
2403 tributaries, and the area within which surface water flow is  
2404 directed or drains, naturally or by constructed works, to the  
2405 lake or its tributaries.

2406 (k) "Northern Everglades" means the Lake Okeechobee  
2407 watershed, the Caloosahatchee River watershed, and the St. Lucie

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2408 River watershed.

2409 (l) "Project component" means any structural or operational  
2410 change, resulting from the Restudy, to the Central and Southern  
2411 Florida Project as it existed and was operated as of January 1,  
2412 1999.

2413 (m) "Restudy" means the Comprehensive Review Study of the  
2414 Central and Southern Florida Project, for which federal  
2415 participation was authorized by the Federal Water Resources  
2416 Development Acts of 1992 and 1996 together with related  
2417 congressional resolutions and for which participation by the  
2418 South Florida Water Management District is authorized by s.  
2419 373.1501. The term includes all actions undertaken pursuant to  
2420 the aforementioned authorizations which will result in  
2421 recommendations for modifications or additions to the Central  
2422 and Southern Florida Project.

2423 (n) "River Watershed Protection Plans" means the  
2424 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
2425 River Watershed Protection Plan developed pursuant to this  
2426 section.

2427 (o) "Soil amendment" means any substance or mixture of  
2428 substances sold or offered for sale for soil enriching or  
2429 corrective purposes, intended or claimed to be effective in  
2430 promoting or stimulating plant growth, increasing soil or plant  
2431 productivity, improving the quality of crops, or producing any  
2432 chemical or physical change in the soil, except amendments,  
2433 conditioners, additives, and related products that are derived  
2434 solely from inorganic sources and that contain no recognized  
2435 plant nutrients.

2436 (p) "St. Lucie River watershed" means the St. Lucie River,

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2437 its tributaries, its estuary, and the area within Martin,  
2438 Okeechobee, and St. Lucie Counties from which surface water flow  
2439 is directed or drains, naturally or by constructed works, to the  
2440 river, its tributaries, or its estuary.

2441 (q) "Total maximum daily load" means the sum of the  
2442 individual wasteload allocations for point sources and the load  
2443 allocations for nonpoint sources and natural background adopted  
2444 pursuant to s. 403.067. Before determining individual wasteload  
2445 allocations and load allocations, the maximum amount of a  
2446 pollutant that a water body or water segment can assimilate from  
2447 all sources without exceeding water quality standards must first  
2448 be calculated.

2449 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
2450 Okeechobee Watershed Protection Program shall consist of the  
2451 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
2452 Basin Management Action Plan adopted pursuant to s. 403.067, the  
2453 Lake Okeechobee Exotic Species Control Program, and the Lake  
2454 Okeechobee Internal Phosphorus Management Program. The Lake  
2455 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2456 403.067 shall be the component of the Lake Okeechobee Watershed  
2457 Protection Program that achieves phosphorus load reductions for  
2458 Lake Okeechobee. The Lake Okeechobee Watershed Protection  
2459 Program shall address the reduction of phosphorus loading to the  
2460 lake from both internal and external sources. Phosphorus load  
2461 reductions shall be achieved through a phased program of  
2462 implementation. In the development and administration of the  
2463 Lake Okeechobee Watershed Protection Program, the coordinating  
2464 agencies shall maximize opportunities provided by federal cost-  
2465 sharing programs and opportunities for partnerships with the

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2466 private sector.

2467 (a) *Lake Okeechobee Watershed Protection Plan*.—To protect  
2468 and restore surface water resources, the district, in  
2469 cooperation with the other coordinating agencies, shall complete  
2470 a Lake Okeechobee Watershed Protection Plan in accordance with  
2471 this section and ss. 373.451–373.459. Beginning March 1, 2020,  
2472 and every 5 years thereafter, the district shall update the Lake  
2473 Okeechobee Watershed Protection Plan to ensure that it is  
2474 consistent with the Lake Okeechobee Basin Management Action Plan  
2475 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
2476 Protection Plan shall identify the geographic extent of the  
2477 watershed, be coordinated with the plans developed pursuant to  
2478 paragraphs (4) (a) and (c), and include the Lake Okeechobee  
2479 Watershed Construction Project and the Lake Okeechobee Watershed  
2480 Research and Water Quality Monitoring Program. The plan shall  
2481 consider and build upon a review and analysis of the performance  
2482 of projects constructed during Phase I and Phase II of the Lake  
2483 Okeechobee Watershed Construction Project, pursuant to  
2484 subparagraph 1.; relevant information resulting from the Lake  
2485 Okeechobee Basin Management Action Plan, pursuant to paragraph  
2486 (b); relevant information resulting from the Lake Okeechobee  
2487 Watershed Research and Water Quality Monitoring Program,  
2488 pursuant to subparagraph 2.; relevant information resulting from  
2489 the Lake Okeechobee Exotic Species Control Program, pursuant to  
2490 paragraph (c); and relevant information resulting from the Lake  
2491 Okeechobee Internal Phosphorus Management Program, pursuant to  
2492 paragraph (d).

2493 1. Lake Okeechobee Watershed Construction Project.—To  
2494 improve the hydrology and water quality of Lake Okeechobee and

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2495 downstream receiving waters, including the Caloosahatchee and  
2496 St. Lucie Rivers and their estuaries, the district, in  
2497 cooperation with the other coordinating agencies, shall design  
2498 and construct the Lake Okeechobee Watershed Construction  
2499 Project. The project shall include:

2500       a. Phase I.—Phase I of the Lake Okeechobee Watershed  
2501 Construction Project shall consist of a series of project  
2502 features consistent with the recommendations of the South  
2503 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
2504 Action Plan. Priority basins for such projects include S-191, S-  
2505 154, and Pools D and E in the Lower Kissimmee River. To obtain  
2506 phosphorus load reductions to Lake Okeechobee as soon as  
2507 possible, the following actions shall be implemented:

2508       (I) The district shall serve as a full partner with the  
2509 Corps of Engineers in the design and construction of the Grassy  
2510 Island Ranch and New Palm Dairy stormwater treatment facilities  
2511 as components of the Lake Okeechobee Water Retention/Phosphorus  
2512 Removal Critical Project. The Corps of Engineers shall have the  
2513 lead in design and construction of these facilities. Should  
2514 delays be encountered in the implementation of either of these  
2515 facilities, the district shall notify the department and  
2516 recommend corrective actions.

2517       (II) The district shall obtain permits and complete  
2518 construction of two of the isolated wetland restoration projects  
2519 that are part of the Lake Okeechobee Water Retention/Phosphorus  
2520 Removal Critical Project. The additional isolated wetland  
2521 projects included in this critical project shall further reduce  
2522 phosphorus loading to Lake Okeechobee.

2523       (III) The district shall work with the Corps of Engineers

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2524 to expedite initiation of the design process for the Taylor  
2525 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
2526 Area, a project component of the Comprehensive Everglades  
2527 Restoration Plan. The district shall propose to the Corps of  
2528 Engineers that the district take the lead in the design and  
2529 construction of the Reservoir Assisted Stormwater Treatment Area  
2530 and receive credit towards the local share of the total cost of  
2531 the Comprehensive Everglades Restoration Plan.

2532       b. Phase II technical plan and construction.—The district,  
2533 in cooperation with the other coordinating agencies, shall  
2534 develop a detailed technical plan for Phase II of the Lake  
2535 Okeechobee Watershed Construction Project which provides the  
2536 basis for the Lake Okeechobee Basin Management Action Plan  
2537 adopted by the department pursuant to s. 403.067. The detailed  
2538 technical plan shall include measures for the improvement of the  
2539 quality, quantity, timing, and distribution of water in the  
2540 northern Everglades ecosystem, including the Lake Okeechobee  
2541 watershed and the estuaries, and for facilitating the  
2542 achievement of water quality standards. Use of cost-effective  
2543 biologically based, hybrid wetland/chemical and other innovative  
2544 nutrient control technologies shall be incorporated in the plan  
2545 where appropriate. The detailed technical plan shall also  
2546 include a Process Development and Engineering component to  
2547 finalize the detail and design of Phase II projects and identify  
2548 additional measures needed to increase the certainty that the  
2549 overall objectives for improving water quality and quantity can  
2550 be met. Based on information and recommendations from the  
2551 Process Development and Engineering component, the Phase II  
2552 detailed technical plan shall be periodically updated. Phase II

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2553 shall include construction of additional facilities in the  
2554 priority basins identified in sub-subparagraph a., as well as  
2555 facilities for other basins in the Lake Okeechobee watershed.

2556 The technical plan shall:

2557 (I) Identify Lake Okeechobee Watershed Construction Project  
2558 facilities designed to contribute to achieving all applicable  
2559 total maximum daily loads established pursuant to s. 403.067  
2560 within the Lake Okeechobee watershed.

2561 (II) Identify the size and location of all such Lake  
2562 Okeechobee Watershed Construction Project facilities.

2563 (III) Provide a construction schedule for all such Lake  
2564 Okeechobee Watershed Construction Project facilities, including  
2565 the sequencing and specific timeframe for construction of each  
2566 Lake Okeechobee Watershed Construction Project facility.

2567 (IV) Provide a schedule for the acquisition of lands or  
2568 sufficient interests necessary to achieve the construction  
2569 schedule.

2570 (V) Provide a detailed schedule of costs associated with  
2571 the construction schedule.

2572 (VI) Identify, to the maximum extent practicable, impacts  
2573 on wetlands and state-listed species expected to be associated  
2574 with construction of such facilities, including potential  
2575 alternatives to minimize and mitigate such impacts, as  
2576 appropriate.

2577 (VII) Provide for additional measures, including voluntary  
2578 water storage and quality improvements on private land, to  
2579 increase water storage and reduce excess water levels in Lake  
2580 Okeechobee and to reduce excess discharges to the estuaries.

2581 (VIII) Develop the appropriate water quantity storage goal

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2582 to achieve the desired Lake Okeechobee range of lake levels and  
2583 inflow volumes to the Caloosahatchee and St. Lucie estuaries  
2584 while meeting the other water-related needs of the region,  
2585 including water supply and flood protection.

2586 (IX) Provide for additional source controls needed to  
2587 enhance performance of the Lake Okeechobee Watershed  
2588 Construction Project facilities. Such additional source controls  
2589 shall be incorporated into the Lake Okeechobee Basin Management  
2590 Action Plan pursuant to paragraph (b).

2591 c. Evaluation.—Within 5 years after the adoption of the  
2592 Lake Okeechobee Basin Management Action Plan pursuant to s.  
2593 403.067 and every 5 years thereafter, the department, in  
2594 cooperation with the other coordinating agencies, shall conduct  
2595 an evaluation of the Lake Okeechobee Watershed Construction  
2596 Project and identify any further load reductions necessary to  
2597 achieve compliance with the Lake Okeechobee total maximum daily  
2598 loads established pursuant to s. 403.067. The district shall  
2599 identify modifications to facilities of the Lake Okeechobee  
2600 Watershed Construction Project as appropriate to meet the total  
2601 maximum daily loads. Modifications to the Lake Okeechobee  
2602 Watershed Construction Project resulting from this evaluation  
2603 shall be incorporated into the Lake Okeechobee Basin Management  
2604 Action Plan and included in the applicable annual progress  
2605 report submitted pursuant to subsection (6).

2606 d. Coordination and review.—To ensure the timely  
2607 implementation of the Lake Okeechobee Watershed Construction  
2608 Project, the design of project facilities shall be coordinated  
2609 with the department and other interested parties, including  
2610 affected local governments, to the maximum extent practicable.

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2611 Lake Okeechobee Watershed Construction Project facilities shall  
2612 be reviewed and commented upon by the department before the  
2613 execution of a construction contract by the district for that  
2614 facility.

2615         2. Lake Okeechobee Watershed Research and Water Quality  
2616 Monitoring Program.—The coordinating agencies shall implement a  
2617 Lake Okeechobee Watershed Research and Water Quality Monitoring  
2618 Program. Results from the program shall be used by the  
2619 department, in cooperation with the other coordinating agencies,  
2620 to make modifications to the Lake Okeechobee Basin Management  
2621 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
2622 program shall:

2623             a. Evaluate all available existing water quality data  
2624 concerning total phosphorus in the Lake Okeechobee watershed,  
2625 develop a water quality baseline to represent existing  
2626 conditions for total phosphorus, monitor long-term ecological  
2627 changes, including water quality for total phosphorus, and  
2628 measure compliance with water quality standards for total  
2629 phosphorus, including any applicable total maximum daily load  
2630 for the Lake Okeechobee watershed as established pursuant to s.  
2631 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
2632 the department shall reevaluate water quality and quantity data  
2633 to ensure that the appropriate projects are being designated and  
2634 incorporated into the Lake Okeechobee Basin Management Action  
2635 Plan adopted pursuant to s. 403.067. The district shall  
2636 implement a total phosphorus monitoring program at appropriate  
2637 structures owned or operated by the district and within the Lake  
2638 Okeechobee watershed.

2639             b. Develop a Lake Okeechobee water quality model that

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2640 reasonably represents the phosphorus dynamics of Lake Okeechobee  
2641 and incorporates an uncertainty analysis associated with model  
2642 predictions.

2643 c. Determine the relative contribution of phosphorus from  
2644 all identifiable sources and all primary and secondary land  
2645 uses.

2646 d. Conduct an assessment of the sources of phosphorus from  
2647 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their  
2648 relative contribution to the water quality of Lake Okeechobee.  
2649 The results of this assessment shall be used by the coordinating  
2650 agencies as part of the Lake Okeechobee Basin Management Action  
2651 Plan adopted pursuant to s. 403.067 to develop interim measures,  
2652 best management practices, or regulations, as applicable.

2653 e. Assess current water management practices within the  
2654 Lake Okeechobee watershed and develop recommendations for  
2655 structural and operational improvements. Such recommendations  
2656 shall balance water supply, flood control, estuarine salinity,  
2657 maintenance of a healthy lake littoral zone, and water quality  
2658 considerations.

2659 f. Evaluate the feasibility of alternative nutrient  
2660 reduction technologies, including sediment traps, canal and  
2661 ditch maintenance, fish production or other aquaculture,  
2662 bioenergy conversion processes, and algal or other biological  
2663 treatment technologies and include any alternative nutrient  
2664 reduction technologies determined to be feasible in the Lake  
2665 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2666 403.067.

2667 g. Conduct an assessment of the water volumes and timing  
2668 from the Lake Okeechobee watershed and their relative

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2669 contribution to the water level changes in Lake Okeechobee and  
2670 to the timing and volume of water delivered to the estuaries.

2671 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake  
2672 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2673 403.067 shall be the watershed phosphorus control component for  
2674 Lake Okeechobee. The Lake Okeechobee Basin Management Action  
2675 Plan shall be a multifaceted approach designed to achieve the  
2676 total maximum daily load by improving the management of  
2677 phosphorus sources within the Lake Okeechobee watershed through  
2678 implementation of regulations and best management practices,  
2679 continued development and continued implementation of improved  
2680 best management practices, improvement and restoration of the  
2681 hydrologic function of natural and managed systems, and use of  
2682 alternative technologies for nutrient reduction. As provided in  
2683 s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action  
2684 Plan must include milestones for implementation and water  
2685 quality improvement, and an associated water quality monitoring  
2686 component sufficient to evaluate whether reasonable progress in  
2687 pollutant load reductions is being achieved over time. An  
2688 assessment of progress toward these milestones shall be  
2689 conducted every 5 years and shall be provided to the Governor,  
2690 the President of the Senate, and the Speaker of the House of  
2691 Representatives. Revisions to the plan shall be made, as  
2692 appropriate, as a result of each 5-year review. Revisions to the  
2693 basin management action plan shall be made by the department in  
2694 cooperation with the basin stakeholders. Revisions to best  
2695 management practices or other measures must follow the  
2696 procedures set forth in s. 403.067(7)(c)4. Revised basin  
2697 management action plans must be adopted pursuant to s.

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2698 403.067(7)(a)5. The department shall develop an implementation  
2699 schedule establishing 5-year, 10-year, and 15-year measurable  
2700 milestones and targets to achieve the total maximum daily load  
2701 no more than 20 years after adoption of the plan. The initial  
2702 implementation schedule shall be used to provide guidance for  
2703 planning and funding purposes and is exempt from chapter 120.  
2704 Upon the first 5-year review, the implementation schedule shall  
2705 be adopted as part of the plan. If achieving the total maximum  
2706 daily load within 20 years is not practicable, the  
2707 implementation schedule must contain an explanation of the  
2708 constraints that prevent achievement of the total maximum daily  
2709 load within 20 years, an estimate of the time needed to achieve  
2710 the total maximum daily load, and additional 5-year measurable  
2711 milestones, as necessary. The coordinating agencies shall  
2712 develop an interagency agreement pursuant to ss. 373.046 and  
2713 373.406(5) which is consistent with the department taking the  
2714 lead on water quality protection measures through the Lake  
2715 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2716 403.067; the district taking the lead on hydrologic improvements  
2717 pursuant to paragraph (a); and the Department of Agriculture and  
2718 Consumer Services taking the lead on agricultural interim  
2719 measures, best management practices, and other measures adopted  
2720 pursuant to s. 403.067. The interagency agreement must specify  
2721 how best management practices for nonagricultural nonpoint  
2722 sources are developed and how all best management practices are  
2723 implemented and verified consistent with s. 403.067 and this  
2724 section and must address measures to be taken by the  
2725 coordinating agencies during any best management practice  
2726 reevaluation performed pursuant to subparagraphs 5. and 10. The

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2727 department shall use best professional judgment in making the  
2728 initial determination of best management practice effectiveness.  
2729 The coordinating agencies may develop an intergovernmental  
2730 agreement with local governments to implement nonagricultural  
2731 nonpoint source best management practices within their  
2732 respective geographic boundaries. The coordinating agencies  
2733 shall facilitate the application of federal programs that offer  
2734 opportunities for water quality treatment, including  
2735 preservation, restoration, or creation of wetlands on  
2736 agricultural lands.

2737 1. Agricultural nonpoint source best management practices,  
2738 developed in accordance with s. 403.067 and designed to achieve  
2739 the objectives of the Lake Okeechobee Watershed Protection  
2740 Program as part of a phased approach of management strategies  
2741 within the Lake Okeechobee Basin Management Action Plan, shall  
2742 be implemented on an expedited basis.

2743 2. As provided in s. 403.067, the Department of Agriculture  
2744 and Consumer Services, in consultation with the department, the  
2745 district, and affected parties, shall initiate rule development  
2746 for interim measures, best management practices, conservation  
2747 plans, nutrient management plans, or other measures necessary  
2748 for Lake Okeechobee watershed total maximum daily load  
2749 reduction. The rule shall include thresholds for requiring  
2750 conservation and nutrient management plans and criteria for the  
2751 contents of such plans. Development of agricultural nonpoint  
2752 source best management practices shall initially focus on those  
2753 priority basins listed in sub-subparagraph (a)1.a. The  
2754 Department of Agriculture and Consumer Services, in consultation  
2755 with the department, the district, and affected parties, shall

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2756 conduct an ongoing program for improvement of existing and  
2757 development of new agricultural nonpoint source interim measures  
2758 and best management practices. The Department of Agriculture and  
2759 Consumer Services shall adopt such practices by rule. The  
2760 Department of Agriculture and Consumer Services shall work with  
2761 the University of Florida Institute of Food and Agriculture  
2762 Sciences to review and, where appropriate, develop revised  
2763 nutrient application rates for all agricultural soil amendments  
2764 in the watershed.

2765 3. As provided in s. 403.067, where agricultural nonpoint  
2766 source best management practices or interim measures have been  
2767 adopted by rule of the Department of Agriculture and Consumer  
2768 Services, the owner or operator of an agricultural nonpoint  
2769 source addressed by such rule shall either implement interim  
2770 measures or best management practices or demonstrate compliance  
2771 with state water quality standards addressed by the Lake  
2772 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2773 403.067 by conducting monitoring prescribed by the department or  
2774 the district. Owners or operators of agricultural nonpoint  
2775 sources who implement interim measures or best management  
2776 practices adopted by rule of the Department of Agriculture and  
2777 Consumer Services shall be subject to s. 403.067.

2778 4. The district or department shall conduct monitoring at  
2779 representative sites to verify the effectiveness of agricultural  
2780 nonpoint source best management practices.

2781 5. Where water quality problems are detected for  
2782 agricultural nonpoint sources despite the appropriate  
2783 implementation of adopted best management practices, a  
2784 reevaluation of the best management practices shall be conducted

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2785 pursuant to s. 403.067(7)(c)4. If the reevaluation determines  
2786 that the best management practices or other measures require  
2787 modification, the rule shall be revised to require  
2788 implementation of the modified practice within a reasonable  
2789 period as specified in the rule.

2790 6. As provided in s. 403.067, nonagricultural nonpoint  
2791 source best management practices, developed in accordance with  
2792 s. 403.067 and designed to achieve the objectives of the Lake  
2793 Okeechobee Watershed Protection Program as part of a phased  
2794 approach of management strategies within the Lake Okeechobee  
2795 Basin Management Action Plan, shall be implemented on an  
2796 expedited basis.

2797 7. The department and the district are directed to work  
2798 with the University of Florida Institute of Food and  
2799 Agricultural Sciences to develop appropriate nutrient  
2800 application rates for all nonagricultural soil amendments in the  
2801 watershed. As provided in s. 403.067, the department, in  
2802 consultation with the district and affected parties, shall  
2803 develop nonagricultural nonpoint source interim measures, best  
2804 management practices, or other measures necessary for Lake  
2805 Okeechobee watershed total maximum daily load reduction.  
2806 Development of nonagricultural nonpoint source best management  
2807 practices shall initially focus on those priority basins listed  
2808 in sub-subparagraph (a)1.a. The department, the district, and  
2809 affected parties shall conduct an ongoing program for  
2810 improvement of existing and development of new interim measures  
2811 and best management practices. The department or the district  
2812 shall adopt such practices by rule.

2813 8. Where nonagricultural nonpoint source best management

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2814 practices or interim measures have been developed by the  
2815 department and adopted by the district, the owner or operator of  
2816 a nonagricultural nonpoint source shall implement interim  
2817 measures or best management practices and be subject to s.  
2818 403.067.

2819 9. As provided in s. 403.067, the district or the  
2820 department shall conduct monitoring at representative sites to  
2821 verify the effectiveness of nonagricultural nonpoint source best  
2822 management practices.

2823 10. Where water quality problems are detected for  
2824 nonagricultural nonpoint sources despite the appropriate  
2825 implementation of adopted best management practices, a  
2826 reevaluation of the best management practices shall be conducted  
2827 pursuant to s. 403.067(7)(c)4. If the reevaluation determines  
2828 that the best management practices or other measures require  
2829 modification, the rule shall be revised to require  
2830 implementation of the modified practice within a reasonable time  
2831 period as specified in the rule.

2832 11. Subparagraphs 2. and 7. do not preclude the department  
2833 or the district from requiring compliance with water quality  
2834 standards or with current best management practices requirements  
2835 set forth in any applicable regulatory program authorized by law  
2836 for the purpose of protecting water quality. Subparagraphs 2.  
2837 and 7. are applicable only to the extent that they do not  
2838 conflict with any rules adopted by the department that are  
2839 necessary to maintain a federally delegated or approved program.

2840 12. The program of agricultural best management practices  
2841 set forth in the Everglades Program of the district meets the  
2842 requirements of this paragraph and s. 403.067(7) for the Lake

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2843 Okeechobee watershed. An entity in compliance with the best  
2844 management practices set forth in the Everglades Program of the  
2845 district may elect to use that permit in lieu of the  
2846 requirements of this paragraph. The provisions of subparagraph  
2847 5. apply to this subparagraph. This subparagraph does not alter  
2848 any requirement of s. 373.4592.

2849 13. The Department of Agriculture and Consumer Services, in  
2850 cooperation with the department and the district, shall provide  
2851 technical and financial assistance for implementation of  
2852 agricultural best management practices, subject to the  
2853 availability of funds. The department and district shall provide  
2854 technical and financial assistance for implementation of  
2855 nonagricultural nonpoint source best management practices,  
2856 subject to the availability of funds.

2857 14. Projects that reduce the phosphorus load originating  
2858 from domestic wastewater systems within the Lake Okeechobee  
2859 watershed shall be given funding priority in the department's  
2860 revolving loan program under s. 403.1835. The department shall  
2861 coordinate and provide assistance to those local governments  
2862 seeking financial assistance for such priority projects.

2863 15. Projects that make use of private lands, or lands held  
2864 in trust for Indian tribes, to reduce nutrient loadings or  
2865 concentrations within a basin by one or more of the following  
2866 methods: restoring the natural hydrology of the basin, restoring  
2867 wildlife habitat or impacted wetlands, reducing peak flows after  
2868 storm events, increasing aquifer recharge, or protecting range  
2869 and timberland from conversion to development, are eligible for  
2870 grants available under this section from the coordinating  
2871 agencies. For projects of otherwise equal priority, special

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2872 funding priority will be given to those projects that make best  
2873 use of the methods outlined above that involve public-private  
2874 partnerships or that obtain federal match money. Preference  
2875 ranking above the special funding priority will be given to  
2876 projects located in a rural area of opportunity designated by  
2877 the Governor. Grant applications may be submitted by any person  
2878 or tribal entity, and eligible projects may include, but are not  
2879 limited to, the purchase of conservation and flowage easements,  
2880 hydrologic restoration of wetlands, creating treatment wetlands,  
2881 development of a management plan for natural resources, and  
2882 financial support to implement a management plan.

2883       16. The department shall require all entities disposing of  
2884 domestic wastewater biosolids within the Lake Okeechobee  
2885 watershed and the remaining areas of Okeechobee, Glades, and  
2886 Hendry Counties to develop and submit to the department an  
2887 agricultural use plan that limits applications based upon  
2888 phosphorus loading consistent with the Lake Okeechobee Basin  
2889 Management Action Plan adopted pursuant to s. 403.067. The  
2890 department may not authorize the disposal of domestic wastewater  
2891 biosolids within the Lake Okeechobee watershed unless the  
2892 applicant can affirmatively demonstrate that the phosphorus in  
2893 the biosolids will not add to phosphorus loadings in Lake  
2894 Okeechobee or its tributaries. This demonstration shall be based  
2895 on achieving a net balance between phosphorus imports relative  
2896 to exports on the permitted application site. Exports shall  
2897 include only phosphorus removed from the Lake Okeechobee  
2898 watershed through products generated on the permitted  
2899 application site. This prohibition does not apply to Class AA  
2900 biosolids that are marketed and distributed as fertilizer

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2901 products in accordance with department rule.

2902       17. Private and government-owned utilities within Monroe,  
2903 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
2904 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
2905 dispose of wastewater biosolids sludge from utility operations  
2906 and septic removal by land spreading in the Lake Okeechobee  
2907 watershed may use a line item on local sewer rates to cover  
2908 wastewater biosolids treatment and disposal if such disposal and  
2909 treatment is done by approved alternative treatment methodology  
2910 at a facility located within the areas designated by the  
2911 Governor as rural areas of opportunity pursuant to s. 288.0656.  
2912 This additional line item is an environmental protection  
2913 disposal fee above the present sewer rate and may not be  
2914 considered a part of the present sewer rate to customers,  
2915 notwithstanding provisions to the contrary in chapter 367. The  
2916 fee shall be established by the county commission or its  
2917 designated assignee in the county in which the alternative  
2918 method treatment facility is located. The fee shall be  
2919 calculated to be no higher than that necessary to recover the  
2920 facility's prudent cost of providing the service. Upon request  
2921 by an affected county commission, the Florida Public Service  
2922 Commission will provide assistance in establishing the fee.  
2923 Further, for utilities and utility authorities that use the  
2924 additional line item environmental protection disposal fee, such  
2925 fee may not be considered a rate increase under the rules of the  
2926 Public Service Commission and shall be exempt from such rules.  
2927 Utilities using this section may immediately include in their  
2928 sewer invoicing the new environmental protection disposal fee.  
2929 Proceeds from this environmental protection disposal fee shall

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2930 be used for treatment and disposal of wastewater biosolids,  
2931 including any treatment technology that helps reduce the volume  
2932 of biosolids that require final disposal, but such proceeds may  
2933 not be used for transportation or shipment costs for disposal or  
2934 any costs relating to the land application of biosolids in the  
2935 Lake Okeechobee watershed.

2936       18. No less frequently than once every 3 years, the Florida  
2937 Public Service Commission or the county commission through the  
2938 services of an independent auditor shall perform a financial  
2939 audit of all facilities receiving compensation from an  
2940 environmental protection disposal fee. The Florida Public  
2941 Service Commission or the county commission through the services  
2942 of an independent auditor shall also perform an audit of the  
2943 methodology used in establishing the environmental protection  
2944 disposal fee. The Florida Public Service Commission or the  
2945 county commission shall, within 120 days after completion of an  
2946 audit, file the audit report with the President of the Senate  
2947 and the Speaker of the House of Representatives and shall  
2948 provide copies to the county commissions of the counties set  
2949 forth in subparagraph 17. The books and records of any  
2950 facilities receiving compensation from an environmental  
2951 protection disposal fee shall be open to the Florida Public  
2952 Service Commission and the Auditor General for review upon  
2953 request.

2954       19. The Department of Health shall require all entities  
2955 disposing of septage within the Lake Okeechobee watershed to  
2956 develop and submit to that agency an agricultural use plan that  
2957 limits applications based upon phosphorus loading consistent  
2958 with the Lake Okeechobee Basin Management Action Plan adopted

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2959 pursuant to s. 403.067.

2960       20. The Department of Agriculture and Consumer Services  
2961 shall initiate rulemaking requiring entities within the Lake  
2962 Okeechobee watershed which land-apply animal manure to develop  
2963 resource management system level conservation plans, according  
2964 to United States Department of Agriculture criteria, which limit  
2965 such application. Such rules must include criteria and  
2966 thresholds for the requirement to develop a conservation or  
2967 nutrient management plan, requirements for plan approval, site  
2968 inspection requirements, and recordkeeping requirements.

2969       21. The district shall revise chapter 40E-61, Florida  
2970 Administrative Code, to be consistent with this section and s.  
2971 403.067; provide for a monitoring program for nonpoint source  
2972 dischargers required to monitor water quality by s. 403.067; and  
2973 provide for the results of such monitoring to be reported to the  
2974 coordinating agencies.

2975       (c) *Lake Okeechobee Exotic Species Control Program.*—The  
2976 coordinating agencies shall identify the exotic species that  
2977 threaten the native flora and fauna within the Lake Okeechobee  
2978 watershed and develop and implement measures to protect the  
2979 native flora and fauna.

2980       (d) *Lake Okeechobee Internal Phosphorus Management*  
2981 *Program.*—The district, in cooperation with the other  
2982 coordinating agencies and interested parties, shall evaluate the  
2983 feasibility of Lake Okeechobee internal phosphorus load removal  
2984 projects. The evaluation shall be based on technical  
2985 feasibility, as well as economic considerations, and shall  
2986 consider all reasonable methods of phosphorus removal. If  
2987 projects are found to be feasible, the district shall

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2988 immediately pursue the design, funding, and permitting for  
2989 implementing such projects.

2990 (e) *Lake Okeechobee Watershed Protection Program*  
2991 *implementation.*—The coordinating agencies shall be jointly  
2992 responsible for implementing the Lake Okeechobee Watershed  
2993 Protection Program, consistent with the statutory authority and  
2994 responsibility of each agency. Annual funding priorities shall  
2995 be jointly established, and the highest priority shall be  
2996 assigned to programs and projects that address sources that have  
2997 the highest relative contribution to loading and the greatest  
2998 potential for reductions needed to meet the total maximum daily  
2999 loads. In determining funding priorities, the coordinating  
3000 agencies shall also consider the need for regulatory compliance,  
3001 the extent to which the program or project is ready to proceed,  
3002 and the availability of federal matching funds or other nonstate  
3003 funding, including public-private partnerships. Federal and  
3004 other nonstate funding shall be maximized to the greatest extent  
3005 practicable.

3006 (f) *Priorities and implementation schedules.*—The  
3007 coordinating agencies are authorized and directed to establish  
3008 priorities and implementation schedules for the achievement of  
3009 total maximum daily loads, compliance with the requirements of  
3010 s. 403.067, and compliance with applicable water quality  
3011 standards within the waters and watersheds subject to this  
3012 section.

3013 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
3014 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
3015 program shall be developed and implemented as specified in this  
3016 subsection. To protect and restore surface water resources, the

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3017 program shall address the reduction of pollutant loadings,  
3018 restoration of natural hydrology, and compliance with applicable  
3019 state water quality standards. The program shall be achieved  
3020 through a phased program of implementation. In addition,  
3021 pollutant load reductions based upon adopted total maximum daily  
3022 loads established in accordance with s. 403.067 shall serve as a  
3023 program objective. In the development and administration of the  
3024 program, the coordinating agencies shall maximize opportunities  
3025 provided by federal and local government cost-sharing programs  
3026 and opportunities for partnerships with the private sector and  
3027 local government. The program shall include a goal for salinity  
3028 envelopes and freshwater inflow targets for the estuaries based  
3029 upon existing research and documentation. The goal may be  
3030 revised as new information is available. This goal shall seek to  
3031 reduce the frequency and duration of undesirable salinity ranges  
3032 while meeting the other water-related needs of the region,  
3033 including water supply and flood protection, while recognizing  
3034 the extent to which water inflows are within the control and  
3035 jurisdiction of the district.

3036 (a) *Caloosahatchee River Watershed Protection Plan.*—The  
3037 district, in cooperation with the other coordinating agencies,  
3038 Lee County, and affected counties and municipalities, shall  
3039 complete a River Watershed Protection Plan in accordance with  
3040 this subsection. The Caloosahatchee River Watershed Protection  
3041 Plan shall identify the geographic extent of the watershed, be  
3042 coordinated as needed with the plans developed pursuant to  
3043 paragraph (3) (a) and paragraph (c) of this subsection, and  
3044 include the Caloosahatchee River Watershed Construction Project  
3045 and the Caloosahatchee River Watershed Research and Water

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3046 Quality Monitoring Program.

3047 1. Caloosahatchee River Watershed Construction Project.—To  
3048 improve the hydrology, water quality, and aquatic habitats  
3049 within the watershed, the district shall, no later than January  
3050 1, 2012, plan, design, and construct the initial phase of the  
3051 Watershed Construction Project. In doing so, the district shall:

3052 a. Develop and designate the facilities to be constructed  
3053 to achieve stated goals and objectives of the Caloosahatchee  
3054 River Watershed Protection Plan.

3055 b. Conduct scientific studies that are necessary to support  
3056 the design of the Caloosahatchee River Watershed Construction  
3057 Project facilities.

3058 c. Identify the size and location of all such facilities.

3059 d. Provide a construction schedule for all such facilities,  
3060 including the sequencing and specific timeframe for construction  
3061 of each facility.

3062 e. Provide a schedule for the acquisition of lands or  
3063 sufficient interests necessary to achieve the construction  
3064 schedule.

3065 f. Provide a schedule of costs and benefits associated with  
3066 each construction project and identify funding sources.

3067 g. To ensure timely implementation, coordinate the design,  
3068 scheduling, and sequencing of project facilities with the  
3069 coordinating agencies, Lee County, other affected counties and  
3070 municipalities, and other affected parties.

3071 2. Caloosahatchee River Watershed Research and Water  
3072 Quality Monitoring Program.—The district, in cooperation with  
3073 the other coordinating agencies and local governments, shall  
3074 implement a Caloosahatchee River Watershed Research and Water

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3075 Quality Monitoring Program that builds upon the district's  
3076 existing research program and that is sufficient to carry out,  
3077 comply with, or assess the plans, programs, and other  
3078 responsibilities created by this subsection. The program shall  
3079 also conduct an assessment of the water volumes and timing from  
3080 Lake Okeechobee and the Caloosahatchee River watershed and their  
3081 relative contributions to the timing and volume of water  
3082 delivered to the estuary.

3083 (b) *Caloosahatchee River Watershed Basin Management Action*  
3084 *Plans.*—The basin management action plans adopted pursuant to s.  
3085 403.067 for the Caloosahatchee River watershed shall be the  
3086 Caloosahatchee River Watershed Pollutant Control Program. The  
3087 plans shall be designed to be a multifaceted approach to  
3088 reducing pollutant loads by improving the management of  
3089 pollutant sources within the Caloosahatchee River watershed  
3090 through implementation of regulations and best management  
3091 practices, development and implementation of improved best  
3092 management practices, improvement and restoration of the  
3093 hydrologic function of natural and managed systems, and  
3094 utilization of alternative technologies for pollutant reduction,  
3095 such as cost-effective biologically based, hybrid  
3096 wetland/chemical and other innovative nutrient control  
3097 technologies. As provided in s. 403.067(7)(a)6., the  
3098 Caloosahatchee River Watershed Basin Management Action Plans  
3099 must include milestones for implementation and water quality  
3100 improvement, and an associated water quality monitoring  
3101 component sufficient to evaluate whether reasonable progress in  
3102 pollutant load reductions is being achieved over time. An  
3103 assessment of progress toward these milestones shall be

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3104 conducted every 5 years and shall be provided to the Governor,  
3105 the President of the Senate, and the Speaker of the House of  
3106 Representatives. Revisions to the plans shall be made, as  
3107 appropriate, as a result of each 5-year review. Revisions to the  
3108 basin management action plans shall be made by the department in  
3109 cooperation with the basin stakeholders. Revisions to best  
3110 management practices or other measures must follow the  
3111 procedures set forth in s. 403.067(7)(c)4. Revised basin  
3112 management action plans must be adopted pursuant to s.  
3113 403.067(7)(a)5. The department shall develop an implementation  
3114 schedule establishing 5-year, 10-year, and 15-year measurable  
3115 milestones and targets to achieve the total maximum daily load  
3116 no more than 20 years after adoption of the plan. The initial  
3117 implementation schedule shall be used to provide guidance for  
3118 planning and funding purposes and is exempt from chapter 120.  
3119 Upon the first 5-year review, the implementation schedule shall  
3120 be adopted as part of the plans. If achieving the total maximum  
3121 daily load within 20 years is not practicable, the  
3122 implementation schedule must contain an explanation of the  
3123 constraints that prevent achievement of the total maximum daily  
3124 load within 20 years, an estimate of the time needed to achieve  
3125 the total maximum daily load, and additional 5-year measurable  
3126 milestones, as necessary. The coordinating agencies shall  
3127 facilitate the use of federal programs that offer opportunities  
3128 for water quality treatment, including preservation,  
3129 restoration, or creation of wetlands on agricultural lands.

3130 1. Nonpoint source best management practices consistent  
3131 with s. 403.067, designed to achieve the objectives of the  
3132 Caloosahatchee River Watershed Protection Program, shall be

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3133 implemented on an expedited basis. The coordinating agencies may  
3134 develop an intergovernmental agreement with local governments to  
3135 implement the nonagricultural, nonpoint source best management  
3136 practices within their respective geographic boundaries.

3137         2. This subsection does not preclude the department or the  
3138 district from requiring compliance with water quality standards,  
3139 adopted total maximum daily loads, or current best management  
3140 practices requirements set forth in any applicable regulatory  
3141 program authorized by law for the purpose of protecting water  
3142 quality. This subsection applies only to the extent that it does  
3143 not conflict with any rules adopted by the department or  
3144 district which are necessary to maintain a federally delegated  
3145 or approved program.

3146         3. Projects that make use of private lands, or lands held  
3147 in trust for Indian tribes, to reduce pollutant loadings or  
3148 concentrations within a basin, or that reduce the volume of  
3149 harmful discharges by one or more of the following methods:  
3150 restoring the natural hydrology of the basin, restoring wildlife  
3151 habitat or impacted wetlands, reducing peak flows after storm  
3152 events, or increasing aquifer recharge, are eligible for grants  
3153 available under this section from the coordinating agencies.

3154         4. The Caloosahatchee River Watershed Basin Management  
3155 Action Plans shall require assessment of current water  
3156 management practices within the watershed and shall require  
3157 development of recommendations for structural, nonstructural,  
3158 and operational improvements. Such recommendations shall  
3159 consider and balance water supply, flood control, estuarine  
3160 salinity, aquatic habitat, and water quality considerations.

3161         5. The department may not authorize the disposal of

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3162 domestic wastewater biosolids within the Caloosahatchee River  
3163 watershed unless the applicant can affirmatively demonstrate  
3164 that the nutrients in the biosolids will not add to nutrient  
3165 loadings in the watershed. This demonstration shall be based on  
3166 achieving a net balance between nutrient imports relative to  
3167 exports on the permitted application site. Exports shall include  
3168 only nutrients removed from the watershed through products  
3169 generated on the permitted application site. This prohibition  
3170 does not apply to Class AA biosolids that are marketed and  
3171 distributed as fertilizer products in accordance with department  
3172 rule.

3173         6. The Department of Health shall require all entities  
3174 disposing of septage within the Caloosahatchee River watershed  
3175 to develop and submit to that agency an agricultural use plan  
3176 that limits applications based upon nutrient loading consistent  
3177 with any basin management action plan adopted pursuant to s.  
3178 403.067.

3179         7. The Department of Agriculture and Consumer Services  
3180 shall require entities within the Caloosahatchee River watershed  
3181 which land-apply animal manure to develop a resource management  
3182 system level conservation plan, according to United States  
3183 Department of Agriculture criteria, which limit such  
3184 application. Such rules shall include criteria and thresholds  
3185 for the requirement to develop a conservation or nutrient  
3186 management plan, requirements for plan approval, site inspection  
3187 requirements, and recordkeeping requirements.

3188         8. The district shall initiate rulemaking to provide for a  
3189 monitoring program for nonpoint source dischargers required to  
3190 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.

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3191 The results of such monitoring must be reported to the  
3192 coordinating agencies.

3193 (c) *St. Lucie River Watershed Protection Plan.*—The  
3194 district, in cooperation with the other coordinating agencies,  
3195 Martin County, and affected counties and municipalities shall  
3196 complete a plan in accordance with this subsection. The St.  
3197 Lucie River Watershed Protection Plan shall identify the  
3198 geographic extent of the watershed, be coordinated as needed  
3199 with the plans developed pursuant to paragraph (3) (a) and  
3200 paragraph (a) of this subsection, and include the St. Lucie  
3201 River Watershed Construction Project and St. Lucie River  
3202 Watershed Research and Water Quality Monitoring Program.

3203 1. St. Lucie River Watershed Construction Project.—To  
3204 improve the hydrology, water quality, and aquatic habitats  
3205 within the watershed, the district shall, no later than January  
3206 1, 2012, plan, design, and construct the initial phase of the  
3207 Watershed Construction Project. In doing so, the district shall:

3208 a. Develop and designate the facilities to be constructed  
3209 to achieve stated goals and objectives of the St. Lucie River  
3210 Watershed Protection Plan.

3211 b. Identify the size and location of all such facilities.

3212 c. Provide a construction schedule for all such facilities,  
3213 including the sequencing and specific timeframe for construction  
3214 of each facility.

3215 d. Provide a schedule for the acquisition of lands or  
3216 sufficient interests necessary to achieve the construction  
3217 schedule.

3218 e. Provide a schedule of costs and benefits associated with  
3219 each construction project and identify funding sources.

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3220 f. To ensure timely implementation, coordinate the design,  
3221 scheduling, and sequencing of project facilities with the  
3222 coordinating agencies, Martin County, St. Lucie County, other  
3223 interested parties, and other affected local governments.

3224 2. St. Lucie River Watershed Research and Water Quality  
3225 Monitoring Program.—The district, in cooperation with the other  
3226 coordinating agencies and local governments, shall establish a  
3227 St. Lucie River Watershed Research and Water Quality Monitoring  
3228 Program that builds upon the district's existing research  
3229 program and that is sufficient to carry out, comply with, or  
3230 assess the plans, programs, and other responsibilities created  
3231 by this subsection. The district shall also conduct an  
3232 assessment of the water volumes and timing from Lake Okeechobee  
3233 and the St. Lucie River watershed and their relative  
3234 contributions to the timing and volume of water delivered to the  
3235 estuary.

3236 (d) *St. Lucie River Watershed Basin Management Action*  
3237 *Plan.*—The basin management action plan for the St. Lucie River  
3238 watershed adopted pursuant to s. 403.067 shall be the St. Lucie  
3239 River Watershed Pollutant Control Program and shall be designed  
3240 to be a multifaceted approach to reducing pollutant loads by  
3241 improving the management of pollutant sources within the St.  
3242 Lucie River watershed through implementation of regulations and  
3243 best management practices, development and implementation of  
3244 improved best management practices, improvement and restoration  
3245 of the hydrologic function of natural and managed systems, and  
3246 use of alternative technologies for pollutant reduction, such as  
3247 cost-effective biologically based, hybrid wetland/chemical and  
3248 other innovative nutrient control technologies. As provided in

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3249 s. 403.067(7)(a)6., the St. Lucie River Watershed Basin  
3250 Management Action Plan must include milestones for  
3251 implementation and water quality improvement, and an associated  
3252 water quality monitoring component sufficient to evaluate  
3253 whether reasonable progress in pollutant load reductions is  
3254 being achieved over time. An assessment of progress toward these  
3255 milestones shall be conducted every 5 years and shall be  
3256 provided to the Governor, the President of the Senate, and the  
3257 Speaker of the House of Representatives. Revisions to the plan  
3258 shall be made, as appropriate, as a result of each 5-year  
3259 review. Revisions to the basin management action plan shall be  
3260 made by the department in cooperation with the basin  
3261 stakeholders. Revisions to best management practices or other  
3262 measures must follow the procedures set forth in s.  
3263 403.067(7)(c)4. Revised basin management action plans must be  
3264 adopted pursuant to s. 403.067(7)(a)5. The department shall  
3265 develop an implementation schedule establishing 5-year, 10-year,  
3266 and 15-year measurable milestones and targets to achieve the  
3267 total maximum daily load no more than 20 years after adoption of  
3268 the plan. The initial implementation schedule shall be used to  
3269 provide guidance for planning and funding purposes and is exempt  
3270 from chapter 120. Upon the first 5-year review, the  
3271 implementation schedule shall be adopted as part of the plan. If  
3272 achieving the total maximum daily load within 20 years is not  
3273 practicable, the implementation schedule must contain an  
3274 explanation of the constraints that prevent achievement of the  
3275 total maximum daily load within 20 years, an estimate of the  
3276 time needed to achieve the total maximum daily load, and  
3277 additional 5-year measurable milestones, as necessary. The

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3278 coordinating agencies shall facilitate the use of federal  
3279 programs that offer opportunities for water quality treatment,  
3280 including preservation, restoration, or creation of wetlands on  
3281 agricultural lands.

3282 1. Nonpoint source best management practices consistent  
3283 with s. 403.067, designed to achieve the objectives of the St.  
3284 Lucie River Watershed Protection Program, shall be implemented  
3285 on an expedited basis. The coordinating agencies may develop an  
3286 intergovernmental agreement with local governments to implement  
3287 the nonagricultural nonpoint source best management practices  
3288 within their respective geographic boundaries.

3289 2. This subsection does not preclude the department or the  
3290 district from requiring compliance with water quality standards,  
3291 adopted total maximum daily loads, or current best management  
3292 practices requirements set forth in any applicable regulatory  
3293 program authorized by law for the purpose of protecting water  
3294 quality. This subsection applies only to the extent that it does  
3295 not conflict with any rules adopted by the department or  
3296 district which are necessary to maintain a federally delegated  
3297 or approved program.

3298 3. Projects that make use of private lands, or lands held  
3299 in trust for Indian tribes, to reduce pollutant loadings or  
3300 concentrations within a basin, or that reduce the volume of  
3301 harmful discharges by one or more of the following methods:  
3302 restoring the natural hydrology of the basin, restoring wildlife  
3303 habitat or impacted wetlands, reducing peak flows after storm  
3304 events, or increasing aquifer recharge, are eligible for grants  
3305 available under this section from the coordinating agencies.

3306 4. The St. Lucie River Watershed Basin Management Action

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3307 Plan shall require assessment of current water management  
3308 practices within the watershed and shall require development of  
3309 recommendations for structural, nonstructural, and operational  
3310 improvements. Such recommendations shall consider and balance  
3311 water supply, flood control, estuarine salinity, aquatic  
3312 habitat, and water quality considerations.

3313         5. The department may not authorize the disposal of  
3314 domestic wastewater biosolids within the St. Lucie River  
3315 watershed unless the applicant can affirmatively demonstrate  
3316 that the nutrients in the biosolids will not add to nutrient  
3317 loadings in the watershed. This demonstration shall be based on  
3318 achieving a net balance between nutrient imports relative to  
3319 exports on the permitted application site. Exports shall include  
3320 only nutrients removed from the St. Lucie River watershed  
3321 through products generated on the permitted application site.  
3322 This prohibition does not apply to Class AA biosolids that are  
3323 marketed and distributed as fertilizer products in accordance  
3324 with department rule.

3325         6. The Department of Health shall require all entities  
3326 disposing of septage within the St. Lucie River watershed to  
3327 develop and submit to that agency an agricultural use plan that  
3328 limits applications based upon nutrient loading consistent with  
3329 any basin management action plan adopted pursuant to s. 403.067.

3330         7. The Department of Agriculture and Consumer Services  
3331 shall initiate rulemaking requiring entities within the St.  
3332 Lucie River watershed which land-apply animal manure to develop  
3333 a resource management system level conservation plan, according  
3334 to United States Department of Agriculture criteria, which limit  
3335 such application. Such rules shall include criteria and

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3336 thresholds for the requirement to develop a conservation or  
3337 nutrient management plan, requirements for plan approval, site  
3338 inspection requirements, and recordkeeping requirements.

3339 8. The district shall initiate rulemaking to provide for a  
3340 monitoring program for nonpoint source dischargers required to  
3341 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.  
3342 The results of such monitoring must be reported to the  
3343 coordinating agencies.

3344 (e) *River Watershed Protection Plan implementation.*—The  
3345 coordinating agencies shall be jointly responsible for  
3346 implementing the River Watershed Protection Plans, consistent  
3347 with the statutory authority and responsibility of each agency.  
3348 Annual funding priorities shall be jointly established, and the  
3349 highest priority shall be assigned to programs and projects that  
3350 have the greatest potential for achieving the goals and  
3351 objectives of the plans. In determining funding priorities, the  
3352 coordinating agencies shall also consider the need for  
3353 regulatory compliance, the extent to which the program or  
3354 project is ready to proceed, and the availability of federal or  
3355 local government matching funds. Federal and other nonstate  
3356 funding shall be maximized to the greatest extent practicable.

3357 (f) *Evaluation.*—Beginning March 1, 2020, and every 5 years  
3358 thereafter, concurrent with the updates of the basin management  
3359 action plans adopted pursuant to s. 403.067, the department, in  
3360 cooperation with the other coordinating agencies, shall conduct  
3361 an evaluation of any pollutant load reduction goals, as well as  
3362 any other specific objectives and goals, as stated in the River  
3363 Watershed Protection Programs. The district shall identify  
3364 modifications to facilities of the River Watershed Construction

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3365 Projects, as appropriate, or any other elements of the River  
3366 Watershed Protection Programs. The evaluation shall be included  
3367 in the annual progress report submitted pursuant to this  
3368 section.

3369 (g) *Priorities and implementation schedules.*—The  
3370 coordinating agencies are authorized and directed to establish  
3371 priorities and implementation schedules for the achievement of  
3372 total maximum daily loads, the requirements of s. 403.067, and  
3373 compliance with applicable water quality standards within the  
3374 waters and watersheds subject to this section.

3375 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
3376 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
3377 department is directed to expedite development and adoption of  
3378 total maximum daily loads for the Caloosahatchee River and  
3379 estuary. The department is further directed to propose for final  
3380 agency action total maximum daily loads for nutrients in the  
3381 tidal portions of the Caloosahatchee River and estuary. The  
3382 department shall initiate development of basin management action  
3383 plans for Lake Okeechobee, the Caloosahatchee River watershed  
3384 and estuary, and the St. Lucie River watershed and estuary as  
3385 provided in s. 403.067 as follows:

3386 (a) Basin management action plans shall be developed as  
3387 soon as practicable as determined necessary by the department to  
3388 achieve the total maximum daily loads established for the Lake  
3389 Okeechobee watershed and the estuaries.

3390 (b) The Phase II technical plan development pursuant to  
3391 paragraph (3) (a), and the River Watershed Protection Plans  
3392 developed pursuant to paragraphs (4) (a) and (c), shall provide  
3393 the basis for basin management action plans developed by the

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3394 department.

3395 (c) As determined necessary by the department to achieve  
3396 the total maximum daily loads, additional or modified projects  
3397 or programs that complement those in the legislatively ratified  
3398 plans may be included during the development of the basin  
3399 management action plan.

3400 (d) As provided in s. 403.067, management strategies and  
3401 pollution reduction requirements set forth in a basin management  
3402 action plan subject to permitting by the department under  
3403 subsection (7) must be completed pursuant to the schedule set  
3404 forth in the basin management action plan, as amended. The  
3405 implementation schedule may extend beyond the 5-year permit  
3406 term.

3407 (e) As provided in s. 403.067, management strategies and  
3408 pollution reduction requirements set forth in a basin management  
3409 action plan for a specific pollutant of concern are not subject  
3410 to challenge under chapter 120 at the time they are  
3411 incorporated, in an identical form, into a department or  
3412 district issued permit or a permit modification issued in  
3413 accordance with subsection (7).

3414 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in  
3415 cooperation with the other coordinating agencies, shall report  
3416 on implementation of this section as part of the consolidated  
3417 annual report required in s. 373.036(7). The annual report shall  
3418 include a summary of the conditions of the hydrology, water  
3419 quality, and aquatic habitat in the northern Everglades based on  
3420 the results of the Research and Water Quality Monitoring  
3421 Programs, the status of the Lake Okeechobee Watershed  
3422 Construction Project, the status of the Caloosahatchee River

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3423 Watershed Construction Project, and the status of the St. Lucie  
3424 River Watershed Construction Project. In addition, the report  
3425 shall contain an annual accounting of the expenditure of funds  
3426 from the Save Our Everglades Trust Fund. At a minimum, the  
3427 annual report shall provide detail by program and plan,  
3428 including specific information concerning the amount and use of  
3429 funds from federal, state, or local government sources. In  
3430 detailing the use of these funds, the district shall indicate  
3431 those designated to meet requirements for matching funds. The  
3432 district shall prepare the report in cooperation with the other  
3433 coordinating agencies and affected local governments. The  
3434 department shall report on the status of the Lake Okeechobee  
3435 Basin Management Action Plan, the Caloosahatchee River Watershed  
3436 Basin Management Action Plan, and the St. Lucie River Watershed  
3437 Basin Management Action Plan. The Department of Agriculture and  
3438 Consumer Services shall report on the status of the  
3439 implementation of the agricultural nonpoint source best  
3440 management practices, including an implementation assurance  
3441 report summarizing survey responses and response rates, site  
3442 inspections, and other methods used to verify implementation of  
3443 and compliance with best management practices in the Lake  
3444 Okeechobee, Caloosahatchee River, and St. Lucie River  
3445 watersheds.

3446 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

3447 (a) The Legislature finds that the Lake Okeechobee  
3448 Watershed Protection Program will benefit Lake Okeechobee and  
3449 downstream receiving waters and is in the public interest. The  
3450 Lake Okeechobee Watershed Construction Project and structures  
3451 discharging into or from Lake Okeechobee shall be constructed,

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operated, and maintained in accordance with this section.

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

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

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

3. By January 1, 2017, the district shall submit to the department a complete application for a permit modification to the Lake Okeechobee structure permits to incorporate proposed

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3481 changes necessary to ensure that discharges through the  
3482 structures covered by this permit are consistent with the basin  
3483 management action plan adopted pursuant to s. 403.067.

3484 (d) The department shall require permits for district  
3485 regional projects that are part of the Lake Okeechobee Watershed  
3486 Construction Project. However, projects that qualify as exempt  
3487 pursuant to s. 373.406 do not require permits under this  
3488 section. Such permits shall be issued for a term of 5 years upon  
3489 the demonstration of reasonable assurances that:

3490 1. District regional projects that are part of the Lake  
3491 Okeechobee Watershed Construction Project shall achieve the  
3492 design objectives for phosphorus required in subparagraph  
3493 (3) (a)1.;

3494 2. For water quality standards other than phosphorus, the  
3495 quality of water discharged from the facility is of equal or  
3496 better quality than the inflows;

3497 3. Discharges from the facility do not pose a serious  
3498 danger to public health, safety, or welfare; and

3499 4. Any impacts on wetlands or state-listed species  
3500 resulting from implementation of that facility of the Lake  
3501 Okeechobee Construction Project are minimized and mitigated, as  
3502 appropriate.

3503 (e) At least 60 days before the expiration of any permit  
3504 issued under this section, the permittee may apply for a renewal  
3505 thereof for a period of 5 years.

3506 (f) Permits issued under this section may include any  
3507 standard conditions provided by department rule which are  
3508 appropriate and consistent with this section.

3509 (g) Permits issued under this section may be modified, as

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3510 appropriate, upon review and approval by the department.

3511 (8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida  
3512 Water Management District shall not divert waters to the St.  
3513 Lucie River, the Indian River estuary, the Caloosahatchee River  
3514 or its estuary, or the Everglades National Park, in such a way  
3515 that the state water quality standards are violated, that the  
3516 nutrients in such diverted waters adversely affect indigenous  
3517 vegetation communities or wildlife, or that fresh waters  
3518 diverted to the St. Lucie River or the Caloosahatchee or Indian  
3519 River estuaries adversely affect the estuarine vegetation or  
3520 wildlife, unless the receiving waters will biologically benefit  
3521 by the diversion. However, diversion is permitted when an  
3522 emergency is declared by the water management district, if the  
3523 Secretary of Environmental Protection concurs.

3524 (9) PRESERVATION OF PROVISIONS RELATING TO THE EVERGLADES.—  
3525 Nothing in this section shall be construed to modify any  
3526 provision of s. 373.4592.

3527 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this  
3528 section is intended to diminish or alter the governmental  
3529 authority and powers of the Seminole Tribe of Florida, or  
3530 diminish or alter the rights of that tribe, including, but not  
3531 limited to, rights under the water rights compact among the  
3532 Seminole Tribe of Florida, the state, and the South Florida  
3533 Water Management District as enacted by Pub. L. No. 100-228, 101  
3534 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in  
3535 s. 285.165, and rights under any other agreement between the  
3536 Seminole Tribe of Florida and the state or its agencies. No land  
3537 of the Seminole Tribe of Florida shall be used for water storage  
3538 or stormwater treatment without the consent of the tribe.

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3539 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—Nothing  
3540 in this section shall be construed to modify any existing state  
3541 water quality standard or to modify the provisions of s.  
3542 403.067(6) and (7)(a).

3543 (12) RULES.—The governing board of the district is  
3544 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54  
3545 to implement the provisions of this section.

3546 (13) PRESERVATION OF AUTHORITY.—Nothing in this section  
3547 shall be construed to restrict the authority otherwise granted  
3548 to agencies pursuant to this chapter and chapter 403, and  
3549 provisions of this section shall be deemed supplemental to the  
3550 authority granted to agencies pursuant to this chapter and  
3551 chapter 403.

3552 Section 38. For the purpose of incorporating the amendment  
3553 made by this act to section 403.0872, Florida Statutes, in a  
3554 reference thereto, section 403.0873, Florida Statutes, is  
3555 reenacted to read:

3556 403.0873 Florida Air-Operation License Fee Account.—The  
3557 "Florida Air-Operation License Fee Account" is established as a  
3558 nonlapsing account within the Department of Environmental  
3559 Protection's Air Pollution Control Trust Fund. All license fees  
3560 paid pursuant to s. 403.0872(11) shall be deposited in such  
3561 account and must be used solely by the department and approved  
3562 local programs under the advice and consent of the Legislature  
3563 to pay the direct and indirect costs required to develop and  
3564 administer the major stationary source air-operation permit  
3565 program. Any approved local pollution control program that  
3566 accepts funds from the department as reimbursement for services  
3567 it performs in the implementation of the major source air-

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3568 operation permit program, receives delegation from the  
3569 department or the United States Environmental Protection Agency  
3570 for implementation of the major source air-operation permit  
3571 program, or performs functions, duties, or activities  
3572 substantially similar to or duplicative of the services  
3573 performed by the department or the United States Environmental  
3574 Protection Agency in the implementation of the major source air-  
3575 operation permit program is prohibited from collecting  
3576 additional fees attributable to such services from any source  
3577 permitted under s. 403.0872.

3578 Section 39. For the purpose of incorporating the amendment  
3579 made by this act to section 403.1838, Florida Statutes, in a  
3580 reference thereto, paragraph (d) of subsection (3) of section  
3581 403.1835, Florida Statutes, is reenacted to read:

3582 403.1835 Water pollution control financial assistance.—

3583 (3) The department may provide financial assistance through  
3584 any program authorized under 33 U.S.C. s. 1383, as amended,  
3585 including, but not limited to, making grants and loans,  
3586 providing loan guarantees, purchasing loan insurance or other  
3587 credit enhancements, and buying or refinancing local debt. This  
3588 financial assistance must be administered in accordance with  
3589 this section and applicable federal authorities.

3590 (d) The department may make grants to financially  
3591 disadvantaged small communities, as defined in s. 403.1838,  
3592 using funds made available from grant allocations on loans  
3593 authorized under subsection (4). The grants must be administered  
3594 in accordance with s. 403.1838.

3595 Section 40. This act shall take effect July 1, 2026.