

Tab 1	SB 912 by McClain; Similar to H 01067 Battery Collection and Recovery
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448936	A	S	LRCS	EN, McClain	Delete L.98 - 622:	02/03 05:24 PM
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Tab 4	SB 1510 by Massullo; Identical to H 01417 Department of Environmental Protection
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732092	A	S	LRCS	EN, Massullo	Delete L.309 - 1728:	02/03 05:24 PM
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Tab 5	SPB 7034 by EN; Ratification of Rules of the Department of Environmental Protection
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Tab 3	SB 1422 by Garcia (CO-INTRODUCERS) Jones; Identical to H 01319 Surface Waters
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316018	D	S	RCS	EN, Garcia	Delete everything after	02/03 05:24 PM
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Tab 2	SB 1196 by Sharief; Identical to H 01089 Waste Facilities
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370166	A	S	RCS	EN, Sharief	Delete L.32 - 155:	02/03 05:24 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Rodriguez, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Tuesday, February 3, 2026
TIME: 3:30—5:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Rodriguez, Chair; Senator Mayfield, Vice Chair; Senators Arrington, Avila, DiCeglie, Harrell, Polsky, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 912 McClain (Similar H 1067)	Battery Collection and Recovery; Creating the "Safe Battery Collection and Recovery Act"; requiring a producer or retailer to fulfill certain requirements, beginning on a specified date, before selling, offering for sale, or distributing for sale in this state any covered battery or battery-containing product; requiring a BSO operating in this state to submit a battery stewardship plan to the Department of Environmental Protection annually for review and approval; requiring a BSO implementing an approved battery stewardship plan to satisfy certain requirements; requiring a BSO to submit a report to the department annually beginning on a specified date, etc. EN 02/03/2026 Fav/CS AEG FP	Fav/CS Yeas 6 Nays 0
2	SB 1196 Sharief (Identical H 1089)	Waste Facilities; Prohibiting a local government or the Department of Environmental Protection, respectively, from issuing a construction permit for certain solid waste disposal and waste-to-energy facilities under certain circumstances, etc. EN 02/03/2026 Fav/CS CA RC	Fav/CS Yeas 5 Nays 1
3	SB 1422 Garcia (Identical H 1319)	Surface Waters; Requiring the Department of Environmental Protection to incorporate habitat equivalency analysis in the uniform mitigation assessment method; requiring that permits for dredging and filling include certain requirements; requiring permitted entities to bear the full cost and responsibility for any damage or destruction caused by dredging, filling, or related activities, etc. EN 02/03/2026 Fav/CS AEG RC	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources
 Tuesday, February 3, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1510 Massullo (Identical H 1417)	Department of Environmental Protection; Deleting provisions creating the Environmental Regulation Commission; requiring that residential properties of a specified size located in a certain area connect to a central sewer system or upgrade to a specified type of nutrient-reducing wastewater treatment system; providing that remediation plans for certain properties may not prohibit or require certain actions relating to onsite sewage treatment and disposal systems; providing for a type 2 transfer of powers and functions of the Florida Communities Trust from the department to the Acquisition and Restoration Council; revising legislative findings and intent for the Florida Communities Trust, etc. EN 02/03/2026 Fav/CS AEG FP	Fav/CS Yeas 7 Nays 0

Consideration of proposed bill:

5	SPB 7034	Ratification of Rules of the Department of Environmental Protection; Ratifying a specified rule relating to the Lower Santa Fe and Ichetucknee Rivers and Priority Springs minimum flows and recovery strategy for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs, etc.	Submitted and Reported Favorably as Committee Bill Yeas 6 Nays 1
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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Atlantic States Marine Fisheries Commission			
6	Jennings, Gary (Windermere)	09/04/2028	Recommend Confirm Yeas 6 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 912

INTRODUCER: Environment and Natural Resources and Senator McClain

SUBJECT: Battery Collection and Recovery

DATE: February 3, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Fav/CS
2.			AEG	
3.			FP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 912 creates the Safe Battery Collection and Recovery Act.

The bill repeals s. 403.7192, F.S., which governs batteries and consumer, manufacturer, and seller requirements.

By January 1, 2028, the bill requires a producer of covered batteries or battery-containing products to join a battery stewardship organization (BSO). Producers must verify to the Florida Department of Environmental Protection (DEP) that the covered batteries they sell or distribute are clearly labelled to identify the producer. Retailers may serve as a collection site and may participate in a battery stewardship plan.

The bill authorizes a BSO to bring civil actions against producers and other BSOs for violating the Safe Battery Collection and Recovery Act.

The bill requires a BSO to submit a battery stewardship plan to DEP for review and approval. It also requires a BSO to promote the implementation of the plan. It prohibits a producer, retailer, or BSO from charging a point-of-sale fee to consumers to cover the costs of implementing the plan. The bill lists the required components of the plan.

The bill provides that a producer, retailer, or BSO is not liable for any claim of a violation of antitrust laws or laws relating to fraudulent, deceptive, or unfair methods of competition or trade practices arising from conduct that complies with a battery stewardship plan.

Beginning January 1, 2029, the bill requires a producer to verify to DEP that any covered battery or battery contained in a product is properly labeled.

The bill requires a BSO to:

- Notify DEP after a producer, processor, or transporter begins or ceases participating in the BSO and after the addition or removal of a processor or transporter under the plan;
- Pay the costs of implementing a battery stewardship plan;
- Reimburse local governments for costs incurred by a local government facility or solid waste facility that collects over 200 pounds annually and is designated as a collection site;
- Collect charges from participating producers to cover the costs of implementing a battery stewardship plan;
- Provide for the collection of all covered batteries throughout the state;
- Equip collection sites with suitable collection containers;
- Ensure proper collection of medium format batteries and damaged and defective batteries;
- Provide permanent collection sites for portable batteries and medium format batteries;
- Submit an annual report to DEP beginning on June 1, 2029; and
- Hire a third-party to complete a one-time audit of any battery stewardship plan.

A BSO is not required to provide for the collection of batteries contained within a product at the time of delivery to a collection site if the battery or product is under a safety recall. A BSO may seek reimbursement from the producer of a recalled battery or product for specified costs.

The bill authorizes a person or recycler to offer or perform fee-based household battery collection services or mail-back services for covered batteries if the person or recycler meets certain requirements.

Beginning January 1, 2028, the bill requires disposal of certain covered batteries at collection sites or events, unless the battery is regulated as hazardous waste. A person may not knowingly cause or allow:

- A covered battery to mix with recyclable materials, municipal waste, or waste intended for incineration, except in specified circumstances; and
- The disposal of a covered battery in a landfill.

The bill authorizes civil penalties for violating the act. It is a third degree felony to knowingly provide a false material statement to DEP related to a battery stewardship plan.

II. Present Situation:

Batteries

Billions of single-use¹ and rechargeable batteries are bought, used, and disposed of in the U.S. every year.² The increasing use of small, portable electronics, power tools, and “smart” products like appliances and automobiles has created an increase in the demand for batteries.³

Rechargeable batteries can often be found in cellphones, cordless power tools and vacuums, portable chargers, drones, and medical devices. Lithium-ion batteries are being used in many consumer electronics, electric vehicles, and stationary energy storage.⁴ Rechargeable batteries, which include lithium-ion, nickel cadmium, nickel metal hydride, and small sealed lead acid, are in high demand because they can store high amounts of energy in a smaller battery.⁵

Mid-sized rechargeable lithium-ion batteries are considered medium-format batteries.⁶ These medium-format batteries are commonly found in electric, cordless lawnmowers and snowblowers, e-bikes, mobility scooters, marine motors, and portable generators.⁷

Battery Regulations

Manufacturing, Distribution, and Sales

Florida law prohibits the sale of certain types of batteries unless they conform to specified standards. For example, Florida law prohibits the sale of alkaline-manganese or zinc-carbon batteries that contain any intentionally introduced mercury and more than 0.0004 percent mercury by weight.⁸ For alkaline-manganese button batteries, the mercury limitation is 25 milligrams. State law also prevents the sale of consumer button dry cell batteries that contain a mercuric oxide electrode or products that contain this type of battery. The Florida Department of Environmental Protection (DEP) may provide an exemption if there is no battery that is a reasonable substitution and that also meets the mercury limitations.⁹

¹ Single-use batteries include alkaline and zinc-carbon batteries, button-cell or coin batteries, and lithium batteries. U.S. Environmental Protection Agency (EPA), *Used Household Batteries*, <https://www.epa.gov/recycle/used-household-batteries> (last visited Jan. 29, 2026).

² Florida Department of Environmental Protection (DEP), *Battery Recycling and Disposal*, 1 (2016), available at <https://floridadep.gov/sites/default/files/Battery%20Recycling%20and%20Disposal-web.pdf>; EPA, *Used Household Batteries*.

³ EPA, *Used Household Batteries*.

⁴ EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions*, 1 (May 24, 2023), available at <https://rcrapublic.epa.gov/files/14957.pdf>; The Battery Network, *Rechargeable Batteries*, <https://batterynetwork.org/battery-basics/what-to-recycle/rechargeable-batteries/> (last visited Jan. 29, 2026).

⁵ *Id.*

⁶ The Battery Network, *Medium Format Batteries*, <https://batterynetwork.org/battery-basics/what-to-recycle/medium-format-batteries/> (last visited Jan. 29, 2026).

⁷ *Id.*

⁸ Section 403.7192(2), F.S.

⁹ *Id.*

Florida law prohibits a cell manufacturer¹⁰ or marketer¹¹ from selling any consumer or non-consumer product that is powered by a rechargeable battery, unless the battery or product meets certain criteria.¹² A rechargeable battery is any small, nonvehicular, rechargeable nickel-cadmium or sealed lead-acid battery that weighs less than 25 pounds and is not used for memory backup.¹³ The manufacturer or marketer must meet the following criteria:

- For consumer products, the battery can be easily removed by the consumer, or the battery is contained in a battery pack that is separate from the product and can be easily removed.
- For non-consumer products, the battery can be removed or is contained in a battery pack that is separate from the product.
- The product or the battery, or the packaging if the product is a consumer product, is labeled with a recycling symbol and includes the term “Cd” for nickel-cadmium batteries or “Pb” for small, sealed lead batteries to indicate the chemical composition of the battery.
- The instruction manual for the product or the packaging if the product is a consumer product clearly states that the sealed lead or nickel-cadmium battery must be recycled or disposed of properly.¹⁴

If a consumer or non-consumer product’s design would result in significant danger to public health and safety if it were to be removable, DEP may authorize the sale of the product without compliance with that requirement.¹⁵

Labeling, Collection, and Disposal

Battery disposal must be managed correctly to reduce environmental, safety, and health risks.¹⁶ While some batteries can be disposed of in household trash or municipal recycling, others can cause significant environmental contamination from heavy metals and other toxic substances.¹⁷ Batteries may contain different chemical elements, including metals like mercury, lead,

¹⁰ “Cell” is defined as a galvanic or voltaic device weighing 25 pounds or less that consists of an enclosed or sealed container containing a positive and negative electrode in which one or both electrodes consist primarily of cadmium or lead and which container includes a gel or liquid starved electrolyte. Section 403.7192(1)(a), F.S. A “cell manufacturer” is an entity that manufactures cells in the U.S. or imports into the U.S. cells or units for which no unit management program has been put into effect by the actual manufacturer of the cell or unit. Section 403.7192(1)(b), F.S. A “unit” is a cell, a rechargeable battery, or a rechargeable product with nonremovable rechargeable batteries. Section 403.7192(1)(e), F.S. A “unit management program” is a program or system for the collection, recycling, or disposal of units put in place by a marketer in accordance with law. Section 403.7192(1)(f), F.S.

¹¹ A “marketer” is any person who manufactures, sells, distributes, assembles, or affixes a brand name or private label or licenses the use of a brand name on a unit or rechargeable product. This does not include someone engaged in the retail sale of a unit or rechargeable product. Section 403.7192(1)(c), F.S.

¹² Section 403.7192(4)(a), F.S.

¹³ Section 403.7192(1)(d), F.S. This definition includes a battery pack that contains a rechargeable battery. *Id.*

¹⁴ Section 403.7192(4), F.S.

¹⁵ Section 403.7192(5), F.S.

¹⁶ EPA, *Used Household Batteries*.

¹⁷ *Id.*; DEP, *Battery Recycling and Disposal* at 1.

cadmium, nickel, and silver, as well as critical minerals¹⁸ like cobalt, lithium, and graphite.¹⁹ Improperly disposed batteries, especially lithium-ion batteries, can be dangerous fire hazards.²⁰ Certain lithium-ion batteries on the market today are classified as hazardous waste by the U.S. Environmental Protection Agency (EPA) due to their ignitability and reactive properties.²¹



¹⁸ The U.S. Geological Survey designates mineral commodities as “critical minerals” if the minerals have a significant role in national security, economy, renewable energy development, and infrastructure. USGS, *U.S. Geological Survey Releases 2022 List of Critical Minerals*, <https://www.usgs.gov/news/national-news-release/us-geological-survey-releases-2022-list-critical-minerals> (last visited Jan. 29, 2026). See Congressional Research Service, *Critical Mineral Resources: The U.S. Geological Survey (USGS) Role in Research and Analysis* (Feb. 21, 2025), available at <https://crsreports.congress.gov/product/pdf/R/R48005>.

¹⁹ EPA, *Used Household Batteries*.

²⁰ EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions* at 6; EPA, *Used Lithium-Ion Batteries*, <https://www.epa.gov/recycle/used-lithium-ion-batteries#businesses> (last visited March 5, 2025).

²¹ EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions* at 3. There is a wide variety of lithium-ion battery chemistries, which affects whether a given lithium-ion battery exhibits a hazardous waste characteristic that would place it under the purview of federal hazardous waste laws. If a lithium-ion battery has a hazardous waste characteristic, its disposal may be regulated under the federal Resource Conservation and Recovery Act (RCRA). RCRA regulates hazardous waste generators, however hazardous wastes discarded by households are generally exempt. Due to the dangers posed by lithium-ion batteries, the EPA recommends that all household lithium-ion batteries be dropped off at battery collection sites or household hazardous waste collection facilities. *Id.* at 6-7; 42 U.S.C. §6903; EPA, *Used Lithium-Ion Batteries*.

Many stores that sell batteries, phones, or electronics, as well as local hazardous waste facilities, will collect used batteries for recycling.²² Additionally, recycling programs like the Battery Network provide education, collection, logistics, and compliance expertise.²³

The federal Bipartisan Infrastructure Law of 2021 addressed battery recycling. It directed the EPA to develop best practices for the collection of small, medium, and large format batteries for recycling.²⁴ The best practices will:

- Be technically and economically feasible for state, Tribal, and local governments;
- Be environmentally sound and safe for waste management workers; and
- Optimize the value and use of material derived from recycling batteries.²⁵

Also as a result of the Bipartisan Infrastructure Law of 2021, the EPA is working to compile a set of voluntary labeling guidelines for various battery chemistries and types, which will be finalized in 2026.²⁶ Currently, lead-acid, nickel cadmium, and lithium-ion batteries are subject to national labeling requirements.²⁷ Any button-cell and coin batteries and the products that contain them are also subject to warning labels for child safety.²⁸

Florida law addresses the disposal of certain types of batteries. For example, it prohibits a person from knowingly placing a dry cell battery that uses a mercuric oxide electrode or a rechargeable battery (or a product containing either type of battery) in a mixed solid waste stream if the battery was purchased for use or used by a consumer or by a government, industrial, communications, or medical facility that is a conditionally exempt small quantity generator of hazardous waste.²⁹ Each government, industrial, commercial, communications, or medical facility must collect and segregate these types of batteries and send them back to a designated collection site.

²² DEP, *Battery Recycling and Disposal* at 1. Information about recycling batteries can be found through local household hazardous waste program websites, at the Battery Network, or Earth 911. DEP, *Household Hazardous Waste*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/household-hazardous-waste> (last visited Jan. 29, 2026); The Battery Network, *Homepage*, <https://batterynetwork.org/> (last visited Jan. 29, 2026); Earth911, *Recycling Search*, https://search.earth911.com/?utm_source=earth911-header (last visited Jan. 29, 2026). The graphic on this page can be found at: DEP, *Battery Recycling and Disposal* at 1.

²³ The Battery Network, <https://batterynetwork.org/about-us/> (last visited Jan. 29, 2026).

²⁴ EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions* at 8; EPA, *Battery Collection Best Practices and Battery Labeling Guidelines*, <https://www.epa.gov/infrastructure/battery-collection-best-practices-and-battery-labeling-guidelines> (last visited Jan. 29, 2026).

²⁵ EPA, *Battery Collection Best Practices and Battery Labeling Guidelines*.

²⁶ *Id.*; EPA, *Voluntary Battery Labeling Guidelines*, <https://www.epa.gov/electronics-batteries-management/voluntary-battery-labeling-guidelines> (last visited Jan. 29, 2026).

²⁷ EPA, *White Paper Summarizing Existing Battery Labeling Requirements and Standards*, 6 (Jan. 2025), available at <https://www.epa.gov/system/files/documents/2025-01/battery-labeling-requirements-and-standards-white-paper.pdf>. National labeling requirements have been codified by the Mercury-Containing and Rechargeable Battery Management Act of 1996, which resulted in a partnership between the EPA and the Rechargeable Battery Recycling Corporation (now Call2Recycle) to certify a label for rechargeable batteries, and Reese's Law of 2022, which provided safety labeling requirements. *Id.* at 6-7. In addition to national labeling standards, there are also voluntary battery labeling standards, including globally recognized industry standards from organizations like SAE International, Battery Council International, and the Automotive Recyclers Association. *Id.* at 11-14.

²⁸ *Id.* at 6.

²⁹ Section 403.7192(3), F.S. A conditionally exempt small quantity generator is defined as a generator that generates no more than 100 kg of hazardous waste in a month. 40 C.F.R. §261.5 (2017). This citation in statute is no longer up to date following federal rule amendments.

Florida law also provides specific requirements for manufacturers and distributors of mercuric oxide batteries and products containing those batteries, as well as marketers of rechargeable batteries and the products powered by such batteries.³⁰ These manufacturers and distributors must:

- Implement a unit management program through which discarded batteries or products powered by nonremovable batteries may be returned to designated collections sites. The management program must be accessible for consumers and local governments collecting batteries or products from consumers, for returning discarded batteries or products. Additionally, cell manufacturers must accept rechargeable batteries of the same general type, including differing brands; the acceptance rate need not exceed the annual rate at which their batteries are sold in Florida. Cell manufacturers have the sole responsibility for reclamation and disposal of the rechargeable batteries that are returned to them.
- Clearly inform each purchaser that these batteries and products powered by nonremovable batteries may not be disposed in the solid waste stream. Manufacturers and distributors must include information about the system available to purchasers for the proper collection, transportation, recycling, or disposal of these batteries.
- Accept waste batteries or products containing these batteries returned to their designated collection sites as allowed by federal, state, and local laws and regulations.
- Ensure that the type of electrode used in each battery is clearly identifiable.³¹

Florida law requires organizations representing manufacturers to give DEP a list of organization members for whom the association is conducting the unit management program.³²

Antitrust Laws

There are three main federal antitrust laws: the Sherman Act (1890), the Federal Trade Commission Act (1914), and the Clayton Act (1914).³³ These laws protect competition for the benefit of consumers and ensure there are strong incentives for businesses to operate efficiently, keep prices down, and keep quality up.

The Sherman Act outlaws every contract, combination, or conspiracy in restraint of trade, as well as any monopolization, attempted monopolization, or conspiracy or combination to monopolize.³⁴ The Federal Trade Commission Act created the Federal Trade Commission and prohibits unfair methods of competition and unfair or deceptive acts or practices.³⁵ All violations of the Sherman Act also violate the Federal Trade Commission Act, which allows the Federal Trade Commission to bring cases under the Federal Trade Commission Act against the same types of activities that violate the Sherman Act.³⁶ The Clayton Act addresses specific practices

³⁰ Section 403.7192(6), F.S. Manufacturers and distributors of rechargeable batteries that are solely used for memory are exempt from these requirements. These requirements apply to manufacturers and distributors whose batteries and products are sold and distributed in Florida and subject to certain disposal requirements. See section 403.7192(3), F.S.

³¹ Section 403.7192(6), F.S.

³² Section 403.7192(7), F.S.

³³ Federal Trade Commission, *The Antitrust Laws*, <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/antitrust-laws> (last visited Jan. 29, 2026).

³⁴ *Id*

³⁵ *Id.*; 15 U.S.C. §§ 41-58.

³⁶ Federal Trade Commission, *The Antitrust Laws*.

that the Sherman Act does not clearly prohibit, such as mergers and interlocking directorates.³⁷ It also bans mergers and acquisitions where the effect may substantially lessen competition or create a monopoly.³⁸

Florida Antitrust Laws

Florida law also provides protections against anticompetitive practices. The Florida Antitrust Act of 1980 intended to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition.³⁹ It outlaws every contract, combination, or conspiracy in restraint of trade or commerce in Florida⁴⁰ and any person from monopolizing or attempting or conspiring to monopolize any part of trade.⁴¹

Generally, a contract in restraint of trade or commerce in Florida is unlawful.⁴² However, any activity or conduct exempt under Florida statutory or common law, or exempt from federal antitrust laws, is exempt under the Florida Antitrust Act.

The Florida Antitrust Act specifically does not prohibit non-competition restrictive covenants⁴³ contained in employment agreements that are reasonable in time, area, and line of business.⁴⁴ In any action concerning enforcement of a restrictive covenant, a court may not enforce a restrictive covenant unless it is set forth in a writing signed by the person against whom enforcement is sought, and the person seeking enforcement of a restrictive covenant must prove the existence of one or more legitimate business interests justifying the restrictive covenant.⁴⁵ The term “legitimate business interest” includes, but is not limited to:

- Trade secrets;⁴⁶
- Valuable confidential business or professional information that does not otherwise qualify as trade secrets;
- Substantial relationships with specific prospective or existing customers, patients, or clients;
- Customer, patient, or client goodwill associated with:
 - An ongoing business or professional practice, by way of trade name, trademark, service mark, or “trade dress;”
 - A specific geographic location; or
 - A specific marketing or trade area; or
- Extraordinary or specialized training.⁴⁷

³⁷ “Interlocking directorates” means the same person making business decisions for competing companies. *Id.*

³⁸ *Id.*

³⁹ Section 542.16, F.S.

⁴⁰ Section 542.18, F.S.

⁴¹ Section 542.19, F.S.

⁴² Section 542.18, F.S.

⁴³ Section 542.335, F.S. employs the term “restrictive covenants” and includes all contractual restrictions such as noncompetition/non-solicitation agreements, confidentiality agreements, exclusive dealing agreements, and all other contractual restraints of trade. *See Henao v. Prof'l Shoe Repair, Inc.*, 929 So.2d 723, 726 (Fla. 5th DCA 2006).

⁴⁴ Section 542.335(1), F.S.

⁴⁵ *Id.*

⁴⁶ Section 688.002(4), F.S., defines a “trade secret” as information, including a formula, pattern, compilation, program, device, method, technique, or process that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

⁴⁷ Section 542.335(1)(b), F.S.

Any restrictive covenant not supported by a legitimate business interest is unlawful and is void and unenforceable.⁴⁸ A person seeking enforcement of a restrictive covenant must prove that the contractually specified restraint is reasonably necessary to protect the legitimate business interest or interests justifying the restriction.⁴⁹

III. Effect of Proposed Changes:

Section 1 creates s. 403.71871, F.S., which titles the sections created by this bill the “Safe Battery Collection and Recovery Act.”

Section 2 creates s. 403.71872, F.S., to define terms used in the Safe Battery Collection and Recovery Act.

The bill defines a “Battery-containing product” as a product that contains or is packaged with a covered battery. The definition excludes computers, small-scale servers, computer monitors, printers, fax machines, scanners, televisions, digital video disc players and recorders, video cassette recorders, digital converter boxes, cable receivers, satellite receivers, portable digital music players, or video game consoles.

“Battery stewardship organization” (BSO) means a third-party entity designated by one or more producers to implement an approved battery stewardship plan, or a group of producers which directly implement an approved battery stewardship plan.

“Covered battery” means a portable battery or a medium format battery. The definition excludes the following:

- A battery contained in a medical device⁵⁰ that is not designed or marketed for sale or resale at retail locations for personal use;
- A battery that uses free-flowing liquid electrolyte or a product that contains such a battery;
- A battery designed to power a motor vehicle or off-highway vehicle,⁵¹ part of a motor vehicle or off-highway vehicle, or a component part of a motor vehicle or off-highway vehicle assembled by or for a vehicle manufacturer or a franchised dealer, including replacement parts;
- A battery in a product not intended or designed to be easily removable from the product;
- A battery or battery-containing product recalled for safety reasons;
- A battery or battery-containing product that is offered for resale by a business that offers products for resale to other businesses or to consumers;

⁴⁸ *Id.*

⁴⁹ Section 542.335(1)(c), F.S.

⁵⁰ Specifically, a medical device as described in 21 U.S.C. §321(h), which defines “device” as an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, which is: recognized in the official National Formulary, or the U.S. Pharmacopeia, or any supplement to them; intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals; or intended to affect the structure or any function of the body of man or other animals, and which does not achieve its primary intended purposes through chemical action within or on the body of man or other animals and which is not dependent on being metabolized for the achievement of its primary intended purposes. The term does not include software functions.

⁵¹ An off-highway vehicle is defined as any ATV, two-rider ATV, ROV, or OHM that is used off the roads or highways of this state and that is not registered and licensed for highway use. Section 261.03(5), F.S.

- Batteries or battery materials that are imported into Florida after collection and are sold to or managed by collectors, logistics companies, or recyclers for end-of-life management; and
- Lead-acid batteries or battery components that weigh 11 pounds or more.

“Medium format battery” means any of the following:

- A non-rechargeable battery that weighs between 4.4 and 25 pounds or
- A rechargeable battery that weighs more than 11 pounds or that has a rating of more than 300 watt-hours, or that weighs between 11 and 25 pounds or that has a rating between 300 and 2,000 watt-hours.

“Portable battery” means any of the following:

- A non-rechargeable battery that weighs 4.4 pounds or less or
- A rechargeable battery that weighs 11 pounds or less and has a rating or no more than 300 watt-hours.

“Producer” means a person responsible for compliance requirements for a covered battery or battery-containing product sold, offered for sale, or distributed in Florida and who is:

- For covered batteries:
 - The manufacturer of the battery if the battery is sold under a brand of the battery manufacturer;
 - The brand owner if the battery is sold under a retail brand or under a brand owned by a person other than the manufacturer;
 - If there is no person to whom the above criteria apply, the person who is the licensee of a brand or trademark under which the battery is used in a commercial enterprise, sold, offered for sale, or distributed in or into Florida, regardless of where the trademark is registered;
 - If there is no person to whom the above criteria apply, the importer of record for importing the battery into the U.S. for use in a commercial enterprise that sells, offers for sale, or distributes the battery in Florida; or
 - If there is no person to whom the above criteria apply or no person with a commercial presence in Florida, the person who first sells, offers for sale, or distributes the battery in or into this state.
- For covered battery-containing products:
 - The manufacturer of the product if the product is sold under the brand of the product manufacturer;
 - The brand owner if the product is sold under a retail brand or under a brand owned by a person other than the manufacturer;
 - If there is no person to whom the above criteria apply, the licensee of a brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in or into Florida, regardless of where the trademark is registered;
 - If there is no person to whom the above criteria apply within the U.S., the importer of record for the product into the U.S. for use in a commercial enterprise that sells, offers for sale, or distributes the product in Florida; or
 - If there is no person to whom the above criteria apply with a commercial presence in Florida, the person who first sells, offers for sale, or distributes the product in or into this state.

The term “producer” does not include a person who only sells, offers for sale, distributes, or imports into Florida a battery-containing product if the only batteries used in the product are supplied by a producer that has joined a registered BSO as the producer for that covered battery. The producer must provide writer certification of that BSO membership to both the producer of the covered battery-containing product and the BSO of which the producer is a member.

“Rechargeable battery” means a battery that contains one or more voltaic or galvanic cells electrically connected to produce electric energy and that is designed to be recharged.

“Recovery” means collecting, accumulating, and transporting quantities of covered batteries or battery-containing products for the purpose of end-of-life management.

“Recycling” means the reprocessing, by means of a manufacturing process, of a used material into a product or a secondary raw material. This term does not include the following:

- Energy recovery or energy generation by means of combustion of the used material;
- Use of the used material as a fuel or as alternative daily cover;⁵² or
- Landfill disposal of discarded covered materials.

“Retailer” means a person or an entity that sells or offers for sale a covered battery in Florida or offers or otherwise makes available covered batteries or battery-containing products to a customer, including other businesses, in Florida.

Section 3 creates s. 403.71873, F.S., to require a producer of covered batteries or battery-containing products, beginning January 1, 2028, to do all of the following before selling, offering for sale, or distributing for sale any covered battery or battery-containing product in Florida:

- Be a member of a BSO operating pursuant to an approved battery stewardship plan. This requirement does not apply to a retailer if the Florida Department of Environmental Protection’s (DEP’s) website lists, as of the date a battery or product is made available for retail sale, the producer or brand of the battery or product in the battery stewardship plan.
- Provide verification to DEP that the covered battery or the battery in the battery-containing product has labeling or is imprinted with text that identifies the producer of the battery with a clear mark or insignia.

Retailers of covered batteries or battery-containing products are not required to make retail locations available to serve as collection sites for a stewardship program operated by a BSO. Retailers that serve as a collection site may participate in a battery stewardship plan and comply with collection site requirements.

Beginning January 1, 2029, a producer of a covered battery or the battery in the battery-containing product must list all of the following information on such batteries:

- The chemistry of the battery.
- An indicator that the battery may not be disposed of in household waste and is not eligible for curbside recycling.

⁵² Daily cover describes the material placed on the surface of a landfill at the end of each operating day to prevent hazards like fires and to manage odors.

This does not apply to batteries that can fit entirely in any orientation into a small parts cylinder.⁵³ In this case, the mark must be placed on the packaging of the battery or battery-containing product. DEP may amend by rule these battery-size requirements to maintain consistency with the labeling requirements or voluntary standards for batteries established in federal law.

The bill prohibits a producer, retailer, or BSO from charging a point-of-sale fee to consumers to cover the costs of implementing an approved battery stewardship plan.

Section 4 creates s. 403.71874, F.S., to require any BSO operating in Florida to submit a battery stewardship plan to DEP for review and approval. Battery stewardship plans must be submitted beginning January 1, 2027.

A battery stewardship plan must include all of the following:

- The name and contact information of each producer included in the plan.
- The brand of the covered battery or batteries that the BSO's producer sells or distributes in Florida.
- Performance goals and processes for achieving those goals. Performance goals must include, but are not limited to, an education and outreach strategy to enhance consumer awareness of the battery stewardship plan and of the convenience and accessibility of end-of-life management options for covered batteries or batteries in battery-containing products collected pursuant to the plan.
- Processes for providing notice to retailers that retailers, producers, or BSOs may not charge a point-of-sale fee to consumers to cover the costs of implementing a battery stewardship plan.
- Processes for providing collection sites with signage, written materials, and other promotional materials to inform consumers of the available end-of-life management options for covered batteries.
- Collection site safety training procedures that but include, but are not limited to, the following:
 - Operating protocols to reduce risks of spills or fires and response protocols for such events and
 - Protocols for the safe management of damaged or defective batteries.
- A detailed budget that equitably distributes plan implementation costs among BSO members.
- Procedures and guidelines for covered battery collection that will ensure covered battery collection will occur at no cost to consumers on a continuous, convenient, visible, and accessible basis, regardless of the brand or producer of the covered battery.
- Procedures and guidelines to govern battery collection and management.
- Criteria for the designation of an entity as a covered battery collection site and the addresses of such designated covered battery collection sites.
- The names of proposed service providers, including sorters, transporters, and processors, to be used for the final disposition of batteries.
- Procedures and guidelines to govern how a BSO will coordinate with material recovery facilities and secondary processors to properly process and transport for end-of-life

⁵³ See 16 C.F.R. s. 1501.4 (method for identifying toys and other articles intended for use by children under 3 years of age which present choking, aspiration, or ingestion hazards because of small parts: size requirements and test procedure) for a description of the small parts cylinder.

management of any covered batteries improperly sent to such facilities through the waste or recycling streams.

- Procedures for recordkeeping, tracking, and documenting the management and disposition of collected covered batteries, including any delay anticipated by a BSO in managing medium format batteries.

An approved battery stewardship plan is valid for five years. Following approval of its plan, a BSO must:

- Submit a new battery stewardship plan to DEP for approval one year before the expiration of the existing approved plan. The new plan must include corrective measures that the BSO must implement if the performance goals in the last plan are not met. Corrective measures may include improvements to the collection site network or increased expenditures dedicated to education and outreach.
- Submit battery stewardship plan amendments to DEP for approval.
- Notify DEP within 90 days after a producer, processor, or transporter begins or ceases participation in the BSO, or within 90 days after the addition or removal of a processor or transporter under the battery stewardship plan.

DEP must approve, conditionally approve, or deny a battery stewardship plan or plan amendment within 120 days after receiving the plan or amendment. If DEP denies a proposed plan or amendment, it must notify the BSO in writing and describe why the plan or amendment does not comply with statutory requirements. Within 60 days of the denial the BSO must submit a revised plan or amendment or notice that it is withdrawing the plan or amendment.

After resubmission, DEP has 90 days to approve or deny the revised plan or amendment. A denial of the revised plan or amendment may be appealed to DEP in accordance with law.

Section 5 creates s. 403.71875, F.S., to require a BSO to:

- Be responsible for all costs associated with implementing a battery stewardship plan;
- Reimburse local governments for demonstrable costs incurred by local government and solid waste or recyclables facilities that individually collect over 200 pounds annually and that are designated collection sites; and
- Collect charges from participating producers sufficient to cover the costs of implementing a battery stewardship plan, including battery collection, transportation, processing, education and outreach, and program evaluation.

Section 6 creates s. 403.71876, F.S., to provide collection and management requirements for BSOs that are implementing an approved battery stewardship plan. A BSO must:

- Provide for the collection of all covered batteries, statewide, from any person, regardless of the chemistry or brand of the battery, and on a free, continuous, convenient, and accessible basis.
- Equip collection sites with suitable collection containers for covered batteries that are separated from other solid waste, or provide alternative arrangements for the collection of such batteries at the site. This must be done at no cost to the sites.

- Ensure that medium format batteries are collected only at household hazardous waste collection sites or other staffed collection site that meet applicable federal, state, and local requirements for managing medium format batteries.
- Provide for the collection of damaged and defective batteries (by persons trained to handle and ship such batteries) at collection sites and at each permanent household hazardous waste facility and each household hazardous waste collection event provided by DEP. “Damaged and defective batteries” are batteries that have been damaged or identified by the manufacturer as being defective for safety reasons and that have the potential to produce a dangerous evolution of heat, fire, or short circuit.⁵⁴
- Coordinate the delivery of services with existing public and private waste collection services and facilities; transporters; consolidators; processors; electronic waste recyclers; other BSOs; retailers if cost-effective, mutually agreeable, and otherwise practical; or other related entities to provide efficient and cost effective delivery of services.
- For portable batteries, provide (within three years of the approval of a battery stewardship plan) at least one permanent collection site within a 15-mile radius for at least 95 percent of state residents and at least one permanent collection site, service or event for every 30,000 residents of a county.
- For medium format batteries, provide (within three years of the approval of a battery stewardship plan) at least 10 permanent collection sites reasonably dispersed throughout Florida, a collection event at least once every three years in each county without a permanent collection site that provides for the collection of all medium format batteries, and any entity that may be used as a collection site or that will authorize a collection event on its property.

A BSO that is implementing an approved battery stewardship plan may issue a warning for the suspension or termination of a collection site or service that is out of compliance with the approved plan or that poses an immediate public health and safety threat.

Additionally, A BSO is not required to provide for the collection of batteries, battery-containing products, or covered batteries that remain contained in a battery-containing product at the time of delivery to a collection site or event, if such batteries or products are under a safety recall.

A BSO may seek reimbursement from the producer of a battery or battery-containing product that is under safety recall for the costs incurred in collecting, transporting, or processing such batteries or products.

Section 7 creates s. 403.71877, F.S., to require a BSO that is implementing an approved battery stewardship plan to do all of the following to promote the implementation of the plan:

- Develop and maintain a website.
- Develop and place advertisements on social media or other relevant media platforms.
- Develop promotional materials about the battery stewardship plan and the restrictions on disposing of covered batteries.
- Develop and distribute to collection sites training procedures to help ensure proper management of covered batteries.

⁵⁴ As referred to in 49 C.F.R. s. 173.185(f) or as provided by the state by rule to maintain consistency with federal standards.

- Provide to each collection site consumer-focused educational materials that are accessible by customers of retailers that sell covered batteries or battery-containing products.
- Provide safety information related to covered battery collection activities to the operator of each collection site, including appropriate protocols to reduce risks of spills or fires, respond to a spill or fire, and manage a damaged or defective battery.
- Provide educational materials to the operator of each collection site for the management of recalled batteries.
- Provide educational materials describing collection opportunities for covered batteries upon request by a retailer or other potential collection site.
- Coordinate with other BSOs implementing a battery stewardship plan to provide education and outreach.
- Conduct a survey of public awareness of the outreach efforts undertaken. The survey must be conducted during the first year of implementing the battery stewardship plan and once every five years thereafter. The BSO must make the survey results available to DEP.

Section 8 creates s. 403.71878, F.S., which requires a BSO that is implementing an approved battery stewardship plan to submit an annual report to DEP beginning on June 1, 2029. The report must include the following:

- A summary financial statement documenting the financing of the battery stewardship plan and an analysis of the plan's expenses, like collection, transportation, management, education, and administrative overhead. The summary financial statement must provide transparency regarding funds collected from producers spent on plan implementation, in addition to other necessary financial accounting information.
- The weight, by chemistry, of collected covered batteries.
- A list of all facilities used in the processing or disposition of covered batteries.
- For each facility used for the final disposition of covered batteries, an overview of how the facility processed or otherwise managed batteries and battery components.
- The weight and chemistry of covered batteries sent to each facility used for the final disposition of batteries. This information may be approximated based on extrapolations of national or regional data for programs in operation in multiple states.
- The estimated aggregate sales (by weight and chemistry) of covered batteries, including those contained in or packaged with battery-containing products, sold in Florida by the BSO's participating producers for each of the previous three calendar years.
- A summary describing the management and recycling of collected batteries.
- A description of education and outreach efforts supporting plan implementation, including:
 - A summary of education and outreach provided to consumers, collection sites, manufacturers, distributors, and retailers to promote the collection and recycling of covered batteries and an analysis of how such education and outreach meet requirements in the Safe Battery Collection and Recovery Act;
 - Samples of education and outreach materials;
 - A summary of coordinated education and outreach efforts with any other BSOs that are implementing a battery stewardship plan;
 - A summary of any changes made during the previous calendar year to education and outreach activities; and
 - An evaluation of the effectiveness of education and outreach activities.

- A list of all collection sites used to implement the battery stewardship plan that includes for each site an address, a website link, if available, and an updated map of each site's location.
- A description of methods used to collect, transport, and recycle covered batteries.
- An analysis of the performance goals and if the goals were not met, an explanation why they were not met.

After four years of implementation of an approved battery stewardship plan, a BSO or a producer member of a BSO must hire an independent third party to conduct a one-time audit of the battery stewardship plan and the plan's operation.

The auditor must examine the effectiveness of the battery stewardship plan in collecting and managing covered batteries, as well as the plan's cost-effectiveness. The auditor must compare the cost-effectiveness of the plan to the cost-effectiveness of the collection plans and programs for covered batteries in other jurisdictions.

The BSO must submit a copy of the audit to DEP.

Section 9 creates s. 403.71879, F.S., to require DEP to include the following on its website:

- A copy of all approved battery stewardship plans and any amendments to the plans,
- The names of producer members that are covered under an approved battery stewardship plan,
- A list of brands of covered batteries that are covered under an approved battery stewardship plan, and
- A copy of each annual report submitted by a BSO to DEP.

Section 10 creates s. 403.71881, F.S., to provide that a producer, retailer, or BSO is not liable for any claim of a violation of antitrust laws or laws relating to fraudulent, deceptive, or unfair methods of competition or trade practices arising from conduct that complies with an approved battery stewardship plan.

Section 11 creates s. 403.71882, F.S., to authorize a person or recycler to offer or perform fee-based household battery collection services or mail-back services for covered batteries in Florida independently of a BSO if:

- The services are performed and facilities are opened in compliance with all applicable federal, state, and local laws and requirements;
- The person or recycler accepts all covered batteries; and
- All batteries collected from customers in Florida are provided to a BSO that is implementing an approved battery stewardship plan. After providing collected batteries to a BSO, any transport and processing must be done at the BSO's expense. A BSO may refuse to accept batteries from any such person or recycler if DEP is notified of the reason for such refusal.

The person or recycler described above may recycle covered batteries if the person or recycler provides annual collection data and recycling data to DEP that includes:

- The weight (by chemistry) of covered batteries collected;
- A description of how each facility recycled or otherwise managed batteries and battery components for the final disposition of covered batteries; and

The person or recycler described above may not receive compensation from a BSO for any batteries collected, transported, or recycled, unless otherwise agreed.

Section 12 creates s. 403.71883, F.S., to provide that, beginning January 1, 2028, all of the following will apply:

- A person may dispose of a covered battery only by delivery to a collection site or event operated under an approved battery stewardship plan or by an independent collector, unless the battery is regulated as hazardous waste.
- A person may not knowingly cause or allow a covered battery to mix with recyclable materials intended for processing and sorting at a material recovery facility or with waste intended for burning or incineration without documenting the contents in the shipment manifest and the approval of the receiving and transporting parties.
- A person may not knowingly cause or allow a covered battery to mix with municipal waste intended for landfill disposal.
- A person may not knowingly cause or allow the disposal of a covered battery in a landfill.

A solid waste collector is not in violation of this act for a covered battery placed in a disposal container by a person.

A BSO may not refuse to accept covered batteries inadvertently received by a recycling or solid waste facility if the batteries are properly packaged, unless the BSO notifies DEP.

Section 13 creates s. 403.71884, F.S., which provides the following penalties:

- A person who violates the Safe Battery Collection and Recovery Act is subject to a civil penalty of \$1,000 for each violation.
- A person who knowingly makes a false material statement to DEP related to a battery stewardship plan commits a third-degree felony punishable by a fine of up to \$5,000 in addition to or in lieu of up to 5 years of imprisonment, or if the offender is a habitual felony offender, up to 10 years of imprisonment.
- In addition to any other penalty, the attorney general or a county attorney of the county where the violation occurs may bring an action to enjoin any person from violating the Safe Battery Collection and Recovery Act.

The bill authorizes a BSO that implements an approved battery stewardship plan to bring civil actions for the following reasons:

- To recover costs and damages from a producer who sells (or otherwise makes available in Florida) covered batteries or battery-containing products that are not included under an approved plan. This action may be brought against one or more defendants, as well as defendant producers if the BSO incurs costs in Florida of over \$1,000 to collect, transport, and recycle or otherwise dispose of the covered batteries or battery-containing products of a non-participating producer. These costs may include legal fees and expenses and reasonable incremental administrative and program promotional costs.
- To recover costs associated with handling a recalled battery from the producer of the recalled battery. These costs include legal fees and expenses.

- To recover costs imposed on the BSO that are incurred because another BSO underperforms on its battery collection obligations by failing to collect and provide for the end-of-life management of batteries. These costs include legal fees and expenses.

Section 14 repeals s. 403.7192, F.S., concerning batteries and consumer, manufacturer, and seller requirements.⁵⁵ The repealed section includes the following:

- Definitions for cell, cell manufacturer, marketer, rechargeable battery, unit, and unit management program;
- Mercury level requirements for alkaline-manganese and zinc-carbon batteries;
- Disposal requirements for dry cell batteries that use mercuric oxide electrodes and rechargeable batteries in certain circumstances;
- Requirements for cell manufacturers and marketers of products powered by rechargeable batteries;
- Requirements for manufacturers and distributors of mercuric oxide batteries and products that contain them;
- Penalties for violations of the section; and
- A provision concerning recovery by the state of reasonable administrative expenses, court costs, and attorney's fees incurred in taking an enforcement action.

Section 15 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The Supremacy Clause in the U.S. Constitution establishes that the federal constitution, and federal law generally, take precedence over state laws and constitutions.⁵⁶ The Supremacy Clause prohibits states from interfering with the federal government's

⁵⁵ See pages 4 and 6-7 of this analysis for detailed descriptions of the provisions that are repealed by the bill.

⁵⁶ U.S. CONST. art. VI, cl. 2.

exercise of its constitutional powers and from assuming any functions that are exclusively entrusted to the federal government.⁵⁷

Because of the Supremacy Clause, section 10 of the bill does not prohibit producers, retailers, or battery stewardship organizations from being liable under federal antitrust laws or laws relating to fraudulent, deceptive, or unfair methods of competition or trade practices.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may cause an indeterminate negative fiscal impact to producers of covered batteries or battery-containing products, who will be required to pay for the implementation of battery stewardship plans.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 403.71871, 403.71872, 403.71873, 403.71874, 403.71875, 403.71876, 403.71877, 403.71878, 403.71879, 403.71881, 403.71882, 403.71883, and 403.71884.

This bill repeals section 403.7192 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

⁵⁷ E.g., *Wisconsin Public Intervenor v. Mortier*, 501 U.S. 597, 604 (1991).

CS by Environment and Natural Resources Committee on January 3, 2026:

- Removes electronic keyboards and mice from the list of exceptions to items that are considered “battery-containing products.”
- Defines a battery stewardship organization (BSO) as a third party entity designated by producers to implement a battery stewardship plan or a group of producers which directly implement a battery stewardship plan.
- Includes in the definition of “covered battery” a battery designed to power an off-highway vehicle, part of an off-highway vehicle, or a component of an off-highway vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts; batteries or battery materials that are imported into Florida after collection and sold to or managed by collectors, logistics companies, or recyclers for end-of-life management; and lead-acid batteries or battery components that weigh 11 pounds or more.
- Removes the definitions of “lithium-ion battery” and “recycling efficiency rate.”
- Reorganizes the definition of “producer” to make it clearer and revises the exemption in the underlying bill to provide that a producer does not include a person who only manufactures, sells, offers for sale, distributes, or imports into Florida a battery-containing product if the only batteries used in the product are supplied by a producer that has joined a registered BSO as the producer for that covered battery.
- Redefines “recycling” as the reprocessing, by means of a manufacturing process, of a used material into a product or a secondary raw material. The amendment removes the following from the list of acts that are not recycling: energy recovery or energy generation by means of gasification, pyrolysis, or other means and the reuse, repair, or any other process through which batteries are returned to their original form. The amendment adds the following to the list: the use of the used material as fuel and the use of the used material as alternative daily cover for landfills.
- Deletes provisions requiring retailers to join a BSO or to verify that the batteries they sell comply with labeling requirements.
- Provides that retailers are not required to make retail locations available to serve as collection sites for a stewardship program.
- Authorizes a retailer that serves as a collection site may participate in a battery stewardship plan and comply with collection site requirements.
- Requires covered batteries or a battery in a battery-containing product to indicate that the battery is not eligible for curbside recycling.
- Requires labels on packaging for batteries under a certain size.
- Authorizes the Florida Department of Environmental Protection (DEP) to amend the labeling requirements by the rule to maintain consistency with federal labeling requirements or voluntary labeling standards.
- Provides that a battery stewardship plan must be submitted to DEP one year before the expiration of the existing plan.
- Removes language requiring performance goals in a battery stewardship plan to include a strategy for optimal recycling efficiency rates for rechargeable and non-rechargeable batteries.
- Requires a BSO to reimburse local governments for local government and solid waste or recyclables handling facilities that individual collect over 200 pounds annually.

- Removes the following criteria from required inclusion in a BSO's financial statement:
 - The weight of materials recycled from collected covered batteries,
 - A calculation of the recycling efficiency rate,
 - A summary of any violations at each facility,
 - An analysis of best available technologies and the recycling efficiency rate, and
 - The steps that a BSO will take to make recycling covered batteries cost-effective or otherwise increase battery recycling efficiency rates.
- Requires a person and recycling collecting batteries independently of a BSO to accept all covered batteries.
- Removes the following data from required inclusion in a BSO's annual data report:
 - The weight of materials recycled from covered batteries collected,
 - A calculation of the recycling efficiency rate,
 - A list of all facilities used in the processing or disposition of covered batteries,
 - A summary of any violations at each facility, and
 - The weight and chemistry of covered batteries sent to each facility.
- Authorizes a person or recycler to receive compensation from a BSO.
- Allows a person to knowingly cause or allow the mixing of a covered battery with recyclable materials intended for processing and sorting at a material recovery facility or with waste intended for burning or incineration if they document the contents in the shipment manifest, the approval of the receiving party, and the approval of the transporting party.
- Makes technical and conforming changes.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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	.	

The Committee on Environment and Natural Resources (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete lines 98 - 622
and insert:
printers, fax machines, scanners, televisions, digital video disc players and recorders, video cassette recorders, digital converter boxes, cable receivers, satellite receivers, portable digital music players, or video game consoles.

(2) "Battery stewardship organization" or "BSO" means:

(a) A third-party entity designated by one or more



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11 producers to implement an approved battery stewardship plan; or
12 (b) A group of producers which directly implement an
13 approved battery stewardship plan.
14 (3) "Covered battery" means a portable battery or a medium
15 format battery. The term does not include any of the following:
16 (a) A battery contained in a medical device as defined in
17 21 U.S.C. s. 321(h) which is not designed or marketed for sale
18 or resale at retail locations for personal use.
19 (b) A battery that uses free-flowing liquid electrolyte or
20 a product that contains such a battery.
21 (c) A battery designed to power a motor vehicle, part of a
22 motor vehicle, or a component part of a motor vehicle assembled
23 by or for a vehicle manufacturer or franchised dealer, including
24 replacement parts for use in a motor vehicle.
25 (d) A battery designed to power an off-highway vehicle as
26 defined in s. 261.03(5), part of an off-highway vehicle, or a
27 component of an off-highway vehicle assembled by or for a
28 vehicle manufacturer or franchised dealer, including replacement
29 parts for use in an off-highway vehicle.
30 (e) A battery used in a product which is not intended or
31 designed to be easily removable from the product.
32 (f) A battery or battery-containing product recalled for
33 safety reasons.
34 (g) A battery or battery-containing product offered for
35 resale by a business that, as part of its operations, offers
36 products for resale to other businesses or to consumers.
37 (h) Batteries or battery materials that are imported into
38 this state after collection and are sold to or managed by
39 collectors, logistics companies, or recyclers for the purpose of



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40 end-of-life management.

41 (i) Lead-acid batteries or battery components that weigh 11
42 pounds or more.

43 (4) "Medium format battery" means any of the following:

44 (a) For nonrechargeable batteries, a battery that weighs
45 more than 4.4 pounds, but not more than 25 pounds; or

46 (b) For rechargeable batteries, a battery that weighs more
47 than 11 pounds or that has a rating of more than 300 watt-hours,
48 or both, but weighs not more than 25 pounds or has a rating of
49 less than 2,000 watt-hours.

50 (5) "Portable battery" means any of the following:

51 (a) For nonrechargeable batteries, a battery that weighs
52 4.4 pounds or less; or

53 (b) For rechargeable batteries, a battery that weighs 11
54 pounds or less and has a rating of not more than 300 watt-hours.

55 (6)(a) "Producer" means the following person or persons
56 responsible for compliance with requirements under this chapter
57 for a covered battery or battery-containing product sold,
58 offered for sale, or distributed in or into this state:

59 1. For covered batteries:

60 a. If the battery is sold under the brand of the battery
61 manufacturer, the producer is the person who manufactures the
62 battery;

63 b. If the battery is sold under a retail brand or under a
64 brand owned by a person other than the manufacturer, the
65 producer is the brand owner;

66 c. If there is no person to whom sub-subparagraph a. or
67 sub-subparagraph b. applies, the producer is the person who is
68 the licensee of a brand or trademark under which the battery is



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69 used in a commercial enterprise, sold, offered for sale, or
70 distributed in or into this state, regardless of whether the
71 trademark is registered in this state;

72 d. If there is no person to whom sub-subparagraph a., sub-
73 subparagraph b., or sub-subparagraph c. applies, the producer is
74 the person who is the importer of record for importing the
75 battery into the United States for use in a commercial
76 enterprise that sells, offers for sale, or distributes the
77 battery in this state; or

78 e. If there is no person to whom sub-subparagraph a., sub-
79 subparagraph b., sub-subparagraph c., or sub-subparagraph d.
80 applies or no person with a commercial presence in this state,
81 the producer is the person who first sells, offers for sale, or
82 distributes the battery in or into this state.

83 2. For covered battery-containing products:

84 a. If the battery-containing product is sold under the
85 brand of the product manufacturer, the producer is the person
86 who manufactures the product;

87 b. If the battery-containing product is sold under a retail
88 brand or under a brand owned by a person other than the
89 manufacturer, the producer is the brand owner;

90 c. If there is no person to whom sub-subparagraph a. or
91 sub-subparagraph b. applies, the producer is the person who is
92 the licensee of a brand or trademark under which the product is
93 used in a commercial enterprise, sold, offered for sale, or
94 distributed in or into this state, regardless of whether the
95 trademark is registered in this state;

96 d. If there is no person described in sub-subparagraph a.,
97 sub-subparagraph b., or sub-subparagraph c. within the United



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98 States, the producer is the person who is the importer of record
99 for the product into the United States for use in a commercial
100 enterprise that sells, offers for sale, or distributes the
101 product in this state; or

102 e. If there is no person described in sub-subparagraph a.,
103 sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d.
104 with a commercial presence in this state, the producer is the
105 person who first sells, offers for sale, or distributes the
106 product in or into this state.

107 (b) A producer does not include any person who only
108 manufactures, sells, offers for sale, distributes, or imports
109 into this state a battery-containing product if the only
110 batteries used by the battery-containing product are supplied by
111 a producer that has joined a registered BSO as the producer for
112 that covered battery under this chapter. Such a producer of
113 covered batteries that are included in a battery-containing
114 product shall provide written certification of that membership
115 in a registered BSO to both the producer of the covered battery-
116 containing product and the BSO of which the battery producer is
117 a member.

118 (7) "Rechargeable battery" means a battery that contains
119 one or more voltaic or galvanic cells electrically connected to
120 produce electric energy and that is designed to be recharged.

121 (8) "Recovery" means collecting, accumulating, and
122 transporting quantities of covered batteries or battery-
123 containing products for the purpose of end-of-life management.

124 (9) (a) "Recycling" means the reprocessing, by means of a
125 manufacturing process, of a used material into a product or a
126 secondary raw material.



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127 (b) The term does not include:
128 1. Energy recovery or energy generation by means of
129 combustion of the used material;
130 2. Use of the used material as a fuel;
131 3. Use of the used material as alternative daily cover,
132 meaning material placed on the surface of a landfill at the end
133 of each operating day to prevent such hazards as fires and to
134 manage odors; or
135 4. Landfill disposal of discarded covered materials.
136 (10) "Retailer" means a person or an entity that sells or
137 offers for sale a covered battery in this state or offers or
138 otherwise makes available covered batteries or battery-
139 containing products to a customer, including other businesses,
140 in this state.
141 Section 3. Section 403.71873, Florida Statutes, is created
142 to read:
143 403.71873 Requirements for producers or retailers of
144 covered batteries or battery-containing products; prohibition.-
145 (1) REQUIREMENTS.-
146 (a) Beginning January 1, 2028, a producer must do all of
147 the following before selling, offering for sale, or distributing
148 for sale in this state any covered battery or battery-containing
149 product:
150 1. Be a member of a BSO operating pursuant to a battery
151 stewardship plan approved by the department under s. 403.71874.
152 This subparagraph does not apply to a retailer if the website
153 maintained by the department pursuant to s. 403.71879 lists, as
154 of the date a battery or product is made available for retail
155 sale, the producer or brand of the battery or product in the



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156 approved battery stewardship plan. Retailers of covered
157 batteries or battery-containing products are not required to
158 make retail locations available to serve as collection sites for
159 a stewardship program operated by a BSO. Retailers that serve as
160 a collection site may participate in an approved stewardship
161 plan and comply with the requirements for collection sites,
162 consistent with s. 403.71876.

163 2. Provide verification to the department that the covered
164 battery or the battery in the battery-containing product has
165 labeling or is imprinted with text that identifies the producer
166 of the battery with a clear mark or insignia.

167 (b) Beginning January 1, 2029, a producer of a covered
168 battery or a battery in a battery-containing product must list
169 the following information on such batteries:

170 1. The chemistry of the battery.

171 2. An indicator that the battery may not be disposed of as
172 household waste and is not eligible for curbside recycling.

173
174 Subparagraph (a)2. and paragraph (b) do not apply to a battery
175 that can fit entirely, in any orientation, into the small parts
176 cylinder described in 16 C.F.R. s. 1501.4. In this case, the
177 mark required pursuant to subparagraph (a)2. must be placed on
178 the packaging of the battery or battery-containing product. The
179 department may amend by rule the requirements of this subsection
180 to maintain consistency with the labeling requirements or
181 voluntary standards for batteries established in federal law.

182 (2) PROHIBITION.—A producer, retailer, or BSO may not
183 charge a point-of-sale fee to consumers to cover the costs of
184 implementing a battery stewardship plan approved by the



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185 department under s. 403.71874.

186 Section 4. Section 403.71874, Florida Statutes, is created
187 to read:

188 403.71874 Battery stewardship plan components.-

189 (1) Beginning January 1, 2027, any BSO operating in this
190 state shall submit a battery stewardship plan, referred to
191 hereafter as "plan," to the department for review and approval.

192 (2) A plan must include all of the following:

193 (a) The name and contact information of each producer
194 included in the plan.

195 (b) The brand of the covered battery or batteries that the
196 BSO's producer sells, offers for sale, or distributes for sale
197 in this state. All such brands must be listed in the plan.

198 (c) Performance goals and processes for achieving such
199 goals. Performance goals must include, but need not be limited
200 to, an education and outreach strategy to enhance consumer
201 awareness of the plan and of the convenience and accessibility
202 of end-of-life management options for covered batteries or
203 batteries in battery-containing products collected pursuant to
204 the plan.

205 (d) Processes for providing notice to retailers of the
206 prohibition in s. 403.71873(2).

207 (e) Processes for providing collection sites with signage,
208 written materials, and other promotional materials to inform
209 consumers of the available end-of-life management options for
210 covered batteries collected pursuant to the plan.

211 (f) Collection site safety training procedures that must
212 include, but need not be limited to, all of the following:

213 1. Operating protocols to reduce risks of spills or fires



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214 and response protocols for such events.

215 2. Protocols for the safe management of damaged or
216 defective batteries.

217 (g) A detailed budget that equitably distributes plan
218 implementation costs among the members of the BSO.

219 (h) Procedures and guidelines for covered battery
220 collection which ensure covered battery collection will occur at
221 no cost to consumers on a continuous, convenient, visible, and
222 accessible basis, regardless of the brand or producer of the
223 covered battery.

224 (i) Procedures and guidelines to govern the execution of s.
225 403.71876.

226 (j) Criteria for the designation of an entity as a covered
227 battery collection site and the addresses of such designated
228 covered battery collection sites.

229 (k) The names of proposed service providers, including
230 sorters, transporters, and processors, to be used for the final
231 disposition of batteries.

232 (l) Procedures and guidelines to govern how the BSO shall
233 coordinate with material recovery facilities and secondary
234 processors to properly process and transport for end-of-life
235 management any covered batteries improperly sent to such
236 facilities through the waste or recycling streams.

237 (m) Procedures for recordkeeping, tracking, and documenting
238 the management and disposition of collected covered batteries,
239 including any delay anticipated by the BSO in managing medium
240 format batteries.

241 (3) An approved plan is valid for 5 years. A BSO whose plan
242 is approved pursuant to this section shall do all of the



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243 following:

244 (a) Submit a new plan to the department for approval 1 year
245 before the expiration of the existing approved plan. If the
246 performance goals included in the previously approved plan have
247 not been met, the new plan must include corrective measures that
248 the BSO must implement to meet such performance goals, which may
249 include, but need not be limited to, improvements to the
250 collection site network or increased expenditures dedicated to
251 education and outreach.

252 (b) Submit plan amendments to the department for approval.

253 (c) Notify the department within 90 days after a producer,
254 processor, or transporter begins or ceases participation in the
255 BSO, or within 90 days after the addition or removal of a
256 processor or transporter under the plan.

257 (4) (a) The department shall approve, conditionally approve,
258 or deny a plan or plan amendment within 120 days after receiving
259 such proposed plan or proposed plan amendment.

260 (b) If the department denies a proposed plan or amendment:

261 1. The department must notify the BSO of the denial in
262 writing and provide a rationale describing why the proposed plan
263 or amendment does not comply with this section;

264 2. The BSO must submit a revised plan or plan amendment, or
265 notice of plan or plan amendment withdrawal, within 60 days
266 after the denial; and

267 3. The department must approve or deny the revised plan or
268 plan amendment within 90 days after resubmittal. The denial of a
269 revised plan or plan amendment may be appealed to the
270 department, and the appeal must be in accordance with chapter
271 120.



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272 Section 5. Section 403.71875, Florida Statutes, is created
273 to read:

274 403.71875 Battery stewardship organization fiscal duties.—A
275 BSO implementing a battery stewardship plan approved under s.
276 403.71874 has all of the following fiscal duties:

277 (1) Responsibility for all costs associated with
278 implementing the plan.

279 (2) Reimbursement of local governments for demonstrable
280 costs incurred by a local government facility or solid waste
281 facility designated as a collection site under the plan.

282 Reimbursement shall only be for local government and solid waste
283 or recyclables handling facilities that individually collect
284 more than 200 pounds annually.

285 (3) Collection of charges from participating producers
286 sufficient to cover the costs of implementing the plan,
287 including battery collection, transportation, processing,
288 education and outreach, and program evaluation.

289 Section 6. Section 403.71876, Florida Statutes, is created
290 to read:

291 403.71876 Collection and management requirements.—

292 (1) A BSO implementing an approved battery stewardship plan
293 shall do all of the following:

294 (a) Provide for the collection of all covered batteries,
295 statewide, from any person, regardless of the chemistry or brand
296 of the battery, on a free, continuous, convenient, and
297 accessible basis.

298 (b) Equip collection sites designated pursuant to s.
299 403.71874(2)(j), at no cost to the sites, with suitable
300 collection containers for covered batteries that are segregated



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301 from other solid waste, or provide alternative arrangements for
302 the collection of such batteries at the site.

303 (c) Ensure that medium format batteries are collected only
304 at household hazardous waste collection sites or other staffed
305 collection sites that meet applicable federal, state, and local
306 requirements for managing medium format batteries.

307 (d) Provide for the collection of damaged and defective
308 batteries, by persons trained to handle and ship such batteries,
309 at collection sites and at each permanent household hazardous
310 waste facility and each household hazardous waste collection
311 event provided by the department. As used in this paragraph, the
312 term "damaged and defective batteries" means batteries that have
313 been damaged or that have been identified by the manufacturer as
314 being defective for safety reasons and that have the potential
315 to produce a dangerous evolution of heat, fire, or short
316 circuit, as referred to in 49 C.F.R. s. 173.185(f), or as
317 provided by the state by rule to maintain consistency with
318 federal standards.

319 (e) Coordinate the delivery of services with existing
320 public and private waste collection services and facilities;
321 transporters; consolidators; processors; electronic waste
322 recyclers; other BSOs; retailers if cost-effective, mutually
323 agreeable, and otherwise practical; or other related entities to
324 provide efficient and cost-effective delivery of services.

325 (f) For portable batteries, provide all of the following
326 within 3 years after approval of the battery stewardship plan:

327 1. At least one permanent collection site within a 15-mile
328 radius for at least 95 percent of state residents; and

329 2. At least one permanent collection site, collection



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330 service, or collection event for every 30,000 residents of a
331 county.

332 (g) For medium format batteries, provide all of the
333 following within 3 years after approval of the battery
334 stewardship plan:

335 1. At least 10 permanent collection sites in this state.
336 Such sites must be reasonably dispersed throughout this state;

337 2. A collection event at least once every 3 years in each
338 county that does not have a permanent collection site, which
339 must provide for the collection of all medium format batteries,
340 including damaged and defective medium format batteries; and

341 3. Any entity that may be used as a collection site or that
342 will authorize a collection event on its property that satisfies
343 the criteria in this paragraph.

344 (2) A BSO implementing an approved battery stewardship plan
345 may issue a warning for the suspension or termination of a
346 collection site or service that does not comply with the
347 approved plan or that poses an immediate threat to public health
348 and safety.

349 (3) A BSO is not required to provide for the collection of
350 batteries, battery-containing products, or covered batteries
351 that remain contained in a battery-containing product at the
352 time of delivery to a collection site or collection event if
353 such batteries or products are under a recall for safety
354 reasons. A BSO may seek reimbursement from the producer of a
355 battery or battery-containing product under recall for safety
356 reasons for the costs incurred in collecting, transporting, or
357 processing such batteries and products.

358 Section 7. Section 403.71877, Florida Statutes, is created



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359 to read:

360 403.71877 Battery stewardship plan implementation.—A BSO
361 implementing an approved battery stewardship plan shall do all
362 of the following to promote the implementation of the plan:

363 (1) Develop and maintain a website.

364 (2) Develop and place advertisements on social media or
365 other relevant media platforms.

366 (3) Develop promotional materials about the plan and the
367 restrictions on disposing of covered batteries.

368 (4) Develop and distribute to collection sites collection
369 site safety training procedures to help ensure proper management
370 of covered batteries at collection sites.

371 (5) Provide to each collection site used under the plan
372 consumer-focused educational materials that are accessible by
373 customers of retailers that sell covered batteries or battery-
374 containing products.

375 (6) Provide safety information related to covered battery
376 collection activities to the operator of each collection site
377 used under the plan, including appropriate protocols to reduce
378 risks of spills or fires, respond to a spill or fire, and manage
379 a collected damaged or defective battery.

380 (7) Provide educational materials to the operator of each
381 collection site used under the plan for the management of
382 recalled batteries.

383 (8) Upon request by a retailer or other potential
384 collection site, provide educational materials describing
385 collection opportunities for covered batteries.

386 (9) Coordinate with other BSOs implementing a battery
387 stewardship plan in providing education and outreach under s.



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388 403.71874(2)(c).

389 (10) Conduct a survey, during the first year of
390 implementing a battery stewardship plan and once every 5 years
391 thereafter, of public awareness of the outreach efforts
392 undertaken pursuant to this section. The BSO shall make the
393 results of the surveys available to the department.

394 Section 8. Section 403.71878, Florida Statutes, is created
395 to read:

396 403.71878 Reporting requirements.—

397 (1) Starting June 1, 2029, and annually thereafter, a BSO
398 implementing an approved battery stewardship plan shall submit a
399 report to the department which includes all of the following:

400 (a) A summary financial statement documenting the financing
401 of the plan and an analysis of plan costs and expenditures,
402 including an analysis of the plan's expenses, such as
403 collection, transportation, management, education, and
404 administrative overhead. The summary financial statement is
405 sufficiently detailed if it provides transparency regarding
406 funds collected from producers spent on plan implementation, in
407 addition to other necessary financial accounting information.

408 (b) The weight, by chemistry, of collected covered
409 batteries.

410 (c) A list of all facilities used in the processing or
411 disposition of covered batteries under the plan.

412 (d) For each facility used for the final disposition of
413 covered batteries under the plan, an overview of how the
414 facility processed or otherwise managed batteries and battery
415 components.

416 (e) The weight and chemistry of covered batteries sent to



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417 each facility used for the final disposition of batteries. This
418 information may be approximated based on extrapolations of
419 national or regional data for programs in operation in multiple
420 states.

421 (f) The estimated aggregate sales, by weight and chemistry,
422 of covered batteries, including covered batteries contained in
423 or packaged with battery-containing products, sold in this state
424 by the BSO's participating producers for each of the previous 3
425 calendar years.

426 (g) A summary describing the management and recycling of
427 collected batteries.

428 (h) A description of education and outreach efforts
429 supporting plan implementation, including:

430 1. A summary of education and outreach provided to
431 consumers, collection sites, manufacturers, distributors, and
432 retailers to promote the collection and recycling of covered
433 batteries and an analysis of how such education and outreach met
434 the requirements under s. 403.71874(2)(c)2.;

435 2. Samples of education and outreach materials;

436 3. A summary of coordinated education and outreach efforts
437 with any other BSOs implementing a battery stewardship plan;

438 4. A summary of any changes made during the previous
439 calendar year to education and outreach activities; and

440 5. An evaluation of the effectiveness of education and
441 outreach activities.

442 (i) A list of all collection sites used to implement the
443 plan, an address for each listed site, a link to the website of
444 each listed site, if available, and an up-to-date map indicating
445 the location of each site.



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446 (j) A description of methods used to collect, transport,
447 and recycle covered batteries under the plan.

448 (1) An analysis of the performance goals under the plan and
449 the rationale describing why performance goals were not met, if
450 applicable.

451 (2) After 4 years of implementation of an approved battery
452 stewardship plan, a BSO or a producer member of such
453 organization shall hire an independent third party to conduct a
454 one-time audit of the battery stewardship plan and plan
455 operation. The auditor shall examine the effectiveness of the
456 battery stewardship plan in collecting and managing covered
457 batteries. The auditor shall also examine the cost-effectiveness
458 of the plan and compare it to the cost-effectiveness of
459 collections plans and programs for covered batteries in other
460 jurisdictions. The BSO shall submit a copy of such audit to the
461 department.

462 Section 9. Section 403.71879, Florida Statutes, is created
463 to read:

464 403.71879 Responsibilities of the department.—The
465 department shall include on its website:

466 (1) A copy of all battery stewardship plans approved under
467 s. 403.71874 and any amendments to such plans;

468 (2) The names of producer members covered under an approved
469 battery stewardship plan;

470 (3) A list of brands of covered batteries covered under
471 approved battery stewardship plans; and

472 (4) A copy of each annual report submitted to the
473 department pursuant to s. 403.71878.

474 Section 10. Section 403.71881, Florida Statutes, is created



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475 to read:

476 403.71881 Antitrust.—A producer, retailer, or BSO is not
477 liable for any claim of a violation of antitrust laws or laws
478 relating to fraudulent, deceptive, or unfair methods of
479 competition or trade practices arising from conduct that
480 complies with an approved battery stewardship plan.

481 Section 11. Section 403.71882, Florida Statutes, is created
482 to read:

483 403.71882 Collection of batteries independent of a battery
484 stewardship plan.—

485 (1) A person or recycler may offer or perform fee-based
486 household battery collection services or mail-back services for
487 covered batteries in this state independently of a BSO if:

488 (a) The services are performed and facilities are operated
489 in compliance with all applicable federal, state, and local laws
490 and requirements;

491 (b) A person or recycler accepts all covered batteries; and

492 (c) Except as provided in subsection (2), all batteries
493 collected by the person or recycler from customers in this state
494 are provided to a BSO implementing an approved battery
495 stewardship plan. After providing collected batteries to a BSO,
496 any transport and processing of such batteries by the BSO must
497 be done at the BSO's expense. A BSO may refuse to accept
498 batteries from any such person or recycler if the department is
499 notified of the reason for such refusal.

500 (2) A person or recycler described in subsection (1) may
501 recycle covered batteries collected from customers in this state
502 if such person or recycler provides annual collection data and
503 recycling data to the department. Such data must include all of



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504 the following:

505 (a) The weight, by chemistry, of covered batteries
506 collected.

507 (b) A description of how each facility recycled or
508 otherwise managed batteries and battery components for the final
509 disposition of covered batteries.

510 (3) Such person or recycler may not receive compensation
511 from a BSO for any batteries collected, transported, or recycled
512 under this section, unless otherwise agreed.

513 Section 12. Section 403.71883, Florida Statutes, is created
514 to read:

515 403.71883 General battery disposal and collection
516 requirements.—

517 (1) Beginning January 1, 2028, all of the following shall
518 apply:

519 (a) A person may dispose of a covered battery only by
520 delivery to a collection site or collection event operated under
521 an approved battery stewardship plan or operated by an
522 independent collector, unless the battery is regulated as
523 hazardous waste.

524 (b) A person may not knowingly cause or allow the mixing of
525 a covered battery with recyclable materials that are intended
526 for processing and sorting at a material recovery facility
527 without documenting the contents in the shipment manifest, the
528 approval of the receiving party, and the approval of the
529 transporting party.

530 (c) A person may not knowingly cause or allow the mixing of
531 a covered battery with municipal waste that is intended for
532 disposal at a landfill.



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533 (d) A person may not knowingly cause or allow the disposal
534 of a covered battery in a landfill.

535 (e) A person may not knowingly cause or allow the mixing of
536 a covered battery with waste that is intended for burning or
537 incineration without documenting contents in the shipment
538 manifest, the approval of the receiving party, and the approval
539 of the transporting party.

540 (2) An owner or operator of a solid waste facility may not
541 be found in violation of this act if the facility has posted in
542 a conspicuous location a sign stating that covered batteries
543 must be managed through collection sites established by a BSO
544 and are not accepted for disposal.

545 (3) A solid waste collector is not in violation of this act
546 for a covered battery placed in a disposal container by a
547 person.

548
549 ===== T I T L E A M E N D M E N T =====

550 And the title is amended as follows:

551 Delete lines 5 - 67

552 and insert:

553 s. 403.71873, F.S.; requiring a producer to fulfill
554 certain requirements, beginning on a specified date,
555 before selling, offering for sale, or distributing for
556 sale in this state any covered battery or battery-
557 containing product; providing applicability;
558 authorizing the department to amend by rule certain
559 provisions for a certain purpose; requiring certain
560 producers to list certain information on the battery
561 beginning on a specified date; prohibiting a producer,



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562 retailer, or battery stewardship organization (BSO)
563 from charging a certain fee to consumers; creating s.
564 403.71874, F.S.; requiring a BSO operating in this
565 state to submit a battery stewardship plan to the
566 Department of Environmental Protection for review and
567 approval, beginning on a specified date; providing
568 requirements for the plan; providing a term of
569 validity for the plan; providing requirements for the
570 plan; requiring a BSO with an approved plan to take
571 certain actions; requiring the department to make a
572 certain determination regarding a battery stewardship
573 plan or plan amendment within a specified timeframe;
574 providing certain requirements for the department and
575 a BSO in the event a battery stewardship plan or
576 amendment is denied; creating s. 403.71875, F.S.;
577 providing fiscal duties for a BSO implementing an
578 approved battery stewardship plan; creating s.
579 403.71876, F.S.; requiring a BSO to take certain
580 actions to implement an approved battery stewardship
581 plan; authorizing a BSO implementing an approved
582 battery stewardship plan to issue a warning for the
583 suspension or termination of certain collection sites
584 or services; providing that a BSO is not required to
585 provide for the collection of batteries, battery-
586 containing products, or covered batteries if such
587 batteries or products are recalled for safety reasons;
588 authorizing a BSO to seek reimbursement from the
589 producer of such batteries or battery-containing
590 products for certain costs; creating s. 403.71877,



591 F.S.; requiring a BSO to take certain actions to
592 promote the implementation of a plan; creating s.
593 403.71878, F.S.; requiring a BSO to submit a report to
594 the department annually beginning on a specified date;
595 providing requirements for such report; requiring a
596 BSO to hire an independent third party to audit the
597 battery stewardship plan and plan operation within a
598 specified amount of time after the implementation of
599 an approved battery stewardship plan; providing
600 requirements for such audit; requiring a BSO to submit
601 a copy of the audit to the department; creating s.
602 403.71879, F.S.; requiring the department to include
603 certain information on its website relating to battery
604 stewardship plans; creating s. 403.71881, F.S.;
605 providing that a producer, retailer, or BSO is not
606 liable for any claim of a violation of antitrust laws
607 or laws relating to fraudulent, deceptive, or unfair
608 methods of competition or trade practices; creating s.
609 403.71882, F.S.; authorizing a person or recycler to
610 offer or perform fee-based household battery
611 collection services or mail-back battery collection
612 services independently of a BSO if certain conditions
613 are met; authorizing such person or recycler to
614 recycle covered batteries if such person or recycler
615 provides annual collection and recycling data to the
616 department; providing requirements for such data;
617 prohibiting such person or recycler from receiving
618 compensation from a BSO for certain batteries, unless
619 otherwise agreed; creating s. 403.71883, F.S.;



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620 providing requirements for the disposal and management
621 of covered batteries, beginning on a specified date;
622 providing an
623

By Senator McClain

9-00620-26

2026912__

1 A bill to be entitled
2 An act relating to battery collection and recovery;
3 creating s. 403.71871, F.S.; providing a short title;
4 creating s. 403.71872, F.S.; defining terms; creating
5 s. 403.71873, F.S.; requiring a producer or retailer
6 to fulfill certain requirements, beginning on a
7 specified date, before selling, offering for sale, or
8 distributing for sale in this state any covered
9 battery or battery-containing product; prohibiting a
10 producer, retailer, or battery stewardship
11 organization (BSO) from charging a certain fee to
12 consumers; creating s. 403.71874, F.S.; requiring a
13 BSO operating in this state to submit a battery
14 stewardship plan to the Department of Environmental
15 Protection annually for review and approval; providing
16 a term of validity for the plan; providing
17 requirements for the plan; providing requirements for
18 a BSO with an approved plan; requiring the department
19 to make a certain determination regarding a battery
20 stewardship plan or plan amendment within a specified
21 timeframe; providing certain requirements for the
22 department and a BSO in the event a battery
23 stewardship plan or amendment is denied; creating s.
24 403.71875, F.S.; requiring a BSO implementing an
25 approved battery stewardship plan to satisfy certain
26 requirements; creating s. 403.71876, F.S.; requiring a
27 BSO to take certain actions to implement an approved
28 battery stewardship plan; authorizing a BSO
29 implementing an approved battery stewardship plan to

9-00620-26

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30 issue a warning for the suspension or termination of
31 certain collection sites or services; providing that a
32 BSO is not required to provide for the collection of
33 batteries, battery-containing products, or covered
34 batteries if such batteries or products are recalled
35 for safety reasons; authorizing a BSO to seek
36 reimbursement from the producer of such batteries or
37 battery-containing products for certain costs;
38 creating s. 403.71877, F.S.; requiring a BSO to take
39 certain actions to promote the implementation of a
40 plan; creating s. 403.71878, F.S.; requiring a BSO to
41 submit a report to the department annually beginning
42 on a specified date; providing requirements for such
43 report; requiring a BSO to hire an independent third
44 party to audit the battery stewardship plan and plan
45 operation within a specified amount of time after the
46 implementation of an approved battery stewardship
47 plan; providing requirements for such audit; requiring
48 a BSO to submit a copy of the audit to the department;
49 creating s. 403.71879, F.S.; requiring the department
50 to include certain information on its website relating
51 to battery stewardship plans; creating s. 403.71881,
52 F.S.; providing that a producer, retailer, or BSO is
53 not liable for any claim of a violation of antitrust
54 laws or laws relating to fraudulent, deceptive, or
55 unfair methods of competition or trade practices;
56 creating s. 403.71882, F.S.; authorizing a person or
57 recycler to offer or perform fee-based household
58 battery collection services or mail-back battery

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59 collection services independently of a BSO if certain
60 conditions are met; authorizing such person or
61 recycler to recycle covered batteries if such person
62 or recycler provides certain data to the department;
63 providing requirements for such data; prohibiting such
64 person or recycler from receiving compensation from a
65 BSO for certain batteries; creating s. 403.71883,
66 F.S.; providing requirements for the disposal and
67 management of covered batteries; providing an
68 exception for an owner or operator of a solid waste
69 facility or a solid waste collector under certain
70 circumstances; prohibiting a BSO from refusing to
71 accept certain covered batteries unless the BSO
72 provides certain notice to the department; creating s.
73 403.71884, F.S.; providing civil and criminal
74 penalties; authorizing the Attorney General and
75 certain county attorneys to bring certain actions;
76 authorizing a BSO to bring a civil action against
77 certain producers; providing construction; authorizing
78 a BSO to bring a civil action against another BSO
79 under certain circumstances; repealing s. 403.7192,
80 F.S., relating to batteries and the penalties for
81 violations of certain requirements for consumers,
82 manufacturers, and sellers; providing an effective
83 date.

84
85 Be It Enacted by the Legislature of the State of Florida:

86
87 Section 1. Section 403.71871, Florida Statutes, is created

9-00620-26

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88 to read:

89 403.71871 Short title.—Sections 403.71871-403.71884 may be
90 cited as the “Safe Battery Collection and Recovery Act.”

91 Section 2. Section 403.71872, Florida Statutes, is created
92 to read:

93 403.71872 Definitions.—As used in ss. 403.71871-403.71884,
94 the term:

95 (1) “Battery-containing product” means a product that
96 contains or is packaged with a covered battery. The term does
97 not include computers, small-scale servers, computer monitors,
98 electronic keyboards and mice, printers, fax machines, scanners,
99 televisions, digital video disc players and recorders, video
100 cassette recorders, digital converter boxes, cable receivers,
101 satellite receivers, portable digital music players, or video
102 game consoles.

103 (2) “Battery stewardship organization” or “BSO” means an
104 organization designated by a producer or a group of five or more
105 producers which directly implements an approved battery
106 stewardship plan.

107 (3) “Covered battery” means a portable battery or a medium
108 format battery. The term does not include any of the following:

109 (a) A battery contained in a medical device regulated under
110 21 U.S.C. 301 et seq. which is not designed or marketed for sale
111 or resale at retail locations for personal use.

112 (b) A battery that uses free-flowing liquid electrolyte or
113 a product that contains such a battery.

114 (c) A battery designed to power a motor vehicle, part of a
115 motor vehicle, or a component part of a motor vehicle assembled
116 by or for a vehicle manufacturer or franchised dealer, including

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117 replacement parts for use in a motor vehicle.

118 (d) A battery in a product which is not intended or
119 designed to be easily removable from the product.

120 (e) A battery or battery-containing product recalled for
121 safety reasons.

122 (f) A battery or battery-containing product offered for
123 resale by a business that, as part of its operations, offers
124 products for resale to other businesses or to consumers.

125 (4) "Lithium-ion battery" means a rechargeable energy
126 storage device, weighing less than 25 pounds, which uses lithium
127 ions to move between a positive electrode made of lithium-
128 containing compounds and a negative electrode facilitating
129 energy storage and release through an intercalation process.

130 (5) "Medium format battery" means any of the following:

131 (a) For nonrechargeable batteries, a battery that weighs
132 more than 4.4 pounds, but less than 25 pounds; or

133 (b) For rechargeable batteries, a battery that weighs more
134 than 11 pounds or that has a rating of more than 300 watt-hours,
135 or both, but weighs less than 25 pounds or has a rating of less
136 than 2,000 watt-hours.

137 (6) "Portable battery" means any of the following:

138 (a) For nonrechargeable batteries, a battery that weighs
139 4.4 pounds or less; or

140 (b) For rechargeable batteries, a battery that weighs 11
141 pounds or less and has a rating of no more than 300 watt-hours.

142 (7) (a) "Producer" means a person who sells, offers for
143 sale, or distributes for sale a covered battery or battery-
144 containing product in this state and:

145 1. Is the person who manufactures such battery or product

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146 if such battery or product is sold under a brand of the
147 battery's or product's manufacturer;

148 2. Is the person who owns the brand if such battery or
149 product is sold under a retail brand or under a brand owned by a
150 person other than the battery's or product's manufacturer;

151 3. If subparagraphs 1. or 2. do not apply, the person that
152 is the licensee of a brand or trademark under which the covered
153 battery or battery-containing product is sold, offered for sale,
154 or distributed for sale in this state, regardless of whether the
155 trademark is registered in this state;

156 4. If subparagraphs 1., 2., or 3. do not apply, the person
157 that is the importer of record for the covered battery or
158 battery-containing product into the United States for the
159 purpose of selling, offering for sale, or distributing for sale
160 the battery or product in this state; or

161 5. If subparagraphs 1. through 4. do not apply to any
162 person with a commercial presence in this state, the person who
163 first sells, offers for sale, or distributes for sale the
164 covered battery or battery-containing product in this state.

165 (b) The term does not include a person who only sells,
166 offers for sale, or distributes for sale a battery-containing
167 product if the battery is supplied by another producer who has
168 designated a BSO to implement a battery stewardship plan and who
169 certifies this fact in writing to the person who only sells,
170 offers for sale, or distributes for sale the battery-containing
171 product.

172 (8) "Rechargeable battery" means a battery that contains
173 one or more voltaic or galvanic cells electrically connected to
174 produce electric energy and that is designed to be recharged.

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175 (9) "Recovery" means collecting, accumulating, and
176 transporting quantities of covered batteries or battery-
177 containing products for the purpose of introducing them into a
178 recycling process.

179 (10) (a) "Recycling" means separating, dismantling, or
180 processing recovered batteries or battery-containing products or
181 materials, components, or commodities contained in electronic
182 waste for the purpose of preparing batteries for use or reuse in
183 new products or components. The term includes manually and
184 mechanically separating electronic waste to recover materials,
185 components, or commodities contained therein for the purpose of
186 reuse or recycling and changing the physical composition of
187 electronic waste to segregate components for purposes of
188 recycling those components.

189 (b) The term does not include any of the following:

- 190 1. Destruction by incineration or other processes.
191 2. Energy recovery or energy generation by means of
192 combustion, gasification, pyrolysis, or other means.
193 3. Land disposal of recyclable materials.
194 4. Reuse, repair, or any other process through which
195 batteries are returned in their original form.

196 (11) "Recycling efficiency rate" means the percentage
197 calculated by dividing the weight of components and materials
198 recovered by a BSO by the weight of covered batteries collected
199 by the BSO.

200 (12) "Retailer" means a person or entity that sells or
201 offers for sale a covered battery in this state or offers or
202 otherwise makes available covered batteries or battery-
203 containing products to a customer, including other businesses,

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204 in this state.

205 Section 3. Section 403.71873, Florida Statutes, is created
206 to read:

207 403.71873 Requirements for producers or retailers of
208 covered batteries or battery-containing products; prohibition.-

209 (1) REQUIREMENTS.-

210 (a) Beginning January 1, 2028, a producer or retailer must
211 do all of the following before selling, offering for sale, or
212 distributing for sale in this state any covered battery or
213 battery-containing product:

214 1. Be a member of a BSO operating pursuant to a battery
215 stewardship plan approved by the department under s. 403.71874.
216 This subparagraph does not apply to a retailer if the website
217 maintained by the department pursuant to s. 403.71879 lists, as
218 of the date a battery or product is made available for retail
219 sale, the producer or brand of the battery or product as listed
220 in the approved battery stewardship plan.

221 2. Provide verification to the department that the covered
222 battery or the battery in the battery-containing product
223 identifies the producer of the battery with a clear mark or
224 insignia.

225 (b) Beginning January 1, 2029, a producer or retailer must
226 provide verification to the department that the covered battery
227 or the battery in the battery-containing product states or
228 otherwise indicates all of the following information to ensure
229 proper collection and recycling:

230 1. The chemistry of the battery.

231 2. An advisement that the battery should not be disposed of
232 as household waste.

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233

234 Subparagraph (a)2. and paragraph (b) do not apply to batteries
235 that are less than 0.5 inches in diameter or do not have a
236 surface with a length that exceeds 0.5 inches.

237 (2) PROHIBITION.—A producer, retailer, or BSO may not
238 charge a point-of-sale fee to consumers to cover the costs of
239 implementing a battery stewardship plan approved by the
240 department under s. 403.71874.

241 Section 4. Section 403.71874, Florida Statutes, is created
242 to read:

243 403.71874 Battery stewardship plan components.—

244 (1) Beginning January 1, 2027, any BSO operating in this
245 state shall submit a battery stewardship plan, referred to
246 hereafter as “plan,” to the department annually for review and
247 approval.

248 (2) A plan is valid for 5 years and must include all of the
249 following:

250 (a) The name and contact information of each producer
251 included in the plan.

252 (b) The brand of the covered battery or batteries that the
253 BSO’s producer sells, offers for sale, or distributes for sale
254 in this state. All such brands must be listed in the plan.

255 (c) Performance goals and processes for achieving such
256 goals. Performance goals must include, but need not be limited
257 to, all of the following:

258 1. A strategy, including metrics, for optimal recycling
259 efficiency rates of at least 60 percent for rechargeable
260 batteries and 70 percent for nonrechargeable batteries.

261 2. An education and outreach strategy to enhance consumer

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262 awareness of the plan and of the convenience and accessibility
263 of end-of-life management options for covered batteries or
264 batteries in battery-containing products collected pursuant to
265 the plan.

266 (d) Processes for providing notice to retailers of the
267 prohibition in s. 403.71873(2).

268 (e) Processes for providing collection sites with signage,
269 written materials, and other promotional materials to inform
270 consumers of the available end-of-life management options for
271 covered batteries collected pursuant to the plan.

272 (f) Collection site safety training procedures that must
273 include, but need not be limited to, all of the following:

274 1. Operating protocols to reduce risks of spills or fires
275 and response protocols for such events.

276 2. Protocols for the safe management of damaged or
277 defective batteries.

278 (g) A detailed budget that equitably distributes plan
279 implementation costs among the members of the BSO.

280 (h) Procedures and guidelines for covered battery
281 collection which ensure covered battery collection will occur at
282 no cost to consumers on a continuous, convenient, visible, and
283 accessible basis, regardless of the brand or producer of the
284 covered battery.

285 (i) Procedures and guidelines to govern the execution of s.
286 403.71876.

287 (j) Criteria for the designation of an entity as a covered
288 battery collection site and the addresses of such designated
289 covered battery collection sites.

290 (k) The names of proposed service providers, including

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291 sorters, transporters, and processors, to be used for the final
292 disposition of batteries.

293 (1) Procedures and guidelines to govern how the BSO shall
294 coordinate with material recovery facilities and secondary
295 processors to properly process and transport for recycling any
296 covered batteries improperly sent to such facilities through the
297 waste or recycling streams.

298 (m) Procedures for recordkeeping, tracking, and documenting
299 the management and disposition of collected covered batteries,
300 including any delay anticipated by the BSO in managing medium
301 format batteries.

302 (3) A BSO whose plan is approved pursuant to this section
303 shall do all of the following:

304 (a) Submit a new plan to the department for approval every
305 4 years. If the performance goals included in the previously
306 approved plan have not been met, the new plan must include
307 corrective measures that the BSO must implement to meet such
308 performance goals, which may include, but need not be limited
309 to, improvements to the collection site network or increased
310 expenditures dedicated to education and outreach.

311 (b) Submit plan amendments to the department for approval.

312 (c) Notify the department within 90 days after a producer,
313 processor, or transporter begins or ceases participation in the
314 BSO, or within 90 days after the addition or removal of a
315 processor or transporter under the plan.

316 (4) (a) The department shall approve, conditionally approve,
317 or deny a plan or plan amendment within 120 days after receiving
318 such proposed plan or proposed plan amendment.

319 (b) If the department denies a proposed plan or amendment:

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320 1. The department must notify the BSO of the denial in
 321 writing and provide a rationale describing why the proposed plan
 322 or amendment does not comply with this section;

323 2. The BSO must submit a revised plan or plan amendment, or
 324 notice of plan or plan amendment withdrawal, within 60 days
 325 after the denial; and

326 3. The department must approve or deny the revised plan or
 327 plan amendment within 90 days after resubmittal. The denial of a
 328 revised plan or plan amendment may be appealed to the
 329 department, and the appeal must be in accordance with chapter
 330 120.

331 Section 5. Section 403.71875, Florida Statutes, is created
 332 to read:

333 403.71875 Battery stewardship organization fiscal duties.—A
 334 BSO implementing a battery stewardship plan approved under s.
 335 403.71874 shall do all of the following:

336 (1) Be responsible for all costs associated with
 337 implementing the plan.

338 (2) Reimburse local governments for demonstrable costs
 339 incurred by a local government facility or solid waste facility
 340 designated as a collection site under the plan.

341 (3) Collect charges from participating producers sufficient
 342 to cover the costs of implementing the plan, including battery
 343 collection, transportation, processing, education and outreach,
 344 and program evaluation.

345 Section 6. Section 403.71876, Florida Statutes, is created
 346 to read:

347 403.71876 Collection and management requirements.—

348 (1) A BSO implementing an approved battery stewardship plan

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349 shall do all of the following:

350 (a) Provide for the collection of all covered batteries,
351 statewide, from any person, regardless of the chemistry or brand
352 of the battery, on a free, continuous, convenient, and
353 accessible basis.

354 (b) Equip collection sites designated pursuant to s.
355 403.71874(2)(j), at no cost to the sites, with suitable
356 collection containers for covered batteries that are segregated
357 from other solid waste, or provide alternative arrangements for
358 the collection of such batteries at the site.

359 (c) Ensure that medium format batteries are collected only
360 at household hazardous waste collection sites or other staffed
361 collection sites that meet applicable federal, state, and local
362 requirements for managing medium format batteries.

363 (d) Provide for the collection of damaged and defective
364 batteries, by persons trained to handle and ship such batteries,
365 at collection sites and at each permanent household hazardous
366 waste facility and each household hazardous waste collection
367 event provided by the department. As used in this paragraph, the
368 term "damaged and defective batteries" means batteries that have
369 been damaged or that have been identified by the manufacturer as
370 being defective for safety reasons and that have the potential
371 to produce a dangerous evolution of heat, fire, or short
372 circuit, as referred to in 49 C.F.R. s. 173.185(f), or as
373 provided by the state by rule to maintain consistency with
374 federal standards.

375 (e) Coordinate the delivery of services with existing
376 public and private waste collection services and facilities;
377 transporters; consolidators; processors; electronic waste

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378 recyclers; other BSOs; retailers if cost-effective, mutually
379 agreeable, and otherwise practical; or other related entities to
380 provide efficient and cost effective delivery of services.

381 (f) For portable batteries, provide all of the following
382 within 3 years after approval of the battery stewardship plan:

383 1. At least one permanent collection site within a 15-mile
384 radius for at least 95 percent of state residents; and

385 2. At least one permanent collection site, collection
386 service, or collection event for every 30,000 residents of a
387 county.

388 (g) For medium format batteries, provide all of the
389 following within 3 years after approval of the battery
390 stewardship plan:

391 1. At least 10 permanent collection sites in this state.
392 Such sites must be reasonably dispersed throughout this state;

393 2. A collection event at least once every 3 years in each
394 county that does not have a permanent collection site, which
395 must provide for the collection of all medium format batteries,
396 including damaged and defective medium format batteries; and

397 3. Any entity which may be used as a collection site or
398 that will authorize a collection event on their property that
399 satisfies the criteria in paragraph (g) and subparagraphs (h)1.
400 and 2.

401 (2) A BSO implementing an approved battery stewardship plan
402 may issue a warning for the suspension or termination of a
403 collection site or service that does not comply with the
404 approved plan or that poses an immediate threat to health and
405 safety.

406 (3) A BSO is not required to provide for the collection of

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407 batteries, battery-containing products, or covered batteries
408 that remain contained in a battery-containing product at the
409 time of delivery to a collection site or collection event if
410 such batteries or products are under a recall for safety
411 reasons. A BSO may seek reimbursement from the producer of a
412 battery or battery-containing product under recall for safety
413 reasons for the costs incurred in collecting, transporting, or
414 processing such batteries and products.

415 Section 7. Section 403.71877, Florida Statutes, is created
416 to read:

417 403.71877 Battery stewardship plan implementation.—A BSO
418 implementing an approved battery stewardship plan shall do all
419 of the following to promote the implementation of the plan:

420 (1) Develop and maintain a website.

421 (2) Develop and place advertisements on social media or
422 other relevant media platforms.

423 (3) Develop promotional materials about the plan and the
424 restrictions on disposing of covered batteries.

425 (4) Develop and distribute to collection sites collection
426 site safety training procedures to help ensure proper management
427 of covered batteries at collection sites.

428 (5) Provide to each collection site used under the plan
429 consumer-focused educational materials that are accessible by
430 customers of retailers that sell covered batteries or battery-
431 containing products.

432 (6) Provide safety information related to covered battery
433 collection activities to the operator of each collection site
434 used under the plan, including appropriate protocols to reduce
435 risks of spills or fires, respond to a spill or fire, and manage

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436 a collected damaged or defective battery.

437 (7) Provide educational materials to the operator of each
438 collection site used under the plan for the management of
439 recalled batteries.

440 (8) Upon request by a retailer or other potential
441 collection site, provide educational materials describing
442 collection opportunities for covered batteries.

443 (9) Coordinate with other BSOs implementing a battery
444 stewardship plan in providing education and outreach under s.
445 403.71874(2)(c).

446 (10) Conduct a survey, during the first year of
447 implementing a battery stewardship plan and once every 5 years
448 thereafter, of public awareness of the outreach efforts
449 undertaken pursuant to this section. The BSO shall make the
450 results of the surveys available to the department.

451 Section 8. Section 403.71878, Florida Statutes, is created
452 to read:

453 403.71878 Reporting requirements.-

454 (1) Starting June 1, 2029, and annually thereafter, a BSO
455 implementing an approved battery stewardship plan shall submit a
456 report to the department which includes all of the following:

457 (a) A summary financial statement documenting the financing
458 of the plan and an analysis of plan costs and expenditures,
459 including an analysis of the plan's expenses, such as
460 collection, transportation, recycling, education, and
461 administrative overhead. The summary financial statement is
462 sufficiently detailed if it provides transparency regarding
463 funds collected from producers spent on plan implementation, in
464 addition to other necessary financial accounting information.

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465 (b) The weight, by chemistry, of collected covered
466 batteries.

467 (c) The weight of materials recycled from collected covered
468 batteries, as recovered by any method of battery recycling.

469 (d) A calculation of the recycling efficiency rate under
470 the plan.

471 (e) A list of all facilities used in the processing or
472 disposition of covered batteries under the plan.

473 (f) A summary of any violations of environmental laws and
474 regulations during the previous calendar year at each facility.

475 (g) For each facility used for the final disposition of
476 covered batteries under the plan, a review of how the facility
477 recycled or otherwise managed batteries and battery components.

478 (h) The weight and chemistry of covered batteries sent to
479 each facility used for the final disposition of batteries. This
480 information may be approximated based on extrapolations of
481 national or regional data for programs in operation in multiple
482 states.

483 (i) The estimated aggregate sales, by weight and chemistry,
484 of covered batteries, including covered batteries contained in
485 or packaged with battery-containing products, sold in this state
486 by the BSO's participating producers for each of the previous 3
487 calendar years.

488 (j) A summary describing the management and recycling of
489 collected batteries, including an analysis of best available
490 technologies and the recycling efficiency rate.

491 (k) A description of education and outreach efforts
492 supporting plan implementation, including:

493 1. A summary of education and outreach provided to

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494 consumers, collection sites, manufacturers, distributors, and
495 retailers to promote the collection and recycling of covered
496 batteries and an analysis of how such education and outreach met
497 the requirements under s. 403.71874(2)(c)2.;

498 2. Samples of education and outreach materials;

499 3. A summary of coordinated education and outreach efforts
500 with any other BSOs implementing a battery stewardship plan;

501 4. A summary of any changes made during the previous
502 calendar year to education and outreach activities; and

503 5. An evaluation of the effectiveness of education and
504 outreach activities.

505 (1) A list of all collection sites used to implement the
506 plan, an address for each listed site, a link to the website of
507 each listed site, if available, and an up-to-date map indicating
508 the location of each site.

509 (m) A description of methods used to collect, transport,
510 and recycle covered batteries under the plan.

511 (n) A analysis of the performance goals under the plan and
512 the rationale describing why performance goals were not met, if
513 applicable.

514 (o) If a BSO has disposed of covered batteries through
515 energy recovery, incineration, or landfilling during the
516 preceding calendar year of plan implementation, the steps that
517 the BSO will take to make the recycling of covered batteries
518 cost-effective, when possible, or to otherwise increase battery
519 recycling efficiency rates achieved by the BSO.

520 (2) After 4 years of implementation of an approved battery
521 stewardship plan, a BSO or a producer member of such
522 organization shall hire an independent third party to conduct a

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523 one-time audit of the battery stewardship plan and plan
 524 operation. The auditor shall examine the effectiveness of the
 525 battery stewardship plan in collecting and recycling covered
 526 batteries. The auditor shall also examine the cost-effectiveness
 527 of the plan and compare it to the cost-effectiveness of
 528 collections plans and programs for covered batteries in other
 529 jurisdictions. The BSO shall submit a copy of such audit to the
 530 department.

531 Section 9. Section 403.71879, Florida Statutes, is created
 532 to read:

533 403.71879 Responsibilities of the department.—The
 534 department shall include on its website:

535 (1) A copy of all battery stewardship plans approved under
 536 s. 403.71874 and any amendments to such plans;

537 (2) The names of producer members covered under an approved
 538 battery stewardship plan;

539 (3) A list of brands of covered batteries covered under
 540 approved battery stewardship plans; and

541 (4) A copy of each annual report submitted to the
 542 department pursuant to s. 403.71878.

543 Section 10. Section 403.71881, Florida Statutes, is created
 544 to read:

545 403.71881 Antitrust.—A producer, retailer, or BSO is not
 546 liable for any claim of a violation of antitrust laws or laws
 547 relating to fraudulent, deceptive, or unfair methods of
 548 competition or trade practices arising from conduct that
 549 complies with an approved battery stewardship plan.

550 Section 11. Section 403.71882, Florida Statutes, is created
 551 to read:

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552 403.71882 Collection of batteries independent of a battery
553 stewardship plan.-

554 (1) A person or recycler may offer or perform fee-based
555 household battery collection services or mail-back services for
556 covered batteries or a recycler in this state independently of a
557 BSO if:

558 (a) The services are performed and facilities are operated
559 in compliance with all applicable federal, state, and local laws
560 and requirements; and

561 (b) Except as provided in subsection (2), all batteries
562 collected by the person or recycler from customers in this state
563 are provided to a BSO implementing an approved battery
564 stewardship plan. After providing collected batteries to a BSO,
565 any transport and processing of such batteries by the BSO must
566 be done at the BSO's expense. A BSO may refuse to accept
567 batteries from any such person or recycler if the department is
568 notified of the reason for such refusal.

569 (2) A person or recycler described in subsection (1) may
570 recycle covered batteries collected from customers in this state
571 if such person or recycler provides collection data and
572 recycling data to the department. Such data must include all of
573 the following:

574 (a) The weight, by chemistry, of covered batteries
575 collected.

576 (b) The weight of materials recycled from covered batteries
577 collected, in total and by method of battery recycling.

578 (c) A calculation of such person's or recycler's recycling
579 efficiency rate.

580 (d) A list of all facilities used in the processing or

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581 disposition of covered batteries and a summary of any violations
582 of environmental laws and regulations during the previous 3
583 years at each facility.

584 (e) A description of how each facility recycled or
585 otherwise managed batteries and battery components for the final
586 disposition of covered batteries.

587 (f) The weight and chemistry of covered batteries sent to
588 each facility for the final disposition of batteries.

589 (3) Such person or recycler may not receive compensation
590 from a BSO for any batteries collected, transported, or recycled
591 under this section.

592 Section 12. Section 403.71883, Florida Statutes, is created
593 to read:

594 403.71883 General battery disposal and collection
595 requirements.-

596 (1) Beginning January 1, 2028, all of the following shall
597 apply:

598 (a) A person may dispose of a covered battery only by
599 delivery to a collection site or collection event operated under
600 an approved battery stewardship plan, unless the battery is
601 regulated as hazardous waste.

602 (b) A person may not knowingly cause or allow the mixing of
603 a covered battery with recyclable materials that are intended
604 for processing and sorting at a material recovery facility.

605 (c) A person may not knowingly cause or allow the mixing of
606 a covered battery with municipal waste that is intended for
607 disposal at a landfill.

608 (d) A person may not knowingly cause or allow the disposal
609 of a covered battery in a landfill.

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610 (e) A person may not knowingly cause or allow the mixing of
611 a covered battery with waste that is intended for burning or
612 incineration.

613 (f) A person may not knowingly cause or allow the burning
614 or incineration of a covered battery.

615 (2) An owner or operator of a solid waste facility may not
616 be found in violation of this act if the facility has posted in
617 a conspicuous location a sign stating that covered batteries
618 must be managed through collection sites established by a BSO
619 and are not accepted for disposal.

620 (3) A solid waste collector is not in violation of this act
621 for a covered battery placed in a disposal container by a person
622 or recycler.

623 (4) A BSO may not refuse to accept covered batteries
624 inadvertently received by a recycling or solid waste facility if
625 the batteries are properly packaged, unless the BSO properly
626 notifies the department.

627 Section 13. Section 403.71884, Florida Statutes, is created
628 to read:

629 403.71884 Penalties.—

630 (1) PENALTIES.—

631 (a) A person who violates this act shall be subject to a
632 civil penalty of \$1,000 for each violation.

633 (b) A person who knowingly makes a false material statement
634 to the department related to a battery stewardship plan
635 submitted pursuant to s. 403.71874 commits a felony of the third
636 degree, punishable as provided in s. 775.082, s. 775.083, or
637 775.084.

638 (c) The Attorney General or the county attorney of any

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639 county in which a violation of the act occurs may, in addition
640 to any other penalty, bring an action to enjoin any person from
641 violating this act.

642 (2) CIVIL ACTION.-

643 (a) A BSO implementing an approved battery stewardship plan
644 may bring a civil action or actions to recover costs and
645 damages, as specified in this section, from a producer who sells
646 or otherwise makes available in this state covered batteries or
647 battery-containing products not included under an approved plan
648 in violation of the requirements of this act. An action under
649 this subsection may be brought against one or more defendants.
650 An action under this subsection may be brought against a
651 defendant producer only if the BSO incurs costs in this state,
652 including legal fees and expenses and reasonable incremental
653 administrative and program promotional costs, in excess of
654 \$1,000 to collect, transport, and recycle or otherwise dispose
655 of the covered batteries or battery-containing products of a
656 nonparticipating producer.

657 (b) A BSO implementing an approved battery stewardship plan
658 may bring a civil action against a producer of a recalled
659 battery to recover costs associated with handling the recalled
660 battery, including legal fees and expenses.

661 (c) A BSO implementing an approved battery stewardship plan
662 may bring a civil action against another BSO that underperforms
663 on its battery collection obligations under this act by failing
664 to collect and provide for the end-of-life management of
665 batteries in an amount roughly equivalent to costs imposed on
666 the plaintiff BSO by virtue of the failures of the defendant
667 BSO, plus legal fees and expenses.

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668 Section 14. Section 403.7192, Florida Statutes, is
669 repealed.

670 Section 15. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/3/2024

Meeting Date

SB 912

Bill Number or Topic

448936

Amendment Barcode (if applicable)

ENVIRONMENT & NAT'L R.

Committee

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OR

Waive Speaking: In Support Against

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The Florida Senate

APPEARANCE RECORD

2-3-2026

Meeting Date

SB 912

Bill Number or Topic

ENVIRONMENT + NATURAL RESOURCES

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

448936

Amendment Barcode (if applicable)

Name MARC BOOLISH

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Email MBOOLISH@WILEY.LAW

Street

WASHINGTON

DC

20036

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

PRBA - THE RECHARGEABLE BATTERY ASSOC.

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/5/2024

Meeting Date

SENR

Committee

SB 912

Bill Number or Topic

448936

Amendment Barcode (if applicable)

Name KEYNA CORY

Phone 850 566-9575

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TAUAWASSEE FL

32301

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Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

NATIONAL WASTE & RECYCLING ASSN. - FL CHAPTER

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S-001 (08/10/2021)

APPEARANCE RECORD

2-3-2026

SB-912

Meeting Date

Bill Number or Topic

ENVIRONMENT & NATURAL RESOURCES

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name MARC BOOLISH

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Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

PRBA - THE RECHARGEABLE BATTERY ASSOC.

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The Florida Senate

APPEARANCE RECORD

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7/3/2026

Meeting Date

SB 912

Bill Number or Topic

SENR

Committee

Amendment Barcode (if applicable)

Name KEYNA CORY

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TAMAHASSEE FL 32301

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

NATIONAL WASTE + RECYCLING ASSN - FL CHAPTER

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2/3/2026

The Florida Senate

APPEARANCE RECORD

SB912- AS AMENDED

Meeting Date

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Bill Number or Topic

Environment & Natl Res.

Committee

Amendment Barcode (if applicable)

Name

CHRISTIAN CAMARA

Phone

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For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

CONSUMER TECHNOLOGY ASSOCIATION

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S-001 (08/10/2021)

2/3/24

Meeting Date

Environment

Committee

The Florida Senate

APPEARANCE RECORD

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SB 912

Bill Number or Topic

Amendment Barcode (if applicable)

Name Peter Abello

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Address 100 S Monroe St

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Tallahassee FL 32301

City

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Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Association of Counties

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 1510

INTRODUCER: Environment and Natural Resources and Senator Massullo

SUBJECT: Department of Environmental Protection

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Fav/CS
2.			AEG	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1510 amends laws that govern the Acquisition and Restoration Council, septic system and wastewater restrictions, basin management action plans, the Sea Level Rise Resilience Plan, the Environmental Regulation Commission, and air pollution permitting.

Regarding the Acquisition and Restoration Council (ARC), the bill adds two new members. Additionally, the bill directs ARC to administer the Florida Communities Trust to improve consistency and effectiveness in conservation-focused land acquisition and resource stewardship.

Regarding onsite sewage treatment and disposal systems (septic systems), the bill:

- Removes a requirement that owners of residential properties within the Indian River Lagoon Protection program over ten acres must connect to sewer or upgrade their septic system.
- Allows a septic system remediation plan to require conventional septic system upgrades where central sewerage is unavailable for certain properties.
- Requires DEP to notify new owners of a property with a septic system of certain applicable requirements.
- Requires notice to a person receiving ownership of a property with a septic system that the property is subject to septic system regulations, providing documents, and stating the location of the septic system.

Regarding BMAPs, the bill provides a 60-day waiting period before an approved BMAP is effective. The bill allows the installation of distributed wastewater treatment systems on lots of

one acre or less in a BMAP, reasonable assurance plan, or pollution reduction plan if a sewer system is unavailable.

Regarding the Statewide Flooding and Sea Level Rise Resilience Plan, the bill provides that municipalities and counties that are rural communities will not need a minimum 50 percent cost share for projects in the plan.

Regarding the Environmental Regulation Commission (ERC), the bill repeals provisions establishing the ERC and removes all references to the ERC in statute.

Regarding air pollution permitting, the bill extends the due date for annual operating permits for major sources of air pollution.

II. Present Situation:

The Environmental Regulation Commission

The Environmental Regulation Commission (ERC) is a non-salaried, seven-member board created by the Legislature within the Florida Department of Environmental Protection (DEP).¹ The ERC is responsible for setting statutorily specified air and water quality standards by evaluating their scientific and technical validity, economic impacts, and risks and benefits to the public and Florida's natural resources.² The ERC's members are selected by the Governor and confirmed by the Senate.³ They must be representative of:

- Agriculture;
- The development industry;
- Local government;
- The environmental community;
- Residents; and
- Members of the scientific and technical community with substantial expertise in water pollutants, toxicology, epidemiology, geology, biology, environmental science, or engineering.⁴

DEP must conduct a study of the economic and environmental impact of any proposed standard that would be stricter or more stringent than one set by federal law or regulation.⁵ The study must be submitted to the ERC, which must initially adopt the standard and submit it to the Governor and Cabinet. The Governor and Cabinet must take final action and must accept, reject, modify, or remand the standard for further proceedings within 60 days of the submission.⁶

¹ Florida Department of Environmental Protection (DEP), *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Jan. 23, 2026).

² *Id.*; section 403.804(1), F.S. The ERC does not establish DEP policies, priorities, plans, or directives. It may adopt procedural rules governing its meetings and hearings.

³ DEP, *Environmental Regulation Commission*; section 20.255(6), F.S.

⁴ *Id.*

⁵ Section 403.804(2), F.S.

⁶ *Id.*

The ERC was created in statute in 1975.⁷ It was established 35 years before the legislative rule ratification requirement, which requires legislative approval of rules that have adverse economic impacts or high regulatory costs.⁸ In the past ten years, the ERC has met four times: once in 2016, 2017, 2024, and 2025.⁹

Acquisition and Restoration Council

The Acquisition and Restoration Council (ARC) is a ten-member body that makes recommendations on the acquisition, management, and disposal of state-owned lands.¹⁰ ARC's members are composed of:

- The Secretary of Environmental Protection (or designee);
- The director of the Florida Forest Service (or designee);
- The executive director of the Fish and Wildlife Conservation Commission (or designee);
- The director of the Division of Historical Resources (or designee);
- One member appointed by Commissioner of Agriculture;
- One member appointed by the Fish and Wildlife Conservation Commission; and
- Four members appointed by the Governor.¹¹

Of the Governor's four appointees, three must be from scientific disciplines related to land, water, or environmental sciences and one must have at least five years of experience managing lands for both active and passive types of recreation.¹² The appointees serve four-year staggered terms and may not serve for more than six years.¹³

ARC's recommendations must be approved by the Board of Trustees of the Internal Improvement Trust Fund.¹⁴

Florida Communities Trust

The Florida Communities Trust (Trust) is a state-funded land acquisition program that was created within DEP in 1989 to help local communities protect natural resources, provide recreational opportunities, preserve traditional working waterfronts, ensure beach access, protect historical and cultural resources, and provide clean air and drinking water.¹⁵

⁷ Chapter 75-22, Laws of Fla.; section 403.804, F.S.

⁸ Chapter 2010-279, Laws of Fla.; section 120.541(3), F.S.

⁹ DEP, *Environmental Regulation Commission Agenda* (2016), available at https://floridadep.gov/sites/default/files/ERC_Agenda_July.pdf; DEP, *ERC Meeting*, <https://floridadep.gov/ogc/ogc/content/7319-erc-meeting> (last visited Jan. 26, 2026); DEP, *The Environmental Regulation Commission Meeting*, <https://floridadep.gov/water/water/content/42188-environmental-regulation-commission-meeting> (last visited Jan. 26, 2026); and DEP, *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Jan. 26, 2026).

¹⁰ DEP, *2024 Florida Forever Plan*, 1 (2024), available at <https://floridadep.gov/lands/environmental-services/content/2024-florida-forever-plan>; section 259.035(3), F.S.

¹¹ Section 259.035(1), F.S.

¹² Section 259.035(1)(a), F.S.

¹³ *Id.*

¹⁴ Section 259.035(6), F.S.

¹⁵ DEP, *The Florida Communities Trust*, <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust> (last visited Jan. 22, 2026); Section 380.504(1), F.S. The Florida Communities Trust is a nonregulatory state agency.

The Legislature created the Trust to help local governments bring local comprehensive plans into compliance and to implement comprehensive plan goals, objectives, and policies concerning conservation, recreation and open space, and coastal elements.¹⁶ It also created the Trust to assist local governments in conserving natural resources and resolving land use conflicts by:

- Responding promptly and creatively to opportunities to correct undesirable development patterns, restore degraded natural areas, enhance resource values, restore and preserve urban and working waterfronts, reserve lands for later purchase, participate in and promote the use of innovative land acquisition methods, and provide public access to surface waters;
- Providing financial and technical assistance to local governments, state agencies, and nonprofit organizations to carry out projects and activities and to develop authorized programs; and
- Involving local governments and private interests in voluntarily resolving land use conflicts and issues.¹⁷

The Trust consists of the Secretary of DEP and four members of the public who are appointed by the Governor and are subject to Senate confirmation. Members must include a former elected official of a county government, a former elected official of a metropolitan¹⁸ municipal government, a representative of a nonprofit organization,¹⁹ and a representative of the development industry. The Governor must make appointments upon the expiration of any current terms or within 60 days after the effective date of a member's resignation.

Governor-appointed governing body members serve four-year terms.²⁰ Members receive no compensation for their services, but are entitled to necessary expenses, including per diem and travel expenses, incurred in the discharge of their duties.²¹

The Trust has the power to:

- Make and execute contracts and other instruments that are necessary or convenient to exercise its powers.
- Undertake, coordinate, or fund activities and projects including, but not limited to:
 - Redevelopment projects,
 - Resource enhancement projects,
 - Public access projects,
 - Urban waterfront restoration projects,
 - Site reservation,
 - Urban greenways and open space projects, and
 - Working waterfronts.
- Provide technical and financial assistance to local governments, state agencies, water management districts, regional planning councils, and nonprofit agencies.

¹⁶ Section 380.502(3), F.S.

¹⁷ *Id.*

¹⁸ "Metropolitan" is defined as an area consisting of a central city with adjacent cities and smaller surrounding communities: a major urban area and its environs. Section 380.503(4), F.S.

¹⁹ A "nonprofit organization" is defined as any private nonprofit organization, existing under the provisions of s. 501(c)(3) of the U.S. Internal Revenue Code, which has among its principal goals the conservation of natural resources or protection of the environment.

²⁰ Section 380.504(2), F.S.

²¹ Section 380.504(3), F.S.

- Acquire and dispose of real and personal property or any interest therein to protect the natural environment, provide public access or recreational facilities, preserve wildlife habitat, and provide access for managing acquired lands.
- Acquire interests in land through land exchanges, and enter into all alternatives to the acquisition of fee interests in land.
- Award grants and make loans to local governments and nonprofit organizations.
- Provide grants or loans for approved projects.
- Undertake, or authorize a nonprofit organization to undertake, a project or activity that a local government is unable to undertake.
- Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement.
- Contract for and accept gifts, grants, loans, or other aid, including gifts of real property or any interest in real property.
- Adopt rules.
- Contract with private consultants and nonprofit organizations for professional and technical assistance and advice.
- Make and execute agreements, contracts, and other instruments that are necessary or convenient in the exercise of the powers and functions of the Trust.
- Conduct promotional campaigns, including advertising, for the sale of communities trust license plates.²²
- Administer the working waterfronts land acquisition program.²³

Since its inception in 1989, the Trust has facilitated the acquisition of over 96,987 acres of lands for conservation and local recreation opportunities.²⁴

Impaired Waters

Under section 303(d) of the federal Clean Water Act, states must establish water quality standards for waters within their borders and develop a list of impaired waters that do not meet the established water quality standards.²⁵ States must also develop a list of threatened waters that may not meet water quality standards in the following reporting cycle.²⁶

DEP sorted those waters into 29 major watersheds, or basins, and further organized them into five basin groups for assessment purposes.²⁷ If DEP determines that any waters are impaired, the waterbody must be placed on the verified list of impaired waters and a total maximum daily load

²² Section 380.507, F.S.

²³ Section 380.5105(1), F.S.

²⁴ DEP, *The Florida Communities Trust*, <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust> (last visited Jan. 22, 2026).

²⁵ EPA, *Overview of Identifying and Restoring Impaired Waters under Section 303(d) of the CWA*, <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa> (last visited Jan. 23, 2026); 40 C.F.R. 130.7.

²⁶ *Id.*

²⁷ DEP, *Assessment Lists*, <https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists> (last visited Jan. 23, 2026).

(TMDL) must be calculated.²⁸ A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.²⁹ A waterbody may be removed from the verified list at any time during the TMDL process if it attains water quality standards.³⁰

Basin Management Action Plans

Basin management action plans (BMAPs) are one of the primary mechanisms DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges,³¹ for a watershed.

DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody.³² First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole or to each identified point source or category of nonpoint sources. Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations.³³

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by implementing appropriate best management practices or conducting water quality monitoring.³⁴ A nonpoint source discharger in a BMAP area may be subject to enforcement action by DEP or a water management district for failure to implement these requirements.³⁵

BMAPs must include five-year milestones for implementation and water quality improvement and an associated water quality monitoring component to evaluate the progress of pollutant load reductions.³⁶ Every five years an assessment of progress toward these milestones must be conducted and the appropriate revisions may be made to the BMAP.³⁷

Each BMAP must also include:

- The management strategies available through existing water quality protection programs to achieve TMDLs;
- A description of best management practices adopted by rule;

²⁸ *Id.*; DEP, *Watershed Evaluation and Total Maximum Daily Loads (TMDL) Section*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Jan. 23, 2026); DEP, *Verified List Waterbody Ids (WBIDs)*, <https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about> (last visited Jan. 23, 2026); section 403.067(4), F.S.

²⁹ Section 403.067(6)(a), F.S. *See also* The Clean Water Act, 33 U.S.C. § 1251, s. 303(d).

³⁰ Section 403.067(5), F.S.

³¹ “Point source” is defined as any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Nonpoint sources of pollution are sources of pollution that are not point sources. Fla. Admin. Code R. 62-620.200(37).

³² Section 403.067(7)(b)2.h., F.S.

³³ *Id.*

³⁴ Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

³⁵ Section 403.067(7)(b)2.h., F.S.

³⁶ Section 403.067(7)(a)6., F.S.

³⁷ *Id.*

- For the applicable five-year implementation milestones, a list of projects that will achieve the pollutant load reductions needed to meet a TMDL or other established load allocations, including a planning-level cost estimate and an estimated date of completion;
- A list of regional nutrient reduction projects submitted by the Department of Agriculture and Consumer Services which will achieve pollutant load reductions established for agricultural nonpoint sources;³⁸
- The source and amount of financial assistance that will be made available; and
- A planning-level estimate of each project's expected load reduction, if applicable.³⁹

Indian River Lagoon Protection Program

The Indian River Lagoon is a critical water resource that provides many economic, natural habitat, and biodiversity functions, including fishing, boating, recreation, and habitat for endangered and threatened species and other plants and animals.⁴⁰

The Indian River Lagoon Protection Program was created in 2023 to provide additional requirements, projects, and water quality monitoring to further the efforts identified in the Banana River Lagoon BMAP, the Central Indian River Lagoon BMAP, the North Indian River Lagoon BMAP, and the Mosquito Lagoon Reasonable Assurance Plan, which are all components of the Indian River Lagoon Protection Program.⁴¹

Pursuant to the Indian River Lagoon Protection Program, the installation of new onsite sewage treatment and disposal system (septic systems) is prohibited within the program area where a publicly-owned or investor-owned sewerage system is available.⁴² If central sewerage is unavailable, only enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized for installation. By July 1, 2030, any commercial or residential property within the program area must be connected to an available central sewer or upgrade septic systems to the specified standards.⁴³

Outstanding Florida Springs

In 2016, the Florida Legislature enacted the Florida Springs and Aquifer Protection Act and identified 30 Outstanding Florida Springs that require additional protections to ensure their conservation and restoration for future generations.⁴⁴ These springs are a unique part of the state's scenic beauty, provide critical habitat, and have immeasurable natural, recreational, and economic value.⁴⁵ Outstanding Florida Springs are defined by statute and include all historic first magnitude springs, including their associated spring runs, as determined by DEP using the most recent Florida Geological Survey springs bulletin, and several additional enumerated springs.⁴⁶

³⁸ This is required only where agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges or DEP determines that additional measures are necessary to achieve a TMDL. Section 403.067(7)(e)1., F.S.

³⁹ Section 403.067(7)(a)4., F.S.

⁴⁰ See section 373.469, F.S.

⁴¹ Section 373.469(3), F.S.; chapter 2023-196, Laws of Fla.

⁴² Section 373.469(3)(d), F.S.

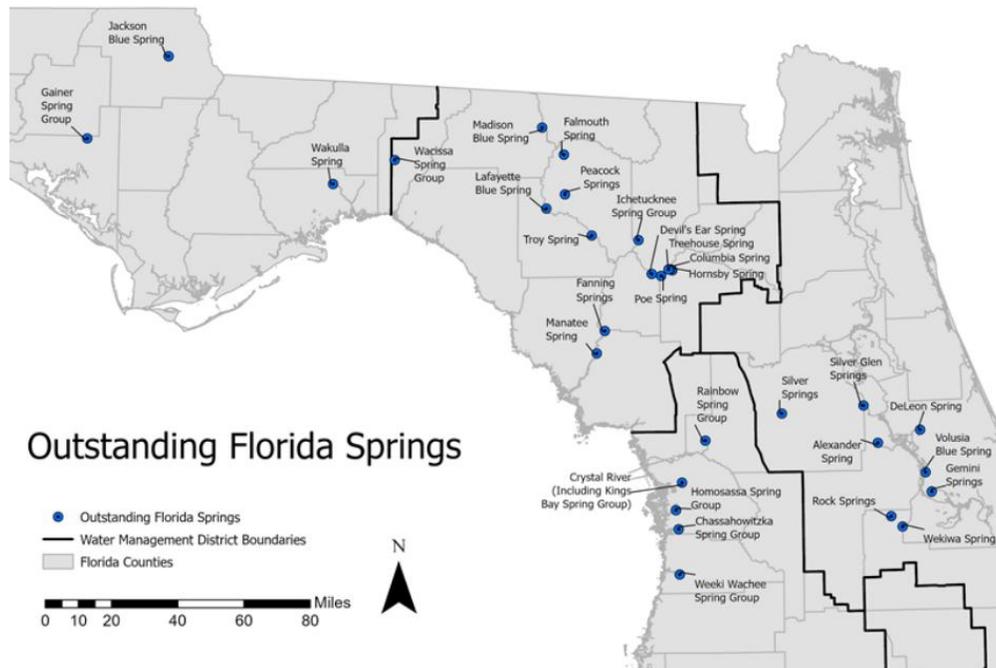
⁴³ *Id.*

⁴⁴ DEP, *Springs*, <https://floridadep.gov/springs/> (last visited Jan. 23, 2026).

⁴⁵ DEP, *Protect and Restore Springs*, <https://floridadep.gov/springs/protect-restore> (last visited Jan. 23, 2026); Ch. 2016-1, s. 22, Laws of Fla.

⁴⁶ Section 373.802(4), F.S.

There are 30 Outstanding Florida Springs, including 24 historic first magnitude springs and six named additional springs.⁴⁷



For areas within a BMAP in effect for an Outstanding Florida Spring, the following activities are prohibited:

- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen on an annual permitted basis, or a more stringent treatment standard if it is necessary to attain a TMDL for the Outstanding Florida Spring.
- New septic systems where connection to a publicly-owned or investor-owned sewerage system is available. On lots of 1 acre or less, if a sewerage system is not available, only the installation of enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.
- New hazardous waste disposal facilities.
- Land application of Class A or Class B domestic wastewater biosolids⁴⁸ not in accordance with a DEP-approved nutrient management plan establishing the rate at which all biosolids,

⁴⁷ DEP, *Outstanding Florida Springs*, <https://geodata.dep.state.fl.us/datasets/outstanding-florida-springs-ofs/about?layer=1> (last visited Jan. 23, 2026). The 30 Outstanding Florida Springs are Alexander Spring, Chassahowitzka Springs Group, Columbia Spring, Crystal River, DeLeon Spring, Devil’s Ear Spring, Falmouth Spring, Fanning Springs, Gainer Spring Group, Gemini Springs, Homosassa Spring Group, Hornsby Spring, Ichetucknee Spring Group, Jackson Blue Spring, Lafayette Blue Spring, Madison Blue Spring, Manatee Spring, Peacock Springs, Poe Spring, Rainbow Spring Group, Rock Springs, Silver Glen Springs, Silver Springs, Treehouse Spring, Troy Spring, Volusia Blue Spring, Wacissa Spring Group, Wakulla Spring, Weeki Wachee Springs Group, and Wekiwa Spring. DEP, *62-41.400-403, F.A.C. Outstanding Florida Springs Rule Development Workshop*, 5 (2023), available at https://floridadep.gov/sites/default/files/OFS_Workshop_Aug-28-2023_0.pdf (showing map of Outstanding Florida Springs).

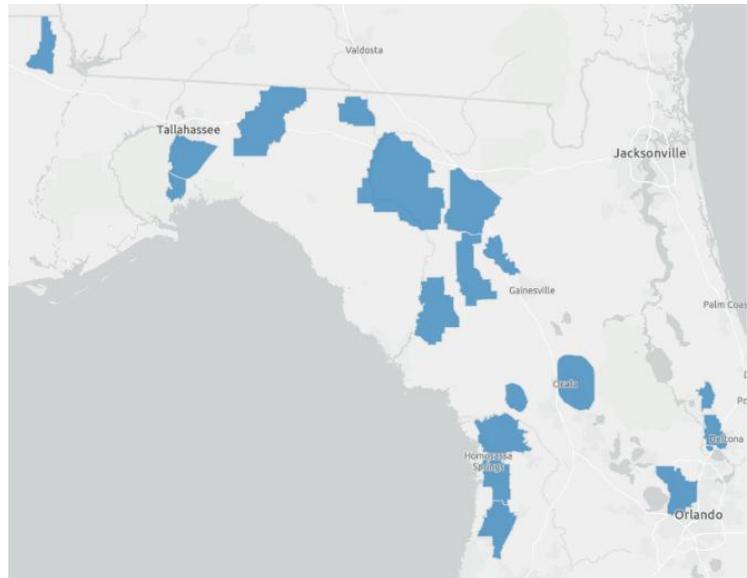
⁴⁸ Biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. Section 373.4595(2)(b), F.S. DEP regulates three classes of biosolids for beneficial use: Class AA,

soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the pollutants and nutrients being discharged.

- New agriculture operations that do not implement best management practices, measures necessary to achieve DEP-established pollution reduction levels, or groundwater monitoring plans approved by a water management district or DEP.

During the development of a BMAP for an Outstanding Florida Spring, if DEP determines that septic systems are contributing at least 20 percent of nonpoint source nitrogen pollution, or if DEP determines remediation is necessary to achieve the TMDL, the BMAP must include a septic system remediation plan.⁴⁹

DEP is required to collaborate with the water management districts to delineate priority focus areas for each Outstanding Florida Spring or group of springs that contains one or more Outstanding Florida Spring and is impaired.⁵⁰ In delineating these areas, DEP must consider groundwater travel time to the spring, hydrogeology, nutrient load, and any other factors that may lead to spring degradation.⁵¹ The image to the right shows the location and boundaries of the current priority focus areas.⁵²



Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (septic systems) generally consist of two basic parts: the septic tank and the drainfield.⁵³ Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue

Class A, and Class B biosolids. These classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest. Fla. Admin. Code R. 62-640.200; DEP, *Domestic wastewater biosolids*. <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 14, 2026).

⁴⁹ Section 373.807(1)(a) and (3), F.S.

⁵⁰ Section 373.803, F.S.

⁵¹ *Id.*

⁵² DEP Geospatial Open Data, *Springs Priority Focus Areas*, <https://geodata.dep.state.fl.us/datasets/FDEP::springs-priority-focus-areas/explore?location=29.509410%2C-82.973290%2C7.11> (last visited Jan. 23, 2026).

⁵³ DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Jan. 12, 2026); U.S. Environmental Protection Agency (EPA), *How Septic Systems Work*, <https://www.epa.gov/septic/how-septic-systems-work> (last visited Jan. 12, 2026); EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Jan. 12, 2026) (showing the graphic provided on the following page).

deactivating the germs. The drainfield also filters the wastewater as gravity draws the water down through the soil layers.⁵⁴ In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.⁵⁵ There are an estimated 2.6 million septic systems in Florida, providing wastewater disposal for 30 percent of the state's population.⁵⁶ The vast majority of these are conventional systems.⁵⁷



Conventional septic systems do not reduce nitrogen from raw sewage. In Florida, approximately 30 to 40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.⁵⁸ This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from septic systems a potential contaminant in groundwater.⁵⁹

Aerobic treatment units are an alternative to conventional septic systems for smaller lots or areas where the soil condition is inadequate, the water table is high, or the septic system will be close to an environmentally sensitive water body.⁶⁰ Aerobic systems use processes that are similar to municipal sewage plants. The system injects oxygen into the treatment tank, which increases the activity of natural bacteria to provide additional treatment of the effluent.⁶¹

⁵⁴ *Id.*

⁵⁵ Fla. Admin. Code R. 62-6.006(2). For system repairs and alterations to add sewage flow, where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high water table, the bottom of the drainfield must be maintained at the existing separation or a minimum of 12 inches above the wet season high water table, whichever is greater. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield must be brought into full compliance with all new system standards. Fla. Admin. Code R. and 62-6.001(4)(e)2. and 3. *See also* Fla. Admin. Code R. 62-6.015(6)(a).

⁵⁶ DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%E2%80%99%20septic%20systems> (last visited Jan. 12, 2026).

⁵⁷ DEP, *Onsite Sewage Research Projects*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-research-projects> (last visited Jan. 12, 2026).

⁵⁸ Florida Department of Health, *Florida Onsite Sewage Nitrogen Reduction Strategies Study, Final Report 2008-2015*, 21 (Dec. 2015), available at <https://wakullaspringsalliance.org/wp-content/uploads/2016/11/Fla-OSTDS-N-Reduction-Strategies.DOH2015.pdf>; *See* Fla. Admin. Code R. 64E-6.006(2).

⁵⁹ University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (2020), available at <http://edis.ifas.ufl.edu/pdffiles/SS/SS55000.pdf>.

⁶⁰ EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems#aerobic> (last visited Jan. 26, 2026).

⁶¹ *Id.*

Different types of advanced septic systems can remove greater amounts of nitrogen than a typical septic system (often referred to as “advanced” or “nutrient-reducing” septic systems),⁶² and may be required in certain areas. For example, enhanced nutrient-reducing septic systems⁶³ are required for new systems within the Indian River Lagoon⁶⁴ and on lots of 1 acre or less within a BMAP, reasonable assurance plan, or pollution reduction plan where a sewerage system is not available.⁶⁵ There are also special treatment requirements for the Florida Keys.⁶⁶ In addition, performance-based treatment systems⁶⁷ must meet specific treatment standards.⁶⁸

Septic System Permits

State law requires a person to receive an approved⁶⁹ permit to construct, repair, modify, abandon, or operate a septic system.⁷⁰ Once received, a permit to construct a septic system is valid for 18 months after it is issued, although one 90-day extension is available. A permit to repair a septic system is valid for 90 days after it is issued.⁷¹

A property owner who personally performs construction, maintenance, or repairs to a septic system serving their own owner-occupied, single-family residence does not have to be registered as a septic tank contractor;⁷² however, they will be subject to all permitting requirements.⁷³

⁶² DEP, *Nitrogen-Reducing Systems for Areas Affected by the Florida Springs and Aquifer Protection Act* (updated May 2021), available at https://floridadep.gov/sites/default/files/Nitrogen_Reducing_Systems_for%20Springs_Protection_0.pdf.

⁶³ “Enhanced nutrient-reducing OSTDS” means a septic system approved by DEP as capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from onsite sewage tank or tanks and drainfield. Section 373.469(2)(b), F.S.

⁶⁴ See section 373.469(3)(d), F.S.

⁶⁵ Sections 373.811(2) and 403.067(7)(a)10., F.S.

⁶⁶ Section 381.0065(4)(l), F.S.

⁶⁷ “Performance-based treatment system” means a specialized septic systems designed by a professional engineer with a background in wastewater engineering, licensed in the state of Florida, using appropriate application of sound engineering principles to achieve specified levels of CBOD5 (carbonaceous biochemical oxygen demand after five days), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), or fecal coliform found in domestic or commercial sewage waste, to a specific and measurable established performance standard. Fla. Admin. Code R. 62-6.025(7). If a site restricts home construction because of setbacks or authorized sewage flow, a system can be designed by an engineer to meet strict levels of effluent pollutant reductions. The three levels of performance-based treatment systems are secondary treatment, advanced secondary treatment, and advanced wastewater treatment.

⁶⁸ See Fla. Admin. Code R. 62-6.025(11).

⁶⁹ The transfer of the Onsite Sewage Program from the Florida Department of Health to DEP was initiated in 2020 with the passage of SB 712. The first phase of the transition has been implemented, meaning that DEP is currently responsible for permitting septic tanks in Northwest Florida (including Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington counties) and Marion County. In the other counties, septic system permits are issued by the Environmental Public Health Program of the Florida Department of Health’s local county health department. DEP, *Onsite Sewage FAQ – Permitting*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last visited Jan. 27, 2026).

⁷⁰ Section 381.0065(4), F.S. DEP may issue septic system permits, except that the issuance of a permit to work seaward of the coastal construction control line is contingent upon receipt of any required coastal construction control line permit from DEP.

⁷¹ *Id.*

⁷² See chapter 489, part III, F.S., relating to septic tank contracting.

⁷³ Section 381.0065(4), F.S.

State law prohibits a municipality or political subdivision of the state from issuing a building or plumbing permit for any building that requires the use of a septic system, unless the owner or builder has received a construction permit for the septic system.⁷⁴

An operating permit is required for the use of an aerobic treatment unit system or if the establishment generates commercial waste.⁷⁵ An operating permit for a commercial wastewater system is valid for 1 year and must be annually renewed. An operating permit for an aerobic treatment unit is valid for two years and must be renewed every two years.⁷⁶ An operating permit for a performance-based treatment system must also be renewed every two years.⁷⁷

DEP must inspect a septic system before placing it system into service⁷⁸ and must approve the final installation before a building or structure may be occupied.⁷⁹ If certain alterations⁸⁰ are made, septic tanks must be pumped and visually inspected.⁸¹ If an existing septic system was approved within the preceding five years, a new inspection is not required unless there is a record of system failure.⁸² Septic system repairs must be inspected by DEP or a master septic tank contractor.⁸³ Buildings or establishments that use an aerobic treatment unit or generate commercial waste must be inspected by DEP at least annually.⁸⁴

DEP is required to regulate and permit maintenance entities for performance-based systems and aerobic treatment unit systems.⁸⁵ DEP must establish minimum qualifying criteria for maintenance entities to ensure that these performance-based and aerobic treatment unit systems are maintained and operated according to the manufacturer's specifications.⁸⁶ The owner of an engineer-designed performance-based system or an aerobic treatment unit system must maintain a current maintenance service agreement with a maintenance entity, which must inspect each system twice a year and submit a quarterly report to DEP regarding the number of systems inspected and serviced.⁸⁷

Any permit issued for the installation, modification, or repair of a septic system will transfer with the title to the property in a real estate transaction.⁸⁸ For the transfer of a construction or repair permit, all information pertaining to the siting, location, and installation conditions or repair must remain the same and the transferee must file an amended application providing updated

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Section 381.0065(4)(j)5., F.S.

⁷⁸ Fla. Admin. Code R. 62-6.003(2).

⁷⁹ Section 381.0065(4), F.S.

⁸⁰ This includes alterations that change the conditions under which the system was permitted, sewage characteristics, or increase sewage flow. DEP approval is required prior to such alterations. Fla. Admin. Code R. 62-6.001(4), F.S.

⁸¹ Fla. Admin. Code R. 62-6.001(4)(b).

⁸² Fla. Admin. Code R. 62-6.001(4)(c).

⁸³ Fla. Admin. Code R. 62-6.003(3).

⁸⁴ Section 381.0065(4), F.S.

⁸⁵ Section 381.0065(3)(n), F.S.

⁸⁶ *Id.*

⁸⁷ Section 381.0065(4)(j)3., F.S. (performance-based system requirement); section 381.0065(4)(t)1., F.S. (aerobic treatment unit system requirement).

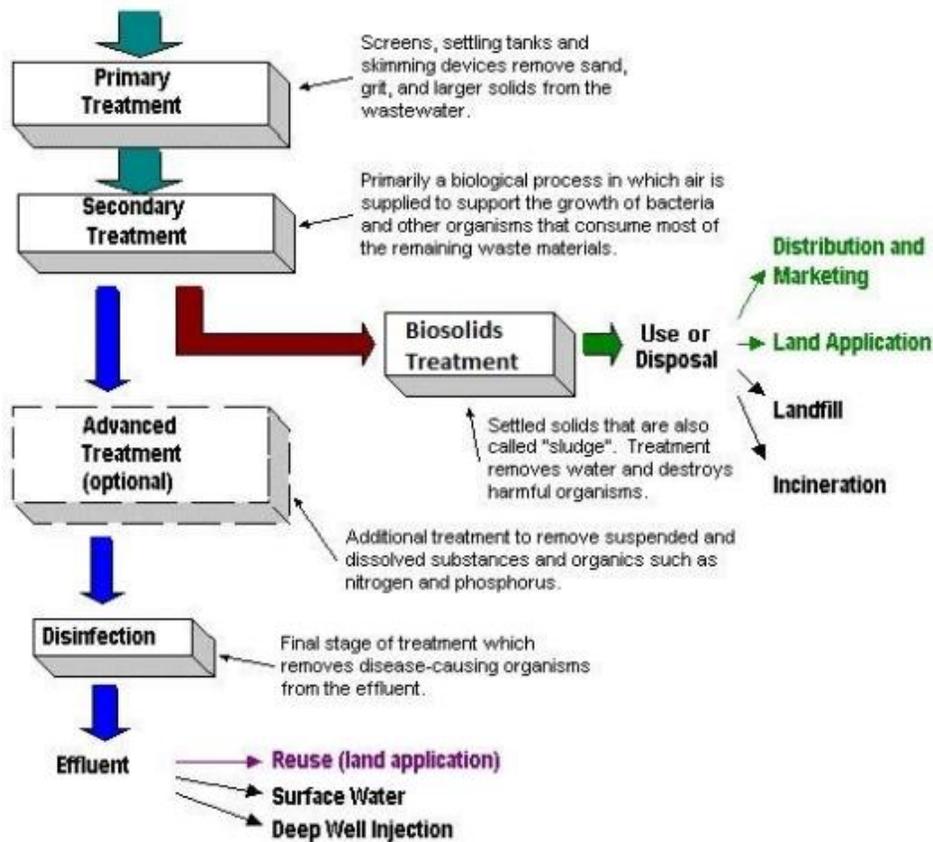
⁸⁸ Section 381.0065(4)(v), F.S.

information and proof of property ownership.⁸⁹ The transferee must file the amended application within 60 days of the transfer of ownership.⁹⁰ There is no fee associated with processing this information.⁹¹

Domestic Wastewater Treatment Facilities

The majority of the state’s wastewater is controlled and treated by centralized treatment facilities regulated by DEP.⁹² Florida has approximately 2,000 permitted domestic wastewater treatment facilities.⁹³

Wastewater treatment facilities are required to provide secondary treatment prior to reuse or disposal.⁹⁴ Such treatment requires that carbonaceous biochemical oxygen demand and total suspended solids not exceed specific levels based on the method of disposal (i.e., surface water disposal, reuse, land application, or groundwater discharge).⁹⁵



⁸⁹ Section 381.0065(4), F.S.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² DEP, *Domestic Wastewater Program*, <https://floridadep.gov/water/domestic-wastewater> (last visited Jan. 22, 2026).

⁹³ DEP, *General Facts and Statistics about Wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Jan. 22, 2026).

⁹⁴ Sections 403.086(1)(a) and (2), F.S.; Fla. Admin. Code R. 62-600.420.

⁹⁵ Carbonaceous biochemical oxygen demand (or CBOD5) is the quantity of oxygen used in the carbonaceous biochemical oxidation of organic matter present in water or wastewater, reported as a five-day value determined using approved methods. Fla. Admin. Code R. 62-600.200(8).

For example, for land application or groundwater discharge, the annual average of carbonaceous biochemical oxygen demand and total suspended solids may not exceed 20.0 milligrams per liter (mg/L), and the maximum-permissible concentration in any single sample may not exceed 60.0 mg/L.⁹⁶

Advanced waste treatment is required before discharging into certain impaired waterbodies.⁹⁷ DEP may also order advanced waste treatment if necessary.⁹⁸ Advanced waste treatment provides a reclaimed water product containing no more than the following concentrations of pollutants:

- 5 mg/L of Biochemical Oxygen Demand;
- 5 mg/L of Suspended Solids;
- 3 mg/L of total nitrogen; and
- 1 mg/L of total phosphorous.⁹⁹

Facilities may be required to provide additional treatment to satisfy water quality standards for receiving surface and ground waters.¹⁰⁰ Systems within Monroe County are subject to different treatment requirements.¹⁰¹

Distributed Wastewater Treatment Systems

Distributed wastewater treatment systems consist of separate distributed wastewater treatment units that are in different geographical locations but are linked to a central system either physically or by management.¹⁰² The design of distributed wastewater treatment units varies based on manufacturer and setting (residential, commercial, or industrial).

Distributed wastewater treatment units are currently permitted and regulated as domestic wastewater treatment facilities under ch. 403, F.S., and chs. 62-600 and 62-620 of the Florida Administrative Code.¹⁰³

Statewide Flooding and Sea Level Rise Resilience Plan

The Statewide Flooding and Sea Level Rise Resilience Plan is a three-year plan consisting of ranked projects that address risks of flooding and sea level rise to coastal and inland

⁹⁶ Fla. Admin. Code R. 62-600.420(3).

⁹⁷ Section 403.086(1)(c), F.S.

⁹⁸ Section 403.086(1)(a), F.S.

⁹⁹ Section 403.086(4)(a), F.S. This statute defines the term “advanced waste treatment,” rather than “advanced wastewater treatment.” However, the term is used in the context of wastewater treatment and appears to refer to the treatment of wastewater.

¹⁰⁰ Fla. Admin. Code R. 62-600.430. DEP, *Domestic Wastewater Treatment Process*, available at <https://floridadep.gov/water/domestic-wastewater/documents/domestic-wastewater-treatment-process> (showing flowchart of wastewater treatment process).

¹⁰¹ Section 403.086(11), F.S.

¹⁰² See EPA, Water Environment Foundation, and The Water Research Foundation, *Distributed Systems Overview*, 1 (2019), available at https://www.wef.org/globalassets/assets-wef/2-resources/topics/a-n/distributed-systems/technical-resources/wsec-2019-fs-012-wef_wrf_distributed_sytems_overview.pdf.

¹⁰³ See Email from DEP to Senate Committee on Environment and Natural Resources on Oct. 4, 2024 (on file with committee staff).

communities in the state.¹⁰⁴ Local governments, certain local districts, and water management districts may submit projects for funding.¹⁰⁵

Each project included in the plan must have a minimum 50 percent cost share, unless the project assists a community eligible for a reduced cost share or is located within a community eligible for a reduced cost share.¹⁰⁶ The total amount of funding proposed for each year of the plan may not be less than \$100 million.¹⁰⁷ The Legislature must review and, subject to appropriation, approve funding.¹⁰⁸

Rural Communities

Florida law defines a rural community as:

- A county with a population of 75,000 or fewer;
- A county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer;
- A municipality within a county described above; and
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural that has at least three or more economic distress factors.¹⁰⁹

A rural community is in economic distress if conditions exist that affect the community's fiscal and economic viability.¹¹⁰ Factors that indicate economic distress include low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.¹¹¹

As of May 2025, the Florida Department of Commerce classified 31 counties as rural communities and 36 as non-rural communities.¹¹² It identified 31 municipalities that are rural communities.¹¹³

¹⁰⁴ Section 380.093(5)(a), F.S.

¹⁰⁵ Section 380.093(5)(a), F.S.

¹⁰⁶ Section 380.093(5)(e), F.S.

¹⁰⁷ Section 380.093(5)(h), F.S.

¹⁰⁸ *Id.*

¹⁰⁹ Section 288.0656(2)(e), F.S. These distress factors are verified by the Florida Department of Commerce.

¹¹⁰ Section 288.0656(2)(c), F.S.

¹¹¹ *Id.*

¹¹² Florida Department of Commerce, *Rural Community Analysis*, 1 (May 6, 2025), available at <https://floridajobs.org/docs/default-source/office-of-rural-initiatives/2025-rural-communities-analysis.pdf>.

¹¹³ *Id.* at 1-2.

Air Pollution Regulation

The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish national ambient air quality standards for common and widespread pollutants.¹¹⁴ The Environmental Protection Agency has established air quality standards for six common criteria air pollutants, which are particulate matter, ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead.¹¹⁵ The Clean Air Act requires states to adopt enforceable plans to achieve and maintain air quality standards.¹¹⁶

Pursuant to the Clean Air Act, Florida law requires each major source of air pollution in the state to obtain an operation permit from DEP.¹¹⁷ A major source of air pollution is defined as a stationary source or group of stationary sources located within a contiguous area and under common control that emits or can emit 10 tons per year or more of any hazardous air pollutant, or 25 tons per year or more of any combination of hazardous air pollutants.¹¹⁸

State law requires each major source of air pollution operating in Florida to pay an annual operation license fee.¹¹⁹ This fee must be sufficient to cover all reasonable direct and indirect costs required to develop and administer the major stationary source air-operation permit program.¹²⁰ The fee is due between January 15 and April 1 of each year.¹²¹ DEP must send a written warning of the consequences of failing to pay the fee if it has not received the payment by March 1 of each year. A fee must be postmarked by April 1 to avoid imposition of a late penalty.¹²²

DEP may not require air pollution construction fees for changes or additions to a major source of air pollution, unless the activity triggers certain permitting requirements.¹²³ Costs to issue and administer such permits are considered direct and indirect costs of the major stationary source air-operation permit program.

III. Effect of Proposed Changes:

The Environmental Regulation Commission

Section 1 amends s. 20.255, F.S., to remove language that creates the Environmental Regulation Commission (ERC) as a part of the Florida Department of Environmental Protection (DEP).

¹¹⁴ EPA, *Clean Air Act Requirements and History*, <https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history> (last visited Jan. 28, 2026); see 42 U.S.C. ch. 85.

¹¹⁵ EPA, *Clean Air Act Requirements and History*; See 40 C.F.R. sections 50.1-50.21.

¹¹⁶ EPA, *Clean Air Act Requirements and History*; 42 U.S.C. §7407.

¹¹⁷ Section 403.0872, F.S.

¹¹⁸ 42 U.S.C. §7412(a)(1).

¹¹⁹ Section 403.0872(11), F.S.

¹²⁰ Section 403.0872(11)(b), F.S.

¹²¹ *Id.*

¹²² Section 403.0872(11)(a)3., F.S.

¹²³ Section 403.0872(11)(a)5., F.S.

The bill deletes the following provisions related to the ERC's membership and operation:

- The ERC is composed of seven Florida residents appointed by the Governor and subject to Senate confirmation;
- The Governor must provide reasonable representation from all sections of the state when making appointments to the ERC;
- Membership must be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community with substantial expertise in water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering;
- The Governor must appoint the chair and the members must appoint the vice chair;
- All appointments are four-year terms;
- The Governor may fill a vacancy at any time for the unexpired term;
- Members serve without compensation, but are paid travel and per diem while in performance of their official duties;
- DEP shall furnish administrative, personnel, and other necessary support services; and
- The ERC may employ independent counsel and contract for the services of outside technical consultants.

Section 18 amends s. 403.1838, F.S., regarding rule requirements under the Small Community Sewer Construction Assistance Act to replace references to the ERC with DEP generally.

Section 19 repeals s. 403.804, F.S., which establishes the ERC and its powers and duties.

Section 20 amends s. 120.81, F.S., regarding a requirement that DEP prepare a risk impact statement for any proposed rule that establishes or changes certain standards or criteria and that is proposed for approval by the ERC. The bill deletes the criteria that the rule be proposed for approval by the ERC.

Section 21 amends s. 373.421, F.S., which requires the ERC to adopt a unified statewide methodology for the delineation of specified wetlands. The bill replaces the ERC with DEP.

Section 22 amends s. 403.031, F.S., to delete language providing that if the ERC designates waters within the boundaries of waters of the state as an Outstanding Florida Water, waters outside the boundaries are not included as part of such designation unless a noticed hearing is held and the boundaries of such lands are specifically considered and described for such designation.

Section 23 amends s. 403.061, F.S., to delete two provisions authorizing DEP to adopt standards that are more stringent than federal regulations only through the approval by the ERC.

Section 24 amends s. 403.704, F.S., to delete a provision authorizing DEP to adopt standards that are more stringent than the U.S. Environmental Protection Agency's regulations only through approval by the ERC.

The bill makes technical changes.

Section 25 amends s. 403.707, F.S., to delete language specifying that DEP is not required to submit rules relating to permits for solid waste management facility permits to the ERC for approval.

The bill also deletes a citation to the statute that sets out the organizational structure of DEP.

The bill makes technical changes

Section 26 amends s. 403.7222, F.S., to remove a reference to the ERC in language providing that DEP is not prohibited from banning the disposal of hazardous waste in other types of waste management units in a manner consistent with federal requirements, except as provided in laws related to the ERC.

Section 27 amends s. 403.7234, F.S., which in part allows DEP to regulate the waste management practices of small quantity generators to ensure proper management of hazardous waste in a manner consistent with federal requirements, except through approval by the ERC. The bill removes the language referring to approval by the ERC.

The bill makes a technical change.

Section 28 amends s. 403.803, F.S., to remove the definition of “commission,” which referred to the ERC. The bill makes technical changes.

Section 29 amends s. 403.805, F.S., regarding the powers and duties of the Secretary of DEP. The bill updates the list of chapters that the Secretary of DEP has the authority to implement by adding the following:

- Ch. 161, F.S., beach and shore preservation,
- Ch. 258, F.S., state parks and preserves,
- Ch. 369, F.S., conservation,
- Ch. 377, F.S., energy resources,
- Ch. 378, F.S., land reclamation, and
- Ch. 380, F.S., land and water management.

The bill also removes a provision requiring the Secretary of DEP to submit any proposed rule containing standards to the ERC, except for total maximum daily load calculations and allocations. The bill removes a second statutory citation to the ERC’s legislative authority.

The bill makes technical changes.

Section 30 amends s. 403.8055, F.S., to remove a statutory citation to the ERC and to replace the ERC with DEP in a provision directing rulemaking objections to be filed with the ERC.

The bill makes technical changes.

Section 31 amends s. 403.814, F.S., to remove a reference to the ERC’s adoption of standards.

Section 37 reenacts s. 403.1835, F.S., to incorporate an amendment made by the bill to s. 403.1838, F.S.

The Acquisition and Restoration Council & the Florida Communities Trust

Section 2 amends s. 259.035, F.S., to add two members to the Acquisition and Restoration Council (ARC) for a total of 12 voting members and to authorize ARC to administer the Florida Communities Trust (Trust).

The bill amends membership requirements to incorporate the two new members. It adds two members to the current four who must be appointed by the Governor. It requires one of those six Governor-appointed members to be a former elected official of a county and one to be a former elected official of a metropolitan¹²⁴ municipality.

The bill provides that, effective July 1, 2026, ARC will administer the Trust. This includes reviewing, approving, and overseeing project applications, disbursements, and implementation measures consistent with the Trust. The bill requires ARC to coordinate with DEP for rulemaking and grant cycle administration to ensure alignment with the Florida Forever Act and the state's conservation priorities.

The bill makes conforming and technical changes.

Section 3 amends s. 259.105, F.S., to reflect the transfer of the Trust from DEP to ARC.¹²⁵ Current law requires certain Florida Forever projects and acquisitions to be measured by goals in rules developed by the Trust's Governing Board. The bill removes only the specification that the rule is developed by the governing board, so that the projects and acquisitions are measured by goals in rules developed by the Trust.

Section 8 amends s. 380.502, F.S., to provide that it is the intent of the Legislature to transfer the administration and oversight of the Trust from DEP to ARC to improve consistency and effectiveness in conservation land acquisition and resource stewardship.

The Legislature finds that the goals of land conservation and community development are best served through coordinated decision-making and streamlined oversight.

The provision described above replaces language describing the Legislative intent to establish a nonregulatory agency to assist local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of conservation, recreation and open space, and coastal elements in local comprehensive plans, or in conserving natural resources and resolving land use conflicts. This language is moved to Section 9 of the bill.

Current law includes a list describing how the nonregulatory agency will assist local governments. The bill transfers the list so it describes how the transfer of the administration and oversight of the Trust to ARC will improve consistency and effectiveness in conservation land acquisition and resource stewardship. The bill deletes the last item in the list, which provides that

¹²⁴ "Metropolitan" must have the same meaning as in section 380.503, F.S., which describes the term as "a population area consisting of a central city with adjacent cities and smaller surrounding communities: a major urban area and its environs."

¹²⁵ See sections 8 through 10 of the bill.

the transfer will improve consistency and effectiveness in land acquisition and resource stewardship by involving local governments and private interests in voluntarily resolving land use conflicts and issues.

Section 9 amends s. 380.504, F.S., to transfer the administration of the Trust to ARC. The bill adds that the Trust's purpose is to assist local governments in bringing their comprehensive plans into compliance and implementing conservation, recreation and open space, and coastal elements of their comprehensive plans, or conserving natural resources and resolving land use conflicts. The Trust will do this by providing financial assistance to local governments and nonprofit environmental organizations to carry out authorized projects and activities.

The bill removes language that creates the Trust as a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, within DEP. Additionally, the bill removes the following provisions regarding the membership and operation of the Trust:

- The governing body of the Trust consists of the Secretary of DEP and four public members appointed by the Governor and subject to Senate confirmation;
- The Governor must appoint a former elected official of a county government and a metropolitan municipal government, a representative of a nonprofit organization, and a representative of the development industry;
- The Secretary of DEP may appoint their deputy secretary, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in the Secretary's absence;
- The Secretary of DEP is the chair of the governing body of the Trust;
- The Governor must make their appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member;
- Of the initial governing body members, two of the Governor's appointees will serve a two-year term and the remaining one will serve a four-year term, and thereafter governing body members appointed by the Governor will serve four-year terms;
- The Governor may fill any vacancy for an unexpired term; and
- Governing body members will receive no compensation for their services, but are entitled to the necessary expenses, including travel and per diem expenses, incurred in the discharge of their duties.

Section 10 amends s. 380.507, F.S., which enumerates the power of the Trust.

The bill removes the Trust's power to make loans to local governments and nonprofit organizations for acquiring fee and less-than-fee title. It makes a conforming change to remove language providing that the Trust may loan up to the total cost of any approved project. The bill removes the Trust's power to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement in specified investments if the investments are made on behalf of the Trust by the State Board of Administration.

It revises the Trust's rulemaking authority to direct it to develop, in conjunction with ARC, rules, policies, and guidelines for the administration of the Trust that are consistent with provisions relating to the administration of the Trust, to ARC, and to the Florida Forever Trust Fund.

Related to the Trust's rulemaking power, the bill deletes the following provisions:

- The Trust must adopt rules governing the acquisition of lands with proceeds from the Florida Forever Trust Fund;
- Rules for land acquisition must include procedures for appraisals and confidentiality, a method of determining a maximum purchase price, and procedures to ensure that the land is acquired in a voluntarily negotiated transaction, surveyed, conveyed with marketable title, and examined for hazardous materials contamination;
- Land acquisition procedures of a local land authority may be used for certain land acquisition programs.

The bill also removes the Trust's power to contract with private consultants and nonprofit organizations, as well as its power to conduct promotional campaigns, including advertising, for the sale of communities trust license plates.

The bill gives the Trust the power to review project recommendations and funding priorities and provide acquisition decisions. It also gives the Trust the power to submit project recommendations, funding priorities, and acquisition decisions to ARC, which has final approval authority over Trust expenditures and acquisitions.

The bill makes technical changes.

Section 11 repeals s. 380.512, F.S., which requires the Trust to submit a report to the Governor and the Legislature within three months of the end of the fiscal year that provides the Trust's:

- Operations and accomplishments;
- Receipts and expenditures during the fiscal year;
- Assets and liabilities and the status of reserve, special, or other funds;
- Evaluation of the effectiveness of projects;
- Identification of additional funding, legislation, or other resources required to carry out its objectives more effectively; and
- Account of any other Trust or DEP duties established in statutes relating to the Trust.

Section 12 repeals s. 380.513, F.S., which provides that the Trust and its corporate existence shall continue until terminated by law, at which time all its rights and properties in excess of its obligations shall pass to and be vested in the state.

Section 13 repeals s. 380.514, F.S., which provides that if the statutory provisions relating to the Trust are inconsistent with the provisions of any other general, special, or local law, the provisions relating to the Trust will be controlling.

Section 32 amends s. 376.302, F.S., to make a citation less specific.

Section 33 amends s. 380.5105, F.S., to make a conforming change to a citation.

Septic System and Wastewater Regulations

Section 4 amends s. 373.469, F.S., regarding requirements for onsite sewage treatment and disposal systems (septic systems) for properties located within the area covered by the Indian River Lagoon Protection Program.

Specifically, the bill limits the requirement that any residential property with an existing septic system must connect to central sewer or upgrade the septic system so that it only applies to residential properties of ten acres or less.

For all applications submitted before July 1, 2030 to repair, modify, or replace a conventional septic system on a commercial property or a residential property of ten acres or less, the bill requires the permitting agency to notify property owners that the existing septic system must be upgraded.

The bill makes technical changes.

Section 5 amends s. 373.807, F.S., regarding septic system remediation plans under a basin management action plan (BMAP). The bill provides that a septic system remediation plan may require existing conventional septic systems to upgrade to a nutrient-reducing septic system where central sewerage is unavailable for:

- Properties of 10 acres or less that are located outside an established priority focus area of an Outstanding Florida Spring but within the boundary of a specific springs BMAP, and
- Properties of any size located within the boundary of an established priority focus area of an Outstanding Florida Spring.

Section 6 repeals s. 373.811, F.S., which prohibits the following activities within a BMAP for an Outstanding Florida Spring:

- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen on an annual permitted basis, or a more stringent treatment standard if it is necessary to attain a total maximum daily load for the Outstanding Florida Spring.
- New hazardous waste disposal facilities.
- New septic systems where connection to a publicly-owned or investor-owned sewerage system is available. On lots of 1 acre or less, if a sewerage system is not available, only the installation of enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.
- Land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP-approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the pollutants and nutrients being discharged.
- New agriculture operations that do not implement best management practices, measures necessary to achieve DEP-established pollution reduction levels, or groundwater monitoring plans approved by a water management district or DEP.

The first two prohibited activities listed above are included in an amendment to s. 403.067, F.S., in section 15 of the bill, which expands the prohibitions. The third prohibition is currently expanded in statute.¹²⁶ The fourth prohibited activity is currently prohibited in DEP rule.¹²⁷ The final prohibition is partially captured by the requirement that agricultural operations within a BMAP adopt best management practices, suitable interim measures, or other measures necessary to achieve the TMDL.¹²⁸ However, the adoption of groundwater monitoring plans is not a specific requirement.¹²⁹

Section 14 amends s. 381.0065, F.S., concerning septic systems. The bill allows DEP to annually review and audit up to 25 percent of all inspection and maintenance reports submitted by maintenance entities for performance-based treatment systems and aerobic treatment unit systems. DEP may adopt rules to establish procedures for these audits.

The bill directs DEP to concurrently process septic system operating and construction permits when a person jointly applies for an operating permit and a construction permit for the same septic system.

The bill adds that an operating permit must be obtained before the use of any engineer-designed performance-based system.

The bill provides that the operating permit for a residential septic system is valid for the lifetime of the installation. The bill requires an operating permit modification for any subsequent change in ownership of the property or modification to the wastewater system.

When property with a septic system that requires an operating permit is sold or transferred, the subsequent owner with a controlling interest must provide written notice and proof of ownership to DEP to amend the operating permit information within 60 days of the sale or transfer.

The bill deletes language providing that the operating permit for an aerobic treatment unit is valid for two years and must be renewed every two years.

Current law provides that a fee is not associated with the processing of supplemental information in an amended operating permit. The bill limits this to cases where only ownership information is updated to reflect a permit transfer for a construction, repair, or operating permit.

Current law requires maintenance entities to perform twice-a-year inspections of engineer-designed performance-based septic systems and aerobic treatment unit septic systems and to submit four reports per year to DEP on the number of systems inspected and serviced. The bill matches the frequency of these inspections and reports so that both will be required twice a year.

The bill removes the requirement that a property owner obtain a biennial system operating permit from DEP for each septic system.

¹²⁶ Section 403.067(7)(a)10., F.S.

¹²⁷ See Fla. Admin. Code R. 62-640.700.

¹²⁸ Section 403.067(7)(c)2., F.S.

¹²⁹ Section 403.067(7), F.S.

The bill provides that any transfer of title of a property with a septic system that has not been abandoned or that is subject to a permit for the installation, modification, repair, or operation of such a system is subject to certain requirements. Two of these requirements are currently in law. However, the bill adds the following requirement:

- At or before the time of such real estate transaction, the following notifications must be provided to persons receiving ownership of the property:
 - A disclosure statement clearly identifying that the property is subject to septic system regulations;
 - Information indicating the nature and location of any existing septic system components;
 - If applicable, a statement that the property is subject to a septic system operating permit and that one or more of the persons receiving a controlling interest in the property are required to provide written notice and proof of ownership to update the operating permit information within 60 days of such real estate transaction; and
 - A copy of any valid permit for the installation, modification, repair, or operation of a septic system that is being transferred.

Current law provides that DEP may contract with or delegate its powers and duties concerning septic systems to a county. The bill removes the phrase “to a county.”

The bill makes technical changes.

Section 15 amends s. 403.067, F.S., which concerns the establishment and implementation of total maximum daily loads (TMDLs). The bill removes language providing that TMDLs are not subject to approval by the Environmental Regulation Commission (ERC).

The bill provides a 60-day waiting period after a secretarial order is filed before a BMAP or an amendment to a BMAP is effective.

The bill provides that the following activities are prohibited within a BMAP, a reasonable assurance plan, or a pollution reduction plan:

- The construction or installation of new domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 or more gallons per day, except facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen and 1 mg/l total phosphorus on an annual permitted basis, or a more stringent treatment standard if DEP determines it is necessary to attain a TMDL.
- The construction or installation of new hazardous waste disposal facilities.

These activities listed above were previously prohibited only within a BMAP for an Outstanding Florida Spring. This language expands the prohibitions¹³⁰ to all BMAPs, reasonable assurance plans, and pollution reduction plans. Further, it narrows the exception for facilities that meet certain wastewater treatment standards by adding the requirement that they also meet the 1 mg/l total phosphorus standard. The current exception for wastewater disposal facilities in Outstanding Florida Springs’ BMAPs only require the 3 mg/l total nitrogen standard.

¹³⁰ These prohibitions are found in s. 373.811, F.S., which the bill repeals in section 6. See page 24 of this bill analysis.

Current law requires the installation of enhanced nutrient-reducing septic systems or other specified wastewater treatment systems on lots of one acre or less in a BMAP, reasonable assurance plan, or pollution reduction plan, if a publicly-owned or investor-owned sewerage system is unavailable. The bill also allows the installation of distributed wastewater treatment systems in this case.

Section 16 amends s. 403.0671, F.S., to delete a citation to s. 373.811, F.S., which the bill repeals.¹³¹ This is a conforming change.

Section 34 reenacts s. 381.0066, F.S., to incorporate an amendment made by the bill to s. 381.0065, F.S.

Section 35 reenacts s. 373.4595, F.S., to incorporate an amendment made by the bill to s. 403.067, F.S.

Statewide Flooding and Sea Level Rise Resilience Plan

Section 7 amends s. 380.093, F.S., regarding the Statewide Flooding and Sea Level Rise Resilience Plan. The bill adds to the current definition of “community eligible for a reduced cost share,” a municipality or county that is a rural community. These municipalities and counties will not need a minimum 50 percent cost share for projects in the Statewide Flooding and Sea Level Rise Resilience Plan.

The bill makes technical changes.

Air Pollution

Section 17 amends s. 403.0872, F.S., regarding operation permits for major sources of air pollution. The bill will require each major source of air pollution permitted to operate in Florida to pay the annual operation license fee by June 30 of each year, instead of between January 15 and April 1, which is the requirement in current law.

The bill removes language requiring DEP to send a written warning to a permittee if the annual operating license fee is not received by April 1. Current law provides that a fee is timely if it is postmarked by the deadline. The bill changes this provision to require that the fee be received to be paid on time.

The bill removes language providing that the costs to issue and administer permits shall be considered direct and indirect costs of the major stationary source air-operation permit program.

Section 36 reenacts s. 403.0873, F.S., to incorporate an amendment made by the bill to s. 403.0872, F.S.

¹³¹ See section 6 of the bill and page 24 of this bill analysis.

Effective Date

Section 38 provides an effective date of July 1, 2026.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on residential property owners of properties of ten acres or more in certain areas, who will not be required to upgrade to central sewer or upgrade a septic system.

The bill may cause an indeterminate positive fiscal impact on property owners by extending the lifespan of permits for certain residential septic systems.

C. Government Sector Impact:

The bill may have an indeterminate positive fiscal impact on local governments that are rural communities with projects in the Statewide Flooding and Sea Level Rise Resilience Plan.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.255, 120.81, 259.035, 259.105, 376.302, 373.421, 373.469, 373.807, 380.093, 380.502, 380.504, 380.507, 380.5105, 381.0065, 403.031, 403.061, 403.067, 403.0671, 403.0872, 403.1838, 403.704, 403.707, 403.7222, 403.7234, 403.803, 403.805, 403.8055, and 403.814.

This bill repeals the following sections of the Florida Statutes: 373.811, 380.512, 380.513, 380.514, and 403.804.

This bill reenacts the following sections of the Florida Statutes: 373.4595, 381.0066, 403.0873, and 403.1835.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources on January 3, 2026:

The committee substitute:

- Provides that an onsite sewage treatment and disposal system (septic system) remediation plan may require existing conventional septic systems to upgrade to nutrient-reducing septic systems where central sewerage is not available for:
 - Properties of 10 acres or less located outside of a priority focus area of an Outstanding Florida Spring, but within a springs basin management action plan, and
 - Properties of any size located within a priority focus area.
- Provides that the operating permit for a commercial wastewater system is valid for one year after the date of issuance and may be renewed annually.
- Narrows the types of septic system operating permits that are valid for the lifetime of the installation to only residential septic systems.
- Requires a septic system operating permit to be modified upon a change in occupancy of the property. The committee substitute requires modification for a change in *ownership*.
- Removes language in the underlying bill regarding fees for the submission of septic system inspection reports and inspection and supplemental fees paid by fertilizer distributors for Class AA biosolids-composed fertilizers.
- Removes language added in the underlying bill that requires a local government or special district's wastewater services needs analysis to include an analysis of domestic biosolids and septage generation, treatment, management, use, and disposal.
- Makes technical and conforming changes.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Massullo) recommended the following:

Senate Amendment (with title amendment)

Delete lines 309 - 1728
and insert:
identified as requiring remediation. For properties 10 acres or less located outside the boundary of an established priority focus area of an Outstanding Florida Spring but within the boundary of a specific springs basin management action plan, such remediation plans may require existing conventional onsite sewage treatment and disposal systems to upgrade to a nutrient-



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11 reducing onsite sewage treatment and disposal system where
12 central sewerage is not available. Such remediation plan may
13 also require properties of any size located within the boundary
14 of an established priority focus area of an Outstanding Florida
15 Spring to upgrade existing conventional onsite sewage treatment
16 and disposal systems to a nutrient-reducing onsite sewage
17 treatment and disposal system where central sewerage is not
18 available.

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

20 Section 7. Paragraph (e) of subsection (5) of section
21 380.093, Florida Statutes, is amended to read:

22 380.093 Resilient Florida Grant Program; comprehensive
23 statewide flood vulnerability and sea level rise data set and
24 assessment; Statewide Flooding and Sea Level Rise Resilience
25 Plan; regional resilience entities.—

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

27 (e) Each project included in the plan must have a minimum
28 50 percent cost share unless the project assists or is within a
29 community eligible for a reduced cost share. For purposes of
30 this section, the term "community eligible for a reduced cost
31 share" means:

32 1. A municipality that has a population of less than 10,000
33 ~~or fewer~~, according to the most recent April 1 population
34 estimates posted on the Office of Economic and Demographic
35 Research's website, and a per capita annual income that is less
36 than the state's per capita annual income as shown in the most
37 recent release from the Bureau of the Census of the United
38 States Department of Commerce that includes both measurements;

39 2. A county that has a population of less than 50,000 ~~or~~



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40 ~~fewer~~, according to the most recent April 1 population estimates
41 posted on the Office of Economic and Demographic Research's
42 website, and a per capita annual income ~~that is~~ less than the
43 state's per capita annual income as shown in the most recent
44 release from the Bureau of the Census of the United States
45 Department of Commerce that includes both measurements; ~~or~~

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

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

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

55 380.502 Legislative findings and intent.—

56 (3) The Legislature further finds that the goals of land
57 conservation and community development are best served through
58 coordinated decisionmaking and streamlined oversight. It is
59 therefore the intent of the Legislature to transfer the
60 administration and oversight of the Florida Communities Trust
61 from the Department of Environmental Protection to the
62 Acquisition and Restoration Council to improve consistency and
63 effectiveness in conservation land acquisition and resource
64 stewardship ~~It is the intent of the Legislature to establish a~~
65 ~~nonregulatory agency that will assist local governments in~~
66 ~~bringing local comprehensive plans into compliance and~~
67 ~~implementing the goals, objectives, and policies of the~~
68 ~~conservation, recreation and open space, and coastal elements of~~



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69 ~~local comprehensive plans, or in conserving natural resources~~
70 ~~and resolving land use conflicts~~ by:

71 (a) Responding promptly and creatively to opportunities to
72 correct undesirable development patterns, restore degraded
73 natural areas, enhance resource values, restore deteriorated or
74 deteriorating urban waterfronts, preserve working waterfronts,
75 reserve lands for later purchase, participate in and promote the
76 use of innovative land acquisition methods, and provide public
77 access to surface waters.

78 (b) Providing financial and technical assistance to local
79 governments, state agencies, and nonprofit organizations to
80 carry out projects and activities and to develop programs
81 authorized by this part.

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

84 Section 9. Section 380.504, Florida Statutes, is amended to
85 read:

86 380.504 Florida Communities Trust; creation; ~~membership;~~
87 ~~expenses.~~—

88 (1) There is created ~~within the Department of Environmental~~
89 ~~Protection a nonregulatory state agency and instrumentality,~~
90 ~~which shall be a public body corporate and politic, known as the~~
91 ~~“Florida Communities Trust, -”~~ administered by the Acquisition
92 and Restoration Council ~~The governing body of the trust shall~~
93 ~~consist of:~~

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

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

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98 ~~The Governor shall appoint a former elected official of a county~~
99 ~~government, a former elected official of a metropolitan~~
100 ~~municipal government, a representative of a nonprofit~~
101 ~~organization as defined in this part, and a representative of~~
102 ~~the development industry. The Secretary of Environmental~~
103 ~~Protection may appoint his or her deputy secretary, the director~~
104 ~~of the Division of State Lands, or the director of the Division~~
105 ~~of Recreation and Parks to serve in his or her absence. The~~
106 ~~Secretary of Environmental Protection shall be the chair of the~~
107 ~~governing body of the trust. The Governor shall make his or her~~
108 ~~appointments upon the expiration of any current terms or within~~
109 ~~60 days after the effective date of the resignation of any~~
110 ~~member.~~

111 (2) The purpose of the trust is to assist local governments
112 in bringing into compliance and implementing the conservation,
113 recreation and open space, and coastal elements of their
114 comprehensive plans or in conserving natural resources and
115 resolving land use conflicts by providing financial assistance
116 to local governments and nonprofit environmental organizations
117 to carry out projects and activities authorized by this part ~~of~~
118 ~~the initial governing body members, two of the Governor's~~
119 ~~appointees shall serve for a term of 2 years and the remaining~~
120 ~~one shall serve for a term of 4 years from the date of~~
121 ~~appointment. Thereafter, governing body members whom the~~
122 ~~Governor appoints shall serve for terms of 4 years. The Governor~~
123 ~~may fill any vacancy for an unexpired term.~~

124 (3) ~~Governing body members shall receive no compensation~~
125 ~~for their services, but shall be entitled to the necessary~~
126 ~~expenses, including per diem and travel expenses, incurred in~~



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127 ~~the discharge of their duties pursuant to this part, as provided~~
128 ~~by law.~~

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

131 380.507 Powers of the trust.—The trust shall have all the
132 powers necessary or convenient to carry out the purposes and
133 provisions of this part, including:

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

139 (7) To provide by grant ~~or loan~~ up to the total cost of any
140 project approved according to this part, including the local
141 share of federally supported projects. The trust may require
142 local funding participation in projects. The trust shall
143 determine the funding it will provide by considering the total
144 amount of funding available for the project, the fiscal
145 resources of other project participants, the urgency of the
146 project relative to other eligible projects, and other factors
147 which the trust shall have prescribed by rule. The trust may
148 fund up to 100 percent of any local government land acquisition
149 costs, if part of an approved project.

150 (9) To review project recommendations and funding
151 priorities and provide acquisition decisions ~~To invest any funds~~
152 ~~held in reserves or sinking funds, or any funds not required for~~
153 ~~immediate disbursement, in such investments as may be authorized~~
154 ~~for trust funds under s. 215.47, and in any other authorized~~
155 ~~investments, if such investments are made on behalf of the trust~~



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156 ~~by the State Board of Administration.~~

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

161 (11) To submit project recommendations, funding priorities,
162 and acquisition decisions to the Acquisition and Restoration
163 Council, which shall have final approval authority over trust
164 expenditures and acquisitions ~~to make rules necessary to carry~~
165 ~~out the purposes of this part and to exercise any power granted~~
166 ~~in this part, pursuant to chapter 120. The trust shall adopt~~
167 ~~rules governing the acquisition of lands with proceeds from the~~
168 ~~Florida Forever Trust Fund, consistent with the intent expressed~~
169 ~~in the Florida Forever Act. Such rules for land acquisition must~~
170 ~~include, but are not limited to, procedures for appraisals and~~
171 ~~confidentiality consistent with ss. 125.355(1)(a) and (b) and~~
172 ~~166.045(1)(a) and (b), a method of determining a maximum~~
173 ~~purchase price, and procedures to assure that the land is~~
174 ~~acquired in a voluntarily negotiated transaction, surveyed,~~
175 ~~conveyed with marketable title, and examined for hazardous~~
176 ~~materials contamination. Land acquisition procedures of a local~~
177 ~~land authority created pursuant to s. 380.0663 may be used for~~
178 ~~the land acquisition programs described in former s.~~
179 ~~259.101(3)(c), Florida Statutes 2014, and in s. 259.105 if~~
180 ~~within areas of critical state concern designated pursuant to s.~~
181 ~~380.05, subject to approval of the trust.~~

182 (12) To develop, in conjunction with the council, rules,
183 policies, and guidelines for the administration of the trust
184 consistent with this part and ss. 259.035 and 259.105 ~~to~~



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185 ~~contract with private consultants and nonprofit organizations~~
186 ~~for professional and technical assistance and advice.~~

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

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

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

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

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

197 381.0065 Onsite sewage treatment and disposal systems;
198 regulation.—

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

201 (n) Regulate and permit maintenance entities for
202 performance-based treatment systems and aerobic treatment unit
203 systems. To ensure systems are maintained and operated according
204 to manufacturer's specifications and designs, the department
205 shall establish by rule minimum qualifying criteria for
206 maintenance entities. The criteria shall include training,
207 access to approved spare parts and components, access to
208 manufacturer's maintenance and operation manuals, and service
209 response time. The maintenance entity shall employ a contractor
210 licensed under s. 489.105(3)(m), or part III of chapter 489, or
211 a state-licensed wastewater plant operator, who is responsible
212 for maintenance and repair of all systems under contract. The
213 department may annually review and audit up to 25 percent of all



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214 inspection and maintenance reports submitted by such maintenance
215 entities for performance-based treatment systems and aerobic
216 treatment unit systems. The department may adopt rules to
217 establish procedures for such audits.

218 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
219 construct, repair, modify, abandon, or operate an onsite sewage
220 treatment and disposal system without first obtaining a permit
221 approved by the department. The department may issue permits to
222 carry out this section, except that the issuance of a permit for
223 work seaward of the coastal construction control line
224 established under s. 161.053 shall be contingent upon receipt of
225 any required coastal construction control line permit from the
226 department. A construction permit is valid for 18 months after
227 the date of issuance and may be extended by the department for
228 one 90-day period under rules adopted by the department. A
229 repair permit is valid for 90 days after the date of issuance.
230 When a person jointly applies for a construction permit and an
231 operating permit for the same onsite sewage treatment and
232 disposal system, the department shall concurrently process the
233 operating permit with the construction permit. An operating
234 permit must be obtained before the use of any aerobic treatment
235 unit or engineer-designed performance-based system, or if the
236 establishment generates commercial waste. Buildings or
237 establishments that use an aerobic treatment unit or generate
238 commercial waste shall be inspected by the department at least
239 annually to ensure assure compliance with the terms of the
240 operating permit. The operating permit for a commercial
241 wastewater system is valid for 1 year after the date of issuance
242 and must be renewed annually. The operating permit, where



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243 required for a residential onsite sewage treatment and disposal
244 system, is valid for the lifetime of the installation; however,
245 any subsequent change in ownership of the property or any
246 modification of the wastewater system requires an operating
247 permit modification upon such change. When an onsite sewage
248 treatment and disposal system that requires an operating permit
249 is sold or transferred, the subsequent owner with a controlling
250 interest shall provide written notice and proof of ownership to
251 the department to amend the operating permit information within
252 60 days of such property sale or transfer ~~commercial wastewater~~
253 ~~system is valid for 1 year after the date of issuance and must~~
254 ~~be renewed annually. The operating permit for an aerobic~~
255 ~~treatment unit is valid for 2 years after the date of issuance~~
256 ~~and must be renewed every 2 years. If all information pertaining~~
257 ~~to the siting, location, and installation conditions or repair~~
258 ~~of an onsite sewage treatment and disposal system remains the~~
259 ~~same, a construction or repair permit for the onsite sewage~~
260 ~~treatment and disposal system may be transferred to another~~
261 ~~person, if the transferee files, within 60 days after the~~
262 ~~transfer of ownership, an amended application providing all~~
263 ~~corrected information and proof of ownership of the property. A~~
264 ~~fee is not associated with the processing of this supplemental~~
265 ~~information~~ if only ownership information is updated to reflect
266 a permit transfer for a construction, repair, or an operating
267 permit. A person may not contract to construct, modify, alter,
268 repair, service, abandon, or maintain any portion of an onsite
269 sewage treatment and disposal system without being registered
270 under part III of chapter 489. A property owner who personally
271 performs construction, maintenance, or repairs to a system



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272 serving his or her own owner-occupied single-family residence is
273 exempt from registration requirements for performing such
274 construction, maintenance, or repairs on that residence, but is
275 subject to all permitting requirements. A municipality or
276 political subdivision of the state may not issue a building or
277 plumbing permit for any building that requires the use of an
278 onsite sewage treatment and disposal system unless the owner or
279 builder has received a construction permit for such system from
280 the department. A building or structure may not be occupied and
281 a municipality, political subdivision, or any state or federal
282 agency may not authorize occupancy until the department approves
283 the final installation of the onsite sewage treatment and
284 disposal system. A municipality or political subdivision of the
285 state may not approve any change in occupancy or tenancy of a
286 building that uses an onsite sewage treatment and disposal
287 system until the department has reviewed the use of the system
288 with the proposed change, approved the change, and amended the
289 operating permit.

290 (a) Subdivisions and lots in which each lot has a minimum
291 area of at least one-half acre and either a minimum dimension of
292 100 feet or a mean of at least 100 feet of the side bordering
293 the street and the distance formed by a line parallel to the
294 side bordering the street drawn between the two most distant
295 points of the remainder of the lot may be developed with a water
296 system regulated under s. 381.0062 and onsite sewage treatment
297 and disposal systems, provided the projected daily sewage flow
298 does not exceed an average of 1,500 gallons per acre per day,
299 and provided satisfactory drinking water can be obtained and all
300 distance and setback, soil condition, water table elevation, and



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301 other related requirements of this section and rules adopted
302 under this section can be met.

303 (b) Subdivisions and lots using a public water system as
304 defined in s. 403.852 may use onsite sewage treatment and
305 disposal systems, provided there are no more than four lots per
306 acre, provided the projected daily sewage flow does not exceed
307 an average of 2,500 gallons per acre per day, and provided that
308 all distance and setback, soil condition, water table elevation,
309 and other related requirements that are generally applicable to
310 the use of onsite sewage treatment and disposal systems are met.

311 (c) Notwithstanding paragraphs (a) and (b), for
312 subdivisions platted of record on or before October 1, 1991,
313 when a developer or other appropriate entity has previously made
314 or makes provisions, including financial assurances or other
315 commitments, acceptable to the department, that a central water
316 system will be installed by a regulated public utility based on
317 a density formula, private potable wells may be used with onsite
318 sewage treatment and disposal systems until the agreed-upon
319 densities are reached. In a subdivision regulated by this
320 paragraph, the average daily sewage flow may not exceed 2,500
321 gallons per acre per day. This section does not affect the
322 validity of existing prior agreements. After October 1, 1991,
323 the exception provided under this paragraph is not available to
324 a developer or other appropriate entity.

325 (d) Paragraphs (a) and (b) do not apply to any proposed
326 residential subdivision with more than 50 lots or to any
327 proposed commercial subdivision with more than 5 lots where a
328 publicly owned or investor-owned sewage treatment system is
329 available. This paragraph does not allow development of



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330 additional proposed subdivisions in order to evade the
331 requirements of this paragraph.

332 (e) The department shall adopt rules relating to the
333 location of onsite sewage treatment and disposal systems,
334 including establishing setback distances, to prevent groundwater
335 contamination and surface water contamination and to preserve
336 the public health. The rules must consider conventional and
337 enhanced nutrient-reducing onsite sewage treatment and disposal
338 system designs, impaired or degraded water bodies, domestic
339 wastewater and drinking water infrastructure, potable water
340 sources, nonpotable wells, stormwater infrastructure, the onsite
341 sewage treatment and disposal system remediation plans developed
342 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the
343 recommendations of the onsite sewage treatment and disposal
344 systems technical advisory committee established pursuant to
345 former s. 381.00652. The rules must also allow a person to apply
346 for and receive a variance from a rule requirement upon
347 demonstration that the requirement would cause an undue hardship
348 and granting the variance would not cause or contribute to the
349 exceedance of a total maximum daily load.

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

- 352 1. Seventy-five feet from a private potable well.
- 353 2. Two hundred feet from a public potable well serving a
354 residential or nonresidential establishment having a total
355 sewage flow of greater than 2,000 gallons per day.
- 356 3. One hundred feet from a public potable well serving a
357 residential or nonresidential establishment having a total
358 sewage flow of less than or equal to 2,000 gallons per day.



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- 359 4. Fifty feet from any nonpotable well.
- 360 5. Ten feet from any storm sewer pipe, to the maximum
361 extent possible, but in no instance shall the setback be less
362 than 5 feet.
- 363 6. Seventy-five feet from the mean high-water line of a
364 tidally influenced surface water body.
- 365 7. Seventy-five feet from the mean annual flood line of a
366 permanent nontidal surface water body.
- 367 8. Fifteen feet from the design high-water line of
368 retention areas, detention areas, or swales designed to contain
369 standing or flowing water for less than 72 hours after a
370 rainfall or the design high-water level of normally dry drainage
371 ditches or normally dry individual lot stormwater retention
372 areas.
- 373 (g) This section and rules adopted under this section
374 relating to soil condition, water table elevation, distance, and
375 other setback requirements must be equally applied to all lots,
376 with the following exceptions:
- 377 1. Any residential lot that was platted and recorded on or
378 after January 1, 1972, or that is part of a residential
379 subdivision that was approved by the appropriate permitting
380 agency on or after January 1, 1972, and that was eligible for an
381 onsite sewage treatment and disposal system construction permit
382 on the date of such platting and recording or approval shall be
383 eligible for an onsite sewage treatment and disposal system
384 construction permit, regardless of when the application for a
385 permit is made. If rules in effect at the time the permit
386 application is filed cannot be met, residential lots platted and
387 recorded or approved on or after January 1, 1972, shall, to the



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388 maximum extent possible, comply with the rules in effect at the
389 time the permit application is filed. At a minimum, however,
390 those residential lots platted and recorded or approved on or
391 after January 1, 1972, but before January 1, 1983, shall comply
392 with those rules in effect on January 1, 1983, and those
393 residential lots platted and recorded or approved on or after
394 January 1, 1983, shall comply with those rules in effect at the
395 time of such platting and recording or approval. In determining
396 the maximum extent of compliance with current rules that is
397 possible, the department shall allow structures and
398 appurtenances thereto which were authorized at the time such
399 lots were platted and recorded or approved.

400 2. Lots platted before 1972 are subject to a 50-foot
401 minimum surface water setback and are not subject to lot size
402 requirements. The projected daily flow for onsite sewage
403 treatment and disposal systems for lots platted before 1972 may
404 not exceed:

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

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

409 (h)1. The department may grant variances in hardship cases
410 which may be less restrictive than the provisions specified in
411 this section. If a variance is granted and the onsite sewage
412 treatment and disposal system construction permit has been
413 issued, the variance may be transferred with the system
414 construction permit, if the transferee files, within 60 days
415 after the transfer of ownership, an amended construction permit
416 application providing all corrected information and proof of



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417 ownership of the property and if the same variance would have
418 been required for the new owner of the property as was
419 originally granted to the original applicant for the variance. A
420 fee is not associated with the processing of this supplemental
421 information. A variance may not be granted under this section
422 until the department is satisfied that:

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

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

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

432
433 Where soil conditions, water table elevation, and setback
434 provisions are determined by the department to be satisfactory,
435 special consideration must be given to those lots platted before
436 1972.

437 2. The department shall appoint and staff a variance review
438 and advisory committee, which shall meet monthly to recommend
439 agency action on variance requests. The committee shall make its
440 recommendations on variance requests at the meeting in which the
441 application is scheduled for consideration, except for an
442 extraordinary change in circumstances, the receipt of new
443 information that raises new issues, or when the applicant
444 requests an extension. The committee shall consider the criteria
445 in subparagraph 1. in its recommended agency action on variance



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446 requests and shall also strive to allow property owners the full
447 use of their land where possible.

448 a. The committee is composed of the following:

449 (I) The Secretary of Environmental Protection or his or her
450 designee.

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

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

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

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

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

461 (VII) A representative from the engineering profession
462 recommended by the Florida Engineering Society.

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

468 3. The variance review and advisory committee is not
469 responsible for reviewing water well permitting. However, the
470 committee shall consider all requirements of law related to
471 onsite sewage treatment and disposal systems when making
472 recommendations on variance requests for onsite sewage treatment
473 and disposal system permits.

474 (i) A construction permit may not be issued for an onsite



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475 sewage treatment and disposal system in any area zoned or used
476 for industrial or manufacturing purposes, or its equivalent,
477 where a publicly owned or investor-owned sewage treatment system
478 is available, or where a likelihood exists that the system will
479 receive toxic, hazardous, or industrial waste. An existing
480 onsite sewage treatment and disposal system may be repaired if a
481 publicly owned or investor-owned sewage treatment system is not
482 available within 500 feet of the building sewer stub-out and if
483 system construction and operation standards can be met. This
484 paragraph does not require publicly owned or investor-owned
485 sewage treatment systems to accept anything other than domestic
486 wastewater.

487 1. A building located in an area zoned or used for
488 industrial or manufacturing purposes, or its equivalent, when
489 such building is served by an onsite sewage treatment and
490 disposal system, must not be occupied until the owner or tenant
491 has obtained written approval from the department. The
492 department may not grant approval when the proposed use of the
493 system is to dispose of toxic, hazardous, or industrial
494 wastewater or toxic or hazardous chemicals.

495 2. Each person who owns or operates a business or facility
496 in an area zoned or used for industrial or manufacturing
497 purposes, or its equivalent, or who owns or operates a business
498 that has the potential to generate toxic, hazardous, or
499 industrial wastewater or toxic or hazardous chemicals, and uses
500 an onsite sewage treatment and disposal system that is installed
501 on or after July 5, 1989, must obtain an annual system operating
502 permit from the department. A person who owns or operates a
503 business that uses an onsite sewage treatment and disposal



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504 system that was installed and approved before July 5, 1989, does
505 not need to obtain a system operating permit. However, upon
506 change of ownership or tenancy, the new owner or operator must
507 notify the department of the change, and the new owner or
508 operator must obtain an annual system operating permit,
509 regardless of the date that the system was installed or
510 approved.

511 3. The department shall periodically review and evaluate
512 the continued use of onsite sewage treatment and disposal
513 systems in areas zoned or used for industrial or manufacturing
514 purposes, or its equivalent, and may require the collection and
515 analyses of samples from within and around such systems. If the
516 department finds that toxic or hazardous chemicals or toxic,
517 hazardous, or industrial wastewater have been or are being
518 disposed of through an onsite sewage treatment and disposal
519 system, the department shall initiate enforcement actions
520 against the owner or tenant to ensure adequate cleanup,
521 treatment, and disposal.

522 (j) An onsite sewage treatment and disposal system designed
523 by a professional engineer registered in the state and certified
524 by such engineer as complying with performance criteria adopted
525 by the department must be approved by the department subject to
526 the following:

527 1. The performance criteria applicable to engineer-designed
528 systems must be limited to those necessary to ensure that such
529 systems do not adversely affect the public health or
530 significantly degrade the groundwater or surface water. Such
531 performance criteria shall include consideration of the quality
532 of system effluent, the proposed total sewage flow per acre,



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533 wastewater treatment capabilities of the natural or replaced
534 soil, water quality classification of the potential surface-
535 water-receiving body, and the structural and maintenance
536 viability of the system for the treatment of domestic
537 wastewater. However, performance criteria shall address only the
538 performance of a system and not a system's design.

539 2. A person electing to use an engineer-designed system
540 shall, upon completion of the system design, submit such design,
541 certified by a registered professional engineer, to the county
542 health department. The county health department may use an
543 outside consultant to review the engineer-designed system, with
544 the actual cost of such review to be borne by the applicant.
545 Within 5 working days after receiving an engineer-designed
546 system permit application, the county health department shall
547 request additional information if the application is not
548 complete. Within 15 working days after receiving a complete
549 application for an engineer-designed system, the county health
550 department shall issue the permit or, if it determines that the
551 system does not comply with the performance criteria, shall
552 notify the applicant of that determination and refer the
553 application to the department for a determination as to whether
554 the system should be approved, disapproved, or approved with
555 modification. The department engineer's determination shall
556 prevail over the action of the county health department. The
557 applicant shall be notified in writing of the department's
558 determination and of the applicant's rights to pursue a variance
559 or seek review under the provisions of chapter 120.

560 3. The owner of an engineer-designed performance-based
561 system must maintain a current maintenance service agreement



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562 with a maintenance entity permitted by the department. The
563 maintenance entity shall inspect each system at least twice each
564 year and shall submit an inspection report to the department
565 each time the system is inspected which states ~~report quarterly~~
566 ~~to the department on~~ the number of systems inspected and
567 serviced. The reports may be submitted electronically.

568 4. The property owner of an owner-occupied, single-family
569 residence may be approved and permitted by the department as a
570 maintenance entity for his or her own performance-based
571 treatment system upon written certification from the system
572 manufacturer's approved representative that the property owner
573 has received training on the proper installation and service of
574 the system. The maintenance service agreement must conspicuously
575 disclose that the property owner has the right to maintain his
576 or her own system and is exempt from contractor registration
577 requirements for performing construction, maintenance, or
578 repairs on the system but is subject to all permitting
579 requirements.

580 5. ~~The property owner shall obtain a biennial system~~
581 ~~operating permit from the department for each system.~~ The
582 department may ~~shall~~ inspect the system at least annually, or on
583 such periodic basis as the fee collected permits, and may
584 collect system-effluent samples if appropriate to determine
585 compliance with the performance criteria. The fee for the
586 biennial operating permit must ~~shall~~ be collected beginning with
587 the second year of system operation.

588 6. If an engineer-designed system fails to properly
589 function or fails to meet performance standards, the system must
590 ~~shall~~ be re-engineered, if necessary, to bring the system into



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591 compliance with the provisions of this section.

592 (k) An innovative system may be approved in conjunction
593 with an engineer-designed site-specific system that is certified
594 by the engineer to meet the performance-based criteria adopted
595 by the department.

596 (l) For the Florida Keys, the department shall adopt a
597 special rule for the construction, installation, modification,
598 operation, repair, maintenance, and performance of onsite sewage
599 treatment and disposal systems which considers the unique soil
600 conditions and water table elevations, densities, and setback
601 requirements. On lots where a setback distance of 75 feet from
602 surface waters, saltmarsh, and buttonwood association habitat
603 areas cannot be met, an injection well, approved and permitted
604 by the department, may be used for disposal of effluent from
605 onsite sewage treatment and disposal systems. The following
606 additional requirements apply to onsite sewage treatment and
607 disposal systems in Monroe County:

608 1. The county, each municipality, and those special
609 districts established for the purpose of the collection,
610 transmission, treatment, or disposal of sewage shall ensure, in
611 accordance with the specific schedules adopted by the
612 Administration Commission under s. 380.0552, the completion of
613 onsite sewage treatment and disposal system upgrades to meet the
614 requirements of this paragraph.

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



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- 620 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 621 b. Suspended Solids of 10 mg/l.
- 622 c. Total Nitrogen, expressed as N, of 10 mg/l or a
- 623 reduction in nitrogen of at least 70 percent. A system that has
- 624 been tested and certified to reduce nitrogen concentrations by
- 625 at least 70 percent shall be deemed to be in compliance with
- 626 this standard.
- 627 d. Total Phosphorus, expressed as P, of 1 mg/l.

628
629 In addition, onsite sewage treatment and disposal systems
630 discharging to an injection well must provide basic disinfection
631 as defined by department rule.

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

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

642 a. The existing tanks must be pumped and inspected and
643 certified as being watertight and free of defects in accordance
644 with department rule; and

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

647 5. Onsite sewage treatment and disposal systems must be
648 monitored for total nitrogen and total phosphorus concentrations



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649 as required by department rule.

650 6. The department shall enforce proper installation,
651 operation, and maintenance of onsite sewage treatment and
652 disposal systems pursuant to this chapter, including ensuring
653 that the appropriate level of treatment described in
654 subparagraph 2. is met.

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

659 8. Notwithstanding any other law, an onsite sewage
660 treatment and disposal system installed after July 1, 2010, in
661 unincorporated Monroe County, excluding special wastewater
662 districts, that complies with the standards in subparagraph 2.
663 is not required to connect to a central sewerage system until
664 December 31, 2020.

665 (m) A product sold in the state for use in onsite sewage
666 treatment and disposal systems may not contain any substance in
667 concentrations or amounts that would interfere with or prevent
668 the successful operation of such system, or that would cause
669 discharges from such systems to violate applicable water quality
670 standards. The department shall publish criteria for products
671 known or expected to meet the conditions of this paragraph. If a
672 product does not meet such criteria, such product may be sold if
673 the manufacturer satisfactorily demonstrates to the department
674 that the conditions of this paragraph are met.

675 (n) Evaluations for determining the seasonal high-water
676 table elevations or the suitability of soils for the use of a
677 new onsite sewage treatment and disposal system shall be



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678 performed by department personnel, professional engineers
679 registered in the state, or such other persons with expertise,
680 as defined by rule, in making such evaluations. Evaluations for
681 determining mean annual flood lines shall be performed by those
682 persons identified in paragraph (2)(1). The department shall
683 accept evaluations submitted by professional engineers and such
684 other persons as meet the expertise established by this section
685 or by rule unless the department has a reasonable scientific
686 basis for questioning the accuracy or completeness of the
687 evaluation.

688 (o) An application for an onsite sewage treatment and
689 disposal system permit shall be completed in full, signed by the
690 owner or the owner's authorized representative, or by a
691 contractor licensed under chapter 489, and shall be accompanied
692 by all required exhibits and fees. Specific documentation of
693 property ownership is not required as a prerequisite to the
694 review of an application or the issuance of a permit. The
695 issuance of a permit does not constitute determination by the
696 department of property ownership.

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

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

704 (r) In the siting of onsite sewage treatment and disposal
705 systems, including drainfields, shoulders, and slopes, guttering
706 may not be required on single-family residential dwelling units



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707 for systems located greater than 5 feet from the roof drip line
708 of the house. If guttering is used on residential dwelling
709 units, the downspouts shall be directed away from the
710 drainfield.

711 (s) Notwithstanding subparagraph (g)1., onsite sewage
712 treatment and disposal systems located in floodways of the
713 Suwannee and Aucilla Rivers must adhere to the following
714 requirements:

715 1. The absorption surface of the drainfield may not be
716 subject to flooding based on 10-year flood elevations. Provided,
717 however, for lots or parcels created by the subdivision of land
718 in accordance with applicable local government regulations
719 before January 17, 1990, if an applicant cannot construct a
720 drainfield system with the absorption surface of the drainfield
721 at an elevation equal to or above 10-year flood elevation, the
722 department shall issue a permit for an onsite sewage treatment
723 and disposal system within the 10-year floodplain of rivers,
724 streams, and other bodies of flowing water if all of the
725 following criteria are met:

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

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

729 c. The applicant installs a waterless, incinerating, or
730 organic waste composting toilet and a graywater system and
731 drainfield in accordance with department rules; an aerobic
732 treatment unit and drainfield in accordance with department
733 rules; a system that is capable of reducing effluent nitrate by
734 at least 50 percent in accordance with department rules; or a
735 system other than a system using alternative drainfield



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736 materials in accordance with department rules. The United States
737 Department of Agriculture Soil Conservation Service soil maps,
738 State of Florida Water Management District data, and Federal
739 Emergency Management Agency Flood Insurance maps are resources
740 that shall be used to identify flood-prone areas.

741 2. The use of fill or mounding to elevate a drainfield
742 system out of the 10-year floodplain of rivers, streams, or
743 other bodies of flowing water may not be permitted if such a
744 system lies within a regulatory floodway of the Suwannee and
745 Aucilla Rivers. In cases where the 10-year flood elevation does
746 not coincide with the boundaries of the regulatory floodway, the
747 regulatory floodway will be considered for the purposes of this
748 subsection to extend at a minimum to the 10-year flood
749 elevation.

750 (t)1. The owner of an aerobic treatment unit system shall
751 maintain a current maintenance service agreement with an aerobic
752 treatment unit maintenance entity permitted by the department.
753 The maintenance entity shall inspect each aerobic treatment unit
754 system at least twice each year and shall submit an inspection
755 report to the department each time the system is inspected
756 stating report quarterly to the department on the number of
757 aerobic treatment unit systems inspected and serviced. The
758 reports may be submitted electronically.

759 2. The property owner of an owner-occupied, single-family
760 residence may be approved and permitted by the department as a
761 maintenance entity for his or her own aerobic treatment unit
762 system upon written certification from the system manufacturer's
763 approved representative that the property owner has received
764 training on the proper installation and service of the system.



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765 The maintenance entity service agreement must conspicuously
766 disclose that the property owner has the right to maintain his
767 or her own system and is exempt from contractor registration
768 requirements for performing construction, maintenance, or
769 repairs on the system but is subject to all permitting
770 requirements.

771 3. A septic tank contractor licensed under part III of
772 chapter 489, if approved by the manufacturer, may not be denied
773 access by the manufacturer to aerobic treatment unit system
774 training or spare parts for maintenance entities. After the
775 original warranty period, component parts for an aerobic
776 treatment unit system may be replaced with parts that meet
777 manufacturer's specifications but are manufactured by others.
778 The maintenance entity shall maintain documentation of the
779 substitute part's equivalency for 2 years and shall provide such
780 documentation to the department upon request.

781 4. The owner of an aerobic treatment unit system shall
782 obtain a system operating permit from the department and allow
783 the department to inspect during reasonable hours each aerobic
784 treatment unit system at least annually, and such inspection may
785 include collection and analysis of system-effluent samples for
786 performance criteria established by rule of the department.

787 (u) The department may require the submission of detailed
788 system construction plans that are prepared by a professional
789 engineer registered in this state. The department shall
790 establish by rule criteria for determining when such a
791 submission is required.

792 (v) Any permit issued and approved by the department for
793 the installation, modification, or repair of an onsite sewage



794 treatment and disposal system transfers ~~shall transfer~~ with the
795 title to the property in a real estate transaction. For any such
796 transfer of title to a property that has an onsite sewage
797 treatment and disposal system that has not been abandoned in
798 accordance with this section, or which is subject to a permit
799 for the installation, modification, repair, or operation of such
800 a system, the real estate transaction is subject to the
801 following requirements:

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

807 2. An inspection of a system may not be mandated by a
808 governmental entity at the point of sale in a real estate
809 transaction.

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

813 a. A disclosure statement clearly identifying that the
814 property is subject to regulations for an onsite sewage
815 treatment and disposal system;

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

818 c. If applicable, a statement that the property is subject
819 to an onsite sewage treatment and disposal system operating
820 permit and that one or more of the persons receiving a
821 controlling interest in the property are required pursuant to
822 this subsection to provide written notice and proof of ownership



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823 to update the operating permit information within 60 days of
824 such real estate transaction; and

825 d. A copy of any valid permit for the installation,
826 modification, repair, or operation of an onsite sewage treatment
827 and disposal system which will transfer pursuant to this
828 paragraph.

829
830 This paragraph does not affect a septic tank phase-out deferral
831 program implemented by a consolidated government as defined in
832 s. 9, Art. VIII of the State Constitution of 1885.

833 (w) A governmental entity, including a municipality,
834 county, or statutorily created commission, may not require an
835 engineer-designed performance-based treatment system, excluding
836 a passive engineer-designed performance-based treatment system,
837 before the completion of the Florida Onsite Sewage Nitrogen
838 Reduction Strategies Project. This paragraph does not apply to a
839 governmental entity, including a municipality, county, or
840 statutorily created commission, which adopted a local law,
841 ordinance, or regulation on or before January 31, 2012.

842 Notwithstanding this paragraph, an engineer-designed
843 performance-based treatment system may be used to meet the
844 requirements of the variance review and advisory committee
845 recommendations.

846 (x)1. An onsite sewage treatment and disposal system is not
847 considered abandoned if the system is disconnected from a
848 structure that was made unusable or destroyed following a
849 disaster and if the system was properly functioning at the time
850 of disconnection and was not adversely affected by the disaster.
851 The onsite sewage treatment and disposal system may be



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852 reconnected to a rebuilt structure if:

853 a. The reconnection of the system is to the same type of
854 structure which contains the same number of bedrooms or fewer,
855 if the square footage of the structure is less than or equal to
856 110 percent of the original square footage of the structure that
857 existed before the disaster;

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

859 c. The system has not been altered without prior
860 authorization.

861 2. An onsite sewage treatment and disposal system that
862 serves a property that is foreclosed upon is not considered
863 abandoned.

864 (y) If an onsite sewage treatment and disposal system
865 permittee receives, relies upon, and undertakes construction of
866 a system based upon a validly issued construction permit under
867 rules applicable at the time of construction but a change to a
868 rule occurs within 5 years after the approval of the system for
869 construction but before the final approval of the system, the
870 rules applicable and in effect at the time of construction
871 approval apply at the time of final approval if fundamental site
872 conditions have not changed between the time of construction
873 approval and final approval.

874 (z) An existing-system inspection or evaluation and
875 assessment, or a modification, replacement, or upgrade of an
876 onsite sewage treatment and disposal system is not required for
877 a remodeling addition or modification to a single-family home if
878 a bedroom is not added. However, a remodeling addition or
879 modification to a single-family home may not cover any part of
880 the existing system or encroach upon a required setback or the



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881 unobstructed area. To determine if a setback or the unobstructed
882 area is impacted, the local health department shall review and
883 verify a floor plan and site plan of the proposed remodeling
884 addition or modification to the home submitted by a remodeler
885 which shows the location of the system, including the distance
886 of the remodeling addition or modification to the home from the
887 onsite sewage treatment and disposal system. The local health
888 department may visit the site or otherwise determine the best
889 means of verifying the information submitted. A verification of
890 the location of a system is not an inspection or evaluation and
891 assessment of the system. The review and verification must be
892 completed within 7 business days after receipt by the local
893 health department of a floor plan and site plan. If the review
894 and verification is not completed within such time, the
895 remodeling addition or modification to the single-family home,
896 for the purposes of this paragraph, is approved.

897 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
898 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a
899 total maximum daily load, the department shall implement a fast-
900 track approval process of no longer than 6 months for the
901 determination of the use of American National Standards
902 Institute 245 systems approved by NSF International before July
903 1, 2020. The department shall also establish an enhanced
904 nutrient-reducing onsite sewage treatment and disposal system
905 approval program that will expeditiously evaluate and approve
906 such systems for use in this state to comply with ss.
907 403.067(7)(a)10. and 373.469(3)(d).

908 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may
909 contract with or delegate its powers and duties under this



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910 section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

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

914 403.067 Establishment and implementation of total maximum
915 daily loads.—

916 (6) CALCULATION AND ALLOCATION.—

917 (c) Adoption of rules. The total maximum daily load
918 calculations and allocations established under this subsection
919 for each water body or water body segment shall be adopted by
920 rule by the secretary pursuant to ss. 120.536(1), 120.54, and
921 403.805. Where additional data collection and analysis are
922 needed to increase the scientific precision and accuracy of the
923 total maximum daily load, the department is authorized to adopt
924 phased total maximum daily loads that are subject to change as
925 additional data becomes available. Where phased total maximum
926 daily loads are proposed, the department shall, in the detailed
927 statement of facts and circumstances justifying the rule,
928 explain why the data are inadequate so as to justify a phased
929 total maximum daily load. The rules adopted pursuant to this
930 paragraph are not ~~subject to approval by the Environmental~~
931 ~~Regulation Commission and are not subject to the provisions of~~
932 s. 120.541(3). As part of the rule development process, the
933 department shall hold at least one public workshop in the
934 vicinity of the water body or water body segment for which the
935 total maximum daily load is being developed. Notice of the
936 public workshop shall be published not less than 5 days nor more
937 than 15 days before the public workshop in a newspaper of
938 general circulation in the county or counties containing the



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939 water bodies or water body segments for which the total maximum
940 daily load calculation and allocation are being developed.

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

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

944 1. In developing and implementing the total maximum daily
945 load for a waterbody, the department, or the department in
946 conjunction with a water management district, may develop a
947 basin management action plan that addresses some or all of the
948 watersheds and basins tributary to the waterbody. Such plan must
949 integrate the appropriate management strategies available to the
950 state through existing water quality protection programs to
951 achieve the total maximum daily loads and may provide for phased
952 implementation of these management strategies to promote timely,
953 cost-effective actions as provided for in s. 403.151. The plan
954 must establish a schedule implementing the management
955 strategies, establish a basis for evaluating the plan's
956 effectiveness, and identify feasible funding strategies for
957 implementing the plan's management strategies. The management
958 strategies may include regional treatment systems or other
959 public works, when appropriate, and voluntary trading of water
960 quality credits to achieve the needed pollutant load reductions.

961 2. A basin management action plan must equitably allocate,
962 pursuant to paragraph (6) (b), pollutant reductions to individual
963 basins, as a whole to all basins, or to each identified point
964 source or category of nonpoint sources, as appropriate. For
965 nonpoint sources for which best management practices have been
966 adopted, the initial requirement specified by the plan must be
967 those practices developed pursuant to paragraph (c). When



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968 appropriate, the plan may take into account the benefits of
969 pollutant load reduction achieved by point or nonpoint sources
970 that have implemented management strategies to reduce pollutant
971 loads, including best management practices, before the
972 development of the basin management action plan. The plan must
973 also identify the mechanisms that will address potential future
974 increases in pollutant loading.

975 3. The basin management action planning process is intended
976 to involve the broadest possible range of interested parties,
977 with the objective of encouraging the greatest amount of
978 cooperation and consensus possible. In developing a basin
979 management action plan, the department shall assure that key
980 stakeholders, including, but not limited to, applicable local
981 governments, water management districts, the Department of
982 Agriculture and Consumer Services, other appropriate state
983 agencies, local soil and water conservation districts,
984 environmental groups, regulated interests, and affected
985 pollution sources, are invited to participate in the process.
986 The department shall hold at least one public meeting in the
987 vicinity of the watershed or basin to discuss and receive
988 comments during the planning process and shall otherwise
989 encourage public participation to the greatest practicable
990 extent. Notice of the public meeting must be published in a
991 newspaper of general circulation in each county in which the
992 watershed or basin lies at least 5 days, but not more than 15
993 days, before the public meeting. A basin management action plan
994 does not supplant or otherwise alter any assessment made under
995 subsection (3) or subsection (4) or any calculation or initial
996 allocation.



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

999 a. The appropriate management strategies available through
1000 existing water quality protection programs to achieve total
1001 maximum daily loads, which may provide for phased implementation
1002 to promote timely, cost-effective actions as provided for in s.
1003 403.151.

1004 b. A description of best management practices adopted by
1005 rule.

1006 c. For the applicable 5-year implementation milestone, a
1007 list of projects that will achieve the pollutant load reductions
1008 needed to meet the total maximum daily load or the load
1009 allocations established pursuant to subsection (6). Each project
1010 must include a planning-level cost estimate and an estimated
1011 date of completion.

1012 d. A list of projects developed pursuant to paragraph (e),
1013 if applicable.

1014 e. The source and amount of financial assistance to be made
1015 available by the department, a water management district, or
1016 other entity for each listed project, if applicable.

1017 f. A planning-level estimate of each listed project's
1018 expected load reduction, if applicable.

1019 5. The department shall adopt all or any part of a basin
1020 management action plan and any amendment to such plan by
1021 secretarial order pursuant to chapter 120 to implement this
1022 section. A basin management action plan and any amendment to
1023 such plan shall become effective 60 days after the date the
1024 secretarial order is filed.

1025 6. The basin management action plan must include 5-year



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1026 milestones for implementation and water quality improvement, and
1027 an associated water quality monitoring component sufficient to
1028 evaluate whether reasonable progress in pollutant load
1029 reductions is being achieved over time. An assessment of
1030 progress toward these milestones shall be conducted every 5
1031 years, and revisions to the plan shall be made as appropriate.
1032 Any entity with a specific pollutant load reduction requirement
1033 established in a basin management action plan shall identify the
1034 projects or strategies that such entity will undertake to meet
1035 current 5-year pollution reduction milestones, beginning with
1036 the first 5-year milestone for new basin management action
1037 plans, and submit such projects to the department for inclusion
1038 in the appropriate basin management action plan. Each project
1039 identified must include an estimated amount of nutrient
1040 reduction that is reasonably expected to be achieved based on
1041 the best scientific information available. Revisions to the
1042 basin management action plan shall be made by the department in
1043 cooperation with basin stakeholders. Revisions to the management
1044 strategies required for nonpoint sources must follow the
1045 procedures in subparagraph (c)4. Revised basin management action
1046 plans must be adopted pursuant to subparagraph 5.

1047 7. In accordance with procedures adopted by rule under
1048 paragraph (9)(c), basin management action plans, and other
1049 pollution control programs under local, state, or federal
1050 authority as provided in subsection (4), may allow point or
1051 nonpoint sources that will achieve greater pollutant reductions
1052 than required by an adopted total maximum daily load or
1053 wasteload allocation to generate, register, and trade water
1054 quality credits for the excess reductions to enable other



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1055 sources to achieve their allocation; however, the generation of
1056 water quality credits does not remove the obligation of a source
1057 or activity to meet applicable technology requirements or
1058 adopted best management practices. Such plans must allow trading
1059 between NPDES permittees, and trading that may or may not
1060 involve NPDES permittees, where the generation or use of the
1061 credits involve an entity or activity not subject to department
1062 water discharge permits whose owner voluntarily elects to obtain
1063 department authorization for the generation and sale of credits.

1064 8. The department's rule relating to the equitable
1065 abatement of pollutants into surface waters do not apply to
1066 water bodies or waterbody segments for which a basin management
1067 plan that takes into account future new or expanded activities
1068 or discharges has been adopted under this section.

1069 9. In order to promote resilient wastewater utilities, if
1070 the department identifies domestic wastewater treatment
1071 facilities or onsite sewage treatment and disposal systems as
1072 contributors of at least 20 percent of point source or nonpoint
1073 source nutrient pollution or if the department determines
1074 remediation is necessary to achieve the total maximum daily
1075 load, a basin management action plan for a nutrient total
1076 maximum daily load must include the following:

1077 a. A domestic wastewater treatment plan developed by each
1078 local government, in cooperation with the department, the water
1079 management district, and the public and private domestic
1080 wastewater treatment facilities providing services or located
1081 within the jurisdiction of the local government, which addresses
1082 domestic wastewater. Private domestic wastewater facilities and
1083 special districts providing domestic wastewater services must



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1084 provide the required wastewater facility information to the
1085 applicable local governments. The domestic wastewater treatment
1086 plan must:

1087 (I) Provide for construction, expansion, or upgrades
1088 necessary to achieve the total maximum daily load requirements
1089 applicable to the domestic wastewater treatment facility.

1090 (II) Include the permitted capacity in average annual
1091 gallons per day for the domestic wastewater treatment facility;
1092 the average nutrient concentration and the estimated average
1093 nutrient load of the domestic wastewater; a projected timeline
1094 of the dates by which the construction of any facility
1095 improvements will begin and be completed and the date by which
1096 operations of the improved facility will begin; the estimated
1097 cost of the improvements; and the identity of responsible
1098 parties.

1099
1100 The domestic wastewater treatment plan must be adopted as part
1101 of the basin management action plan no later than July 1, 2025.
1102 A local government that does not have a domestic wastewater
1103 treatment facility in its jurisdiction is not required to
1104 develop a domestic wastewater treatment plan unless there is a
1105 demonstrated need to establish a domestic wastewater treatment
1106 facility within its jurisdiction to improve water quality
1107 necessary to achieve a total maximum daily load. A local
1108 government is not responsible for a private domestic wastewater
1109 facility's compliance with a basin management action plan unless
1110 such facility is operated through a public-private partnership
1111 to which the local government is a party.

1112 b. An onsite sewage treatment and disposal system



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1113 remediation plan developed by each local government in
1114 cooperation with the department, the Department of Health, water
1115 management districts, and public and private domestic wastewater
1116 treatment facilities.

1117 (I) The onsite sewage treatment and disposal system
1118 remediation plan must identify cost-effective and financially
1119 feasible projects necessary to achieve the nutrient load
1120 reductions required for onsite sewage treatment and disposal
1121 systems. To identify cost-effective and financially feasible
1122 projects for remediation of onsite sewage treatment and disposal
1123 systems, the local government shall:

1124 (A) Include an inventory of onsite sewage treatment and
1125 disposal systems based on the best information available;

1126 (B) Identify onsite sewage treatment and disposal systems
1127 that would be eliminated through connection to existing or
1128 future central domestic wastewater infrastructure in the
1129 jurisdiction or domestic wastewater service area of the local
1130 government, that would be replaced with or upgraded to enhanced
1131 nutrient-reducing onsite sewage treatment and disposal systems,
1132 or that would remain on conventional onsite sewage treatment and
1133 disposal systems;

1134 (C) Estimate the costs of potential onsite sewage treatment
1135 and disposal system connections, upgrades, or replacements; and

1136 (D) Identify deadlines and interim milestones for the
1137 planning, design, and construction of projects.

1138 (II) The department shall adopt the onsite sewage treatment
1139 and disposal system remediation plan as part of the basin
1140 management action plan no later than July 1, 2025, or as
1141 required for Outstanding Florida Springs under s. 373.807.



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1142 10. The following activities are prohibited within a basin
1143 management action plan adopted under this section, a reasonable
1144 assurance plan, or a pollution reduction plan:

1145 a. The installation of new onsite sewage treatment and
1146 disposal systems ~~constructed within a basin management action~~
1147 ~~plan area adopted under this section, a reasonable assurance~~
1148 ~~plan, or a pollution reduction plan is prohibited~~ where
1149 connection to a publicly owned or investor-owned sewerage system
1150 is available as defined in s. 381.0065(2) (a). On lots of 1 acre
1151 or less ~~within a basin management action plan adopted under this~~
1152 ~~section, a reasonable assurance plan, or a pollution reduction~~
1153 ~~plan~~ where a publicly owned or investor-owned sewerage system is
1154 not available, the installation of enhanced nutrient-reducing
1155 onsite sewage treatment and disposal systems, distributed
1156 wastewater treatment systems as defined in s. 403.814(13), or
1157 other wastewater treatment systems that achieve at least 65
1158 percent nitrogen reduction is required.

1159 b. The construction or installation of new domestic
1160 wastewater disposal facilities, including rapid infiltration
1161 basins, with permitted capacities of 100,000 or more gallons per
1162 day, except for those facilities that meet an advanced
1163 wastewater treatment standard of no more than 3 mg/l total
1164 nitrogen and 1 mg/l total phosphorus on an annual permitted
1165 basis, or a more stringent treatment standard if the department
1166 determines the more stringent standard is necessary to attain a
1167 total maximum daily load.

1168 c. The construction or installation of new facilities for
1169 the disposal of hazardous waste.

1170 11. When identifying wastewater projects in a basin



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1171 management action plan, the department may not require the
1172 higher cost option if it achieves the same nutrient load
1173 reduction as a lower cost option. A regulated entity may choose
1174 a different cost option if it complies with the pollutant
1175 reduction requirements of an adopted total maximum daily load
1176 and meets or exceeds the pollution reduction requirement of the
1177 original project.

1178 12. Annually, local governments subject to a basin
1179 management action plan or located within the basin of a
1180 waterbody not attaining nutrient or nutrient-related standards
1181 must provide to the department an update on the status of
1182 construction of sanitary sewers to serve such areas, in a manner
1183 prescribed by the department.

1184 Section 16. Paragraph (e) of subsection (1) of section
1185 403.0671, Florida Statutes, is amended to read:

1186 403.0671 Basin management action plan wastewater reports.—

1187 (1) By July 1, 2021, the department, in coordination with
1188 the county health departments, wastewater treatment facilities,
1189 and other governmental entities, shall submit a report to the
1190 Governor, the President of the Senate, and the Speaker of the
1191 House of Representatives evaluating the costs of wastewater
1192 projects identified in the basin management action plans
1193 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1194 sewage treatment and disposal system remediation plans and other
1195 restoration plans developed to meet the total maximum daily
1196 loads required under s. 403.067. The report must include all of
1197 the following:

1198 (e) The projected costs of installing enhanced nutrient-
1199 reducing onsite sewage treatment and disposal systems on



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1200 buildable lots in priority focus areas ~~to comply with s.~~
1201 ~~373.811.~~

1202 Section 17. Subsection (11) of section 403.0872, Florida
1203 Statutes, is amended to read:

1204 403.0872 Operation permits for major sources of air
1205 pollution; annual operation license fee.—Provided that program
1206 approval pursuant to 42 U.S.C. s. 7661a has been received from
1207 the United States Environmental Protection Agency, beginning
1208 January 2, 1995, each major source of air pollution, including
1209 electrical power plants certified under s. 403.511, must obtain
1210 from the department an operation permit for a major source of
1211 air pollution under this section. This operation permit is the
1212 only department operation permit for a major source of air
1213 pollution required for such source; provided, at the applicant's
1214 request, the department shall issue a separate acid rain permit
1215 for a major source of air pollution that is an affected source
1216 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
1217 for major sources of air pollution, except general permits
1218 issued pursuant to s. 403.814, must be issued in accordance with
1219 the procedures contained in this section and in accordance with
1220 chapter 120; however, to the extent that chapter 120 is
1221 inconsistent with this section, the procedures contained in this
1222 section prevail.

1223 (11) Each major source of air pollution permitted to
1224 operate in this state must pay by June 30 ~~between January 15 and~~
1225 ~~April 1~~ of each year, upon written notice from the department,
1226 an annual operation license fee in an amount determined by
1227 department rule. The annual operation license fee shall be
1228 terminated immediately in the event the United States



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1229 Environmental Protection Agency imposes annual fees solely to
1230 implement and administer the major source air-operation permit
1231 program in Florida under 40 C.F.R. s. 70.10(d).

1232 (a) The annual fee must be assessed based upon the source's
1233 previous year's emissions and must be calculated by multiplying
1234 the applicable annual operation license fee factor times the
1235 tons of each regulated air pollutant actually emitted, as
1236 calculated in accordance with the department's emissions
1237 computation and reporting rules. The annual fee shall only apply
1238 to those regulated pollutants, except carbon monoxide and
1239 greenhouse gases, for which an allowable numeric emission
1240 limiting standard is specified in the source's most recent
1241 construction or operation permit; provided, however, that:

1242 1. The license fee factor is \$25 or another amount
1243 determined by department rule which ensures that the revenue
1244 provided by each year's operation license fees is sufficient to
1245 cover all reasonable direct and indirect costs of the major
1246 stationary source air-operation permit program established by
1247 this section. The license fee factor may be increased beyond \$25
1248 only if the secretary of the department affirmatively finds that
1249 a shortage of revenue for support of the major stationary source
1250 air-operation permit program will occur in the absence of a fee
1251 factor adjustment. The annual license fee factor may never
1252 exceed \$35.

1253 2. The amount of each regulated air pollutant in excess of
1254 4,000 tons per year emitted by any source, or group of sources
1255 belonging to the same Major Group as described in the Standard
1256 Industrial Classification Manual, 1987, may not be included in
1257 the calculation of the fee. Any source, or group of sources,



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1258 which does not emit any regulated air pollutant in excess of
1259 4,000 tons per year, is allowed a one-time credit not to exceed
1260 25 percent of the first annual licensing fee for the prorated
1261 portion of existing air-operation permit application fees
1262 remaining upon commencement of the annual licensing fees.

1263 3. If the department has not received the fee ~~by March 1 of~~
1264 ~~the calendar year, the permittee must be sent a written warning~~
1265 ~~of the consequences for failing to pay the fee by April 1. If~~
1266 ~~the fee is not postmarked by June 30 April 1~~ of the calendar
1267 year, the department shall impose, in addition to the fee, a
1268 penalty of 50 percent of the amount of the fee, plus interest on
1269 such amount computed in accordance with s. 220.807. The
1270 department may not impose such penalty or interest on any amount
1271 underpaid, provided that the permittee has timely remitted
1272 payment of at least 90 percent of the amount determined to be
1273 due and remits full payment within 60 days after receipt of
1274 notice of the amount underpaid. The department may waive the
1275 collection of underpayment and may not be required to refund
1276 overpayment of the fee, if the amount due is less than 1 percent
1277 of the fee, up to \$50. The department may revoke any major air
1278 pollution source operation permit if it finds that the
1279 permitholder has failed to timely pay any required annual
1280 operation license fee, penalty, or interest.

1281 4. Notwithstanding the computational provisions of this
1282 subsection, the annual operation license fee for any source
1283 subject to this section may not be less than \$250, except that
1284 the annual operation license fee for sources permitted solely
1285 through general permits issued under s. 403.814 may not exceed
1286 \$50 per year.



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1287 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
1288 air pollution construction permit fees, the department may not
1289 require such fees for changes or additions to a major source of
1290 air pollution permitted pursuant to this section, unless the
1291 activity triggers permitting requirements under Title I, Part C
1292 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
1293 7514a. ~~Costs to issue and administer such permits shall be~~
1294 ~~considered direct and indirect costs of the major stationary~~
1295 ~~source air-operation permit program under s. 403.0873.~~ The
1296 department shall, however, require fees pursuant to s.
1297 403.087(7)(a)5.a. for the construction of a new major source of
1298 air pollution that will be subject to the permitting
1299 requirements of this section once constructed and for activities
1300 triggering permitting requirements under Title I, Part C or Part
1301 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

1302 (b) Annual operation license fees collected by the
1303 department must be sufficient to cover all reasonable direct and
1304 indirect costs required to develop and administer the major
1305 stationary source air-operation permit program, which shall
1306 consist of the following elements to the extent that they are
1307 reasonably related to the regulation of major stationary air
1308 pollution sources, in accordance with United States
1309 Environmental Protection Agency regulations and guidelines:

- 1310 1. Reviewing and acting upon any application for such a
1311 permit.
- 1312 2. Implementing and enforcing the terms and conditions of
1313 any such permit, excluding court costs or other costs associated
1314 with any enforcement action.
- 1315 3. Emissions and ambient monitoring.



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- 1316 4. Preparing generally applicable regulations or guidance.
1317 5. Modeling, analyses, and demonstrations.
1318 6. Preparing inventories and tracking emissions.
1319 7. Implementing the Small Business Stationary Source
1320 Technical and Environmental Compliance Assistance Program.
1321 8. Any audits conducted under paragraph (c).

1322 (c) An audit of the major stationary source air-operation
1323 permit program must be conducted 2 years after the United States
1324 Environmental Protection Agency has given full approval of the
1325 program to ascertain whether the annual operation license fees
1326 collected by the department are used solely to support any
1327 reasonable direct and indirect costs as listed in paragraph (b).
1328 A program audit must be performed biennially after the first
1329 audit.

1330 Section 18. Paragraphs (a) and (b) of subsection (3) of
1331 section 403.1838, Florida Statutes, are amended to read:

1332 403.1838 Small Community Sewer Construction Assistance
1333 Act.—

1334 (3) (a) In accordance with rules adopted by the department
1335 ~~Environmental Regulation Commission under this section~~, the
1336 department may provide grants, from funds specifically
1337 appropriated for this purpose, to financially disadvantaged
1338 small communities for up to 100 percent of the costs of
1339 planning, designing, constructing, upgrading, or replacing
1340 wastewater collection, transmission, treatment, disposal, and
1341 reuse facilities, including necessary legal and administrative
1342 expenses.

1343 (b) The rules of the department ~~Environmental Regulation~~
1344 ~~Commission~~ must:



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1345 1. Require that projects to plan, design, construct,
1346 upgrade, or replace wastewater collection, transmission,
1347 treatment, disposal, and reuse facilities be cost-effective,
1348 environmentally sound, permittable, and implementable.

1349 2. Require appropriate user charges, connection fees, and
1350 other charges sufficient to ensure the long-term operation,
1351 maintenance, and replacement of the facilities constructed under
1352 each grant.

1353 3. Require grant applications to be submitted on
1354 appropriate forms with appropriate supporting documentation, and
1355 require records to be maintained.

1356 4. Establish a system to determine eligibility of grant
1357 applications.

1358 5. Establish a system to determine the relative priority of
1359 grant applications. The system must consider public health
1360 protection and water pollution prevention or abatement and must
1361 prioritize projects that plan for the installation of wastewater
1362 transmission facilities to be constructed concurrently with
1363 other construction projects occurring within or along a
1364 transportation facility right-of-way.

1365 6. Establish requirements for competitive procurement of
1366 engineering and construction services, materials, and equipment.

1367 7. Provide for termination of grants when program
1368 requirements are not met.

1369 Section 19. Section 403.804, Florida Statutes, is repealed.

1370

1371 ===== T I T L E A M E N D M E N T =====

1372 And the title is amended as follows:

1373 Delete lines 24 - 112



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1374 and insert:
1375 amending s. 373.807, F.S.; authorizing remediation
1376 plans for certain properties to have certain
1377 requirements related to existing conventional onsite
1378 sewage treatment disposal systems; repealing s.
1379 373.811, F.S., relating to prohibited activities
1380 within a basin management action plan; amending s.
1381 380.093, F.S.; revising the definition of the term
1382 "community eligible for a reduced cost share";
1383 providing for a type 2 transfer of powers and
1384 functions of the Florida Communities Trust from the
1385 department to the Acquisition and Restoration Council;
1386 amending s. 380.502, F.S.; revising legislative
1387 findings and intent for the Florida Communities Trust;
1388 providing for the transfer of the administration and
1389 oversight of the trust from the department to the
1390 Acquisition and Restoration Council for a specified
1391 purpose; amending s. 380.504, F.S.; deleting
1392 provisions relating to the membership, appointments,
1393 and organizational structure of the governing board of
1394 the trust; providing the purpose of the trust;
1395 amending s. 380.507, F.S.; deleting provisions
1396 authorizing the trust to make certain loans; revising
1397 the powers of the trust; repealing ss. 380.512,
1398 380.513, and 380.514, F.S., relating to an annual
1399 report, corporate existence, and inconsistent
1400 provisions of other laws superseded, respectively;
1401 reenacting and amending s. 381.0065, F.S.; authorizing
1402 the department to annually review and audit certain



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1403 inspection and maintenance reports for certain
1404 systems; authorizing the department to adopt rules
1405 that establish certain procedures; requiring the
1406 department to concurrently process operating permits
1407 and construction permits under certain circumstances;
1408 requiring that an operating permit be obtained before
1409 the use of an engineer-designed performance-based
1410 system; providing a timeframe for the validity of
1411 certain operating permits; requiring an operating
1412 permit modification upon certain changes or
1413 modifications; providing requirements for subsequent
1414 property owners when a property with an onsite sewage
1415 treatment and disposal system that requires an
1416 operating permit is sold or transferred; requiring
1417 certain subsequent property owners to provide notice
1418 and proof of ownership to the department within a
1419 certain timeframe; providing an exception to certain
1420 fees under certain circumstances; requiring a
1421 maintenance entity permitted by the department to
1422 submit a report to the department on a specified
1423 basis; deleting a requirement for a property owner to
1424 obtain a certain permit from the department for
1425 certain onsite sewage treatment and disposal systems;
1426 revising the approval criteria for certain onsite
1427 sewage treatment and disposal systems; requiring an
1428 aerobic treatment unit maintenance entity to submit an
1429 inspection report to the department under certain
1430 circumstances; subjecting real estate transactions for
1431 the transfer of title to properties with a certain



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1432 onsite sewage treatment and disposal system to certain
1433 requirements; deleting a requirement that the
1434 department contract with or delegate its powers and
1435 duties to a county only; amending s. 403.067, F.S.;
1436 conforming a provision to changes made by the act;
1437 providing a timeframe within which a basin management
1438 action plan or plan amendment becomes effective;
1439 prohibiting certain activities within a basin
1440 management action plan, a reasonable assurance plan,
1441 or a pollution reduction plan; making a technical
1442 change; amending s. 403.0671, F.S.; conforming a
1443 provision to changes made by the act; amending s.
1444 403.0872, F.S.; revising the date by which major
1445 permitted sources of air pollution operating in this
1446 state must pay an annual operation license fee;
1447 authorizing the department to impose penalties if it
1448 does not receive such fee by the specified date;
1449 deleting provisions relating to costs for
1450 administering air pollution construction permits;
1451 amending s. 403.1838, F.S.; conforming provisions to
1452 changes made by the act; repealing s. 403.804, F.S.,
1453 relating to the powers and duties of the Environmental
1454 Regulation Commission; amending ss. 120.81,

By 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. 259.035, F.S.; expanding the
6 membership of the Acquisition and Restoration Council;
7 providing requirements for membership; defining the
8 term "metropolitan"; requiring the council to
9 administer the Florida Communities Trust; requiring
10 the council to coordinate with the department for
11 rulemaking and grant cycle administration of the
12 trust; conforming provisions to changes made by the
13 act; amending s. 259.105, F.S.; conforming a provision
14 to changes made by the act; amending s. 373.469, F.S.;
15 requiring that residential properties of a specified
16 size located in a certain area connect to a central
17 sewer system or upgrade to a specified type of
18 nutrient-reducing wastewater treatment system;
19 requiring a permitting agency to notify a property
20 owner of such requirement if the agency, before a
21 certain date, receives an application to repair,
22 modify, or replace a conventional onsite sewage
23 treatment and disposal system on certain property;
24 amending s. 373.807, F.S.; providing that remediation
25 plans for certain properties may not prohibit or
26 require certain actions relating to onsite sewage
27 treatment and disposal systems; repealing s. 373.811,
28 F.S., relating to prohibited activities within a basin
29 management action plan; amending s. 380.093, F.S.;

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

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

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

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

133 Be It Enacted by the Legislature of the State of Florida:
 134

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

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

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

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

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

165 259.035 Acquisition and Restoration Council.—

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

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

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

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

189 (3) The council shall:

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

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

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204 state's conservation priorities.

205 (5) An affirmative vote of 6 ~~five~~ members of the council is
206 required in order to change a project boundary or to place a
207 proposed project on a list developed pursuant to subsection (4).
208 Any member of the council, who by family or a business
209 relationship has a connection with all or a portion of any
210 proposed project, shall declare the interest before voting on
211 its inclusion on a list.

212 Section 3. Paragraph (i) of subsection (4) of section
213 259.105, Florida Statutes, is amended to read:

214 259.105 The Florida Forever Act.—

215 (4) It is the intent of the Legislature that projects or
216 acquisitions funded pursuant to paragraphs (3)(a) and (b)
217 contribute to the achievement of the following goals, which
218 shall be evaluated in accordance with specific criteria and
219 numeric performance measures developed pursuant to s.
220 259.035(4):

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

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

225 2. The number of acres acquired or developed to serve dual
226 functions as:

227 a. Flow ways or temporary water storage areas during
228 flooding or high water events, not including permanent
229 reservoirs; and

230 b. Greenways or open spaces available to the public for
231 recreation;

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

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

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

239

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

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

246 373.469 Indian River Lagoon Protection Program.—

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

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

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

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

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

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

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

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

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

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

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

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320 380.093, Florida Statutes, is amended to read:

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

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

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

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

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

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

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349 Commerce; or350 4. A municipality or county that is a rural community as
351 defined in s. 288.0656(2).352 Section 8. Subsection (3) of section 380.502, Florida
353 Statutes, is amended to read:

354 380.502 Legislative findings and intent.—

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

377 (b) Providing financial and technical assistance to local

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 649 1. Seventy-five feet from a private potable well.
- 650 2. Two hundred feet from a public potable well serving a
651 residential or nonresidential establishment having a total
652 sewage flow of greater than 2,000 gallons per day.
- 653 3. One hundred feet from a public potable well serving a
654 residential or nonresidential establishment having a total
655 sewage flow of less than or equal to 2,000 gallons per day.
- 656 4. Fifty feet from any nonpotable well.
- 657 5. Ten feet from any storm sewer pipe, to the maximum
658 extent possible, but in no instance shall the setback be less
659 than 5 feet.
- 660 6. Seventy-five feet from the mean high-water line of a
661 tidally influenced surface water body.
- 662 7. Seventy-five feet from the mean annual flood line of a
663 permanent nontidal surface water body.
- 664 8. Fifteen feet from the design high-water line of
665 retention areas, detention areas, or swales designed to contain
666 standing or flowing water for less than 72 hours after a
667 rainfall or the design high-water level of normally dry drainage

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

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

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

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

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

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

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

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

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

725 c. The discharge from the onsite sewage treatment and

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

729
730 Where soil conditions, water table elevation, and setback
731 provisions are determined by the department to be satisfactory,
732 special consideration must be given to those lots platted before
733 1972.

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

745 a. The committee is composed of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

921 b. Suspended Solids of 10 mg/l.

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

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

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

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

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

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

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

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

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

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

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958 Florida.

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

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

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

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987 evaluation.

988 (o) An application for an onsite sewage treatment and
989 disposal system permit shall be completed in full, signed by the
990 owner or the owner's authorized representative, or by a
991 contractor licensed under chapter 489, and shall be accompanied
992 by all required exhibits and fees. Specific documentation of
993 property ownership is not required as a prerequisite to the
994 review of an application or the issuance of a permit. The
995 issuance of a permit does not constitute determination by the
996 department of property ownership.

997 (p) The department may not require any form of subdivision
998 analysis of property by an owner, developer, or subdivider
999 before submission of an application for an onsite sewage
1000 treatment and disposal system.

1001 (q) This section does not limit the power of a municipality
1002 or county to enforce other laws for the protection of the public
1003 health and safety.

1004 (r) In the siting of onsite sewage treatment and disposal
1005 systems, including drainfields, shoulders, and slopes, guttering
1006 may not be required on single-family residential dwelling units
1007 for systems located greater than 5 feet from the roof drip line
1008 of the house. If guttering is used on residential dwelling
1009 units, the downspouts shall be directed away from the
1010 drainfield.

1011 (s) Notwithstanding subparagraph (g)1., onsite sewage
1012 treatment and disposal systems located in floodways of the
1013 Suwannee and Aucilla Rivers must adhere to the following
1014 requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1161 b. The system is not a sanitary nuisance; and

1162 c. The system has not been altered without prior
1163 authorization.

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

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

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

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

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

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

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

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

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1219 (6) CALCULATION AND ALLOCATION.—

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

1244 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1245 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1246 (a) *Basin management action plans.*—

1247 1. In developing and implementing the total maximum daily

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

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

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1277 increases in pollutant loading.

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

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

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

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1306 403.151.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1402
1403 The domestic wastewater treatment plan must be adopted as part
1404 of the basin management action plan no later than July 1, 2025.
1405 A local government that does not have a domestic wastewater
1406 treatment facility in its jurisdiction is not required to
1407 develop a domestic wastewater treatment plan unless there is a
1408 demonstrated need to establish a domestic wastewater treatment
1409 facility within its jurisdiction to improve water quality
1410 necessary to achieve a total maximum daily load. A local
1411 government is not responsible for a private domestic wastewater
1412 facility's compliance with a basin management action plan unless
1413 such facility is operated through a public-private partnership
1414 to which the local government is a party.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1480 original project.

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

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

1489 403.0671 Basin management action plan wastewater reports.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1613 1. Reviewing and acting upon any application for such a
1614 permit.

1615 2. Implementing and enforcing the terms and conditions of
1616 any such permit, excluding court costs or other costs associated
1617 with any enforcement action.

1618 3. Emissions and ambient monitoring.

1619 4. Preparing generally applicable regulations or guidance.

1620 5. Modeling, analyses, and demonstrations.

1621 6. Preparing inventories and tracking emissions.

1622 7. Implementing the Small Business Stationary Source
1623 Technical and Environmental Compliance Assistance Program.

1624 8. Any audits conducted under paragraph (c).

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

1633 Section 18. Paragraphs (a) and (b) of subsection (3) of
1634 section 403.1838, Florida Statutes, are amended to read:

1635 403.1838 Small Community Sewer Construction Assistance
1636 Act.—

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

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

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

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

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

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

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

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

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

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

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

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

1676 403.9301 Wastewater services projections.—

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

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

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1683 (3) By June 30, 2022, and every 5 years thereafter, each
1684 county, municipality, or special district providing wastewater
1685 services shall develop a needs analysis for its jurisdiction
1686 over the subsequent 20 years. In projecting such needs, each
1687 local government shall include the following:

1688 (a) A detailed description of the facilities used to
1689 provide wastewater services, including analysis of domestic
1690 biosolids and septage generation, treatment, management, use,
1691 and disposal in the corresponding service area.

1692 Section 21. Subsection (1) of section 576.041, Florida
1693 Statutes, is amended to read:

1694 576.041 Inspection fees; records.—

1695 (1) Every licensee must ~~shall~~ pay to the department an
1696 inspection fee in the amount of \$1 per ton for fertilizer sold
1697 in this the state, except fertilizer products containing or
1698 composed of Class AA biosolids produced by a domestic wastewater
1699 or biosolids treatment facility in this state, raw ground
1700 phosphate rock, soft phosphate, colloidal phosphate, phosphatic
1701 clays and all other untreated phosphatic materials, gypsum,
1702 hydrated lime, limestone, and dolomite when sold or used for
1703 agricultural purposes, for ~~on~~ which the inspection fee is ~~shall~~
1704 ~~be~~ 30 cents per ton. The inspection fees paid for Class AA
1705 biosolids-composed fertilizers must be based on the equivalent
1706 dry tons of material sold. All fees paid to the department under
1707 this section shall be deposited into the State Treasury to be
1708 placed in the General Inspection Trust Fund to be used for the
1709 sole purpose of funding the fertilizer inspection program.

1710 Section 22. Paragraph (a) of subsection (2) of section
1711 576.045, Florida Statutes, is amended to read:

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

1715 (2) FEES.-

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

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

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

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

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

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

1731 120.81 Exceptions and special requirements; general areas.-

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

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

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

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

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

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

1767 373.421 Delineation methods; formal determinations.—

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

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

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

1808 (7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1953
1954 The department shall implement such programs in conjunction with
1955 its other powers and duties and shall place special emphasis on
1956 reducing and eliminating contamination that presents a threat to
1957 humans, animals or plants, or to the environment.

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

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

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

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

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

1992 403.707 Permits.—

1993 (3)

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

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

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

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

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

2018 403.7222 Prohibition of hazardous waste landfills.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2173 (a) To promote conservation or natural beauty;

2174 (b) To protect the environment, personal health, or other
2175 biological values;

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

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

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

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

2200 403.814 General permits; delegation.—

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

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

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

2214 376.302 Prohibited acts; penalties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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2263 373.4595 Northern Everglades and Estuaries Protection
2264 Program.—

2265 (1) FINDINGS AND INTENT.—

2266 (a) The Legislature finds that the Lake Okeechobee
2267 watershed, the Caloosahatchee River watershed, and the St. Lucie
2268 River watershed are critical water resources of the state,
2269 providing many economic, natural habitat, and biodiversity
2270 functions benefiting the public interest, including
2271 agricultural, public, and environmental water supply; flood
2272 control; fishing; navigation and recreation; and habitat to
2273 endangered and threatened species and other flora and fauna.

2274 (b) The Legislature finds that changes in land uses, the
2275 construction of the Central and Southern Florida Project, and
2276 the loss of surface water storage have resulted in adverse
2277 changes to the hydrology and water quality of Lake Okeechobee
2278 and the Caloosahatchee and St. Lucie Rivers and their estuaries.

2279 (c) The Legislature finds that improvement to the
2280 hydrology, water quality, and associated aquatic habitats within
2281 the Lake Okeechobee watershed, the Caloosahatchee River
2282 watershed, and the St. Lucie River watershed, is essential to
2283 the protection of the greater Everglades ecosystem.

2284 (d) The Legislature also finds that it is imperative for
2285 the state, local governments, and agricultural and environmental
2286 communities to commit to restoring and protecting the surface
2287 water resources of the Lake Okeechobee watershed, the
2288 Caloosahatchee River watershed, and the St. Lucie River
2289 watershed, and that a watershed-based approach to address these
2290 issues must be developed and implemented immediately.

2291 (e) The Legislature finds that phosphorus loads from the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2668 f. Evaluate the feasibility of alternative nutrient

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2988 native flora and fauna.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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3075 each construction project and identify funding sources.

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

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

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

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

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

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

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

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

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3162 available under this section from the coordinating agencies.

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

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

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

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

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

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

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

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

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

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- 3220 b. Identify the size and location of all such facilities.
- 3221 c. Provide a construction schedule for all such facilities,
3222 including the sequencing and specific timeframe for construction
3223 of each facility.
- 3224 d. Provide a schedule for the acquisition of lands or
3225 sufficient interests necessary to achieve the construction
3226 schedule.
- 3227 e. Provide a schedule of costs and benefits associated with
3228 each construction project and identify funding sources.
- 3229 f. To ensure timely implementation, coordinate the design,
3230 scheduling, and sequencing of project facilities with the
3231 coordinating agencies, Martin County, St. Lucie County, other
3232 interested parties, and other affected local governments.
- 3233 2. St. Lucie River Watershed Research and Water Quality
3234 Monitoring Program.—The district, in cooperation with the other
3235 coordinating agencies and local governments, shall establish a
3236 St. Lucie River Watershed Research and Water Quality Monitoring
3237 Program that builds upon the district's existing research
3238 program and that is sufficient to carry out, comply with, or
3239 assess the plans, programs, and other responsibilities created
3240 by this subsection. The district shall also conduct an
3241 assessment of the water volumes and timing from Lake Okeechobee
3242 and the St. Lucie River watershed and their relative
3243 contributions to the timing and volume of water delivered to the
3244 estuary.
- 3245 (d) *St. Lucie River Watershed Basin Management Action*
3246 *Plan.*—The basin management action plan for the St. Lucie River
3247 watershed adopted pursuant to s. 403.067 shall be the St. Lucie
3248 River Watershed Pollutant Control Program and shall be designed

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

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

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

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

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

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

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

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

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

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

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

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

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3365 funding shall be maximized to the greatest extent practicable.

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

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

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

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3394 provided in s. 403.067 as follows:

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

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

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

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

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

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3423 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in
3424 cooperation with the other coordinating agencies, shall report
3425 on implementation of this section as part of the consolidated
3426 annual report required in s. 373.036(7). The annual report shall
3427 include a summary of the conditions of the hydrology, water
3428 quality, and aquatic habitat in the northern Everglades based on
3429 the results of the Research and Water Quality Monitoring
3430 Programs, the status of the Lake Okeechobee Watershed
3431 Construction Project, the status of the Caloosahatchee River
3432 Watershed Construction Project, and the status of the St. Lucie
3433 River Watershed Construction Project. In addition, the report
3434 shall contain an annual accounting of the expenditure of funds
3435 from the Save Our Everglades Trust Fund. At a minimum, the
3436 annual report shall provide detail by program and plan,
3437 including specific information concerning the amount and use of
3438 funds from federal, state, or local government sources. In
3439 detailing the use of these funds, the district shall indicate
3440 those designated to meet requirements for matching funds. The
3441 district shall prepare the report in cooperation with the other
3442 coordinating agencies and affected local governments. The
3443 department shall report on the status of the Lake Okeechobee
3444 Basin Management Action Plan, the Caloosahatchee River Watershed
3445 Basin Management Action Plan, and the St. Lucie River Watershed
3446 Basin Management Action Plan. The Department of Agriculture and
3447 Consumer Services shall report on the status of the
3448 implementation of the agricultural nonpoint source best
3449 management practices, including an implementation assurance
3450 report summarizing survey responses and response rates, site
3451 inspections, and other methods used to verify implementation of

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

3455 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3591 403.1835 Water pollution control financial assistance.—

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

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

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

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/3/26

Meeting Date

SB 1510

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name

Ryan Smart

Phone

561-358-2121

Address

209 Tallwood Pl

Email

smart@floridaspringscanal.org

Street

Jax Beach

FL

32250

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Springs Council

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/3/26

Meeting Date

SB1510

Bill Number or Topic

SEnvironment and Natural Resources

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Alex Cronin

Phone 850-245-2092

Address 3900 Commonwealth Blvd

Email alex.cronin@floridaDEP.gov

Street

Tallahassee FL 32399

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: FL Dept. of Environmental Protection

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

2/3/2024

Meeting Date

The Florida Senate

APPEARANCE RECORD

SB 1510

Bill Number or Topic

ENV & NAT RESOURCES

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name ROXANNE GROOVER

Phone 813-504-8340

Address 5115 STATE RD 557

Email rgroover@myfowc.com

Street

LAKE ALFRED

FL

33850

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 7034

INTRODUCER: Environment and Natural Resources Committee

SUBJECT: Ratification of Rules of the Department of Environmental Protection

DATE: February 3, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	EN Submitted as Comm. Bill/Fav
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

I. Summary:

SB 7034 ratifies the Department of Environmental Protection’s (DEP) revisions to the minimum flows and levels (MFLs) for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs within rule 62-42.300 of the Florida Administrative Code. MFLs are established at the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. The proposed rule relies on conservation practices, monitoring, and offsets to protect the continued health and ecological value of the Lower Santa Fe and Ichetucknee Rivers and Priority Springs.

The Statement of Estimated Regulatory Costs developed by DEP concluded that the proposed rules will likely increase costs to regulated entities by \$158,450,588 to \$163,836,003 in the aggregate within five years after the rules’ implementation. Additionally, an estimated \$1,975,050 to \$11,712,476 in indirect costs are expected to be incurred by the Suwannee River Water Management District. This amount triggers the statutory requirement for the rule to be ratified by the Legislature before it may go into effect.

II. Present Situation:

Minimum Flow and Minimum Water Levels (MFLs)

MFLs are established for waterbodies to prevent significant harm to the water resources or ecology of an area as a result of water withdrawals.¹ MFLs are typically determined based on evaluations of natural seasonal fluctuations in water flows or levels, nonconsumptive uses, and

¹ See section 373.042, F.S.; see also DEP, *Minimum Flows and Minimum Water Levels and Reservations*, <https://floridadep.gov/owper/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations> (last visited Jan. 26, 2026).

environmental values associated with coastal, estuarine, riverine, spring, aquatic, wetlands ecology, and other pertinent information associated with the water resource.²

While the Department of Environmental Protection (DEP) has the authority to adopt MFLs, the state's five water management districts (WMDs) have the primary responsibility for MFL adoption. WMDs submit annual MFL priority lists and schedules to DEP for the establishment of MFLs for surface watercourses, aquifers, and surface waters within the district.³ MFLs are calculated using the best information available⁴ and are considered rules by the WMDs, which are subject to chapter 120, F.S., challenges.⁵ MFLs are subject to independent scientific peer review at the election of DEP, a WMD, or, if requested, by a third party.⁶ MFLs must be reevaluated periodically and revised as needed.⁷

MFLs must be established for each Outstanding Florida Spring (OFS).⁸ For OFSs identified on a WMD's priority list which have the potential to be affected by withdrawals in an adjacent district, the adjacent district and DEP must collaboratively develop and implement a recovery or prevention strategy for an OFS not meeting an adopted MFL.⁹

For OFSs that fall below the adopted MFL or are projected to fall below the MFL within 20 years, DEP or WMDs must implement a recovery or prevention strategy to ensure the MFL is maintained over the long-term.¹⁰ The recovery or prevention strategy must include:

- A listing of all specific projects identified for implementation of the plan;
- A priority listing of each project;
- The estimated cost and date of completion for each listed project;
- The source and amount of financial assistance to be made available by the WMD for each listed project, which may not be less than 25 percent of the total project cost unless a specific funding source or sources are identified which will provide more than 75 percent of the total project cost;¹¹
- An estimate of each listed project's benefit to an OFS; and
- An implementation plan designed with a target to achieve the adopted MFL no more than 20 years after the adoption of the recovery or prevention strategy.¹²

Agricultural producers who implement best management practices are presumed to be in compliance with the recovery or prevention strategy.¹³

² Fla. Admin. Code R. 62-40.473(1).

³ Section 373.042(3), F.S.

⁴ Section 373.042(1), F.S.

⁵ Section 373.042(5) and (7), F.S.

⁶ Section 373.042(6)(a), F.S.

⁷ Section 373.0421(5), F.S.

⁸ Section 373.042(2), F.S.

⁹ Section 373.042(2)(b), F.S.

¹⁰ DEP, *Minimum Flows and Minimum Water Levels and Reservations*, <https://floridadep.gov/owper/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations> (last visited Jan. 29, 2026); section 373.805(1), F.S.

¹¹ The Northwest Florida Water Management District and SRWMD are not required to meet the minimum financial assistance requirement. Section 373.805(4)(d), F.S.

¹² Section 373.805(4), F.S.

¹³ Section 373.0421(2), F.S.

Lower Santa Fe and Ichetucknee Rivers and Priority Springs

The Santa Fe River in north-central Florida is a second-order tributary to the Suwannee River.¹⁴ It is naturally divided into two sections: the Upper Santa Fe River, extending from its headwaters in Lake Santa Fe and the Santa Fe Swamp, and the Lower Santa Fe River, extending from the River Rise north of High Springs to its confluence with the Suwannee River.¹⁵ The Lower Santa Fe River is fed by the flow of at least 36 different named springs.¹⁶ With a discharge of over 200 million gallons per day, the Ichetucknee River is the largest tributary to the Santa Fe River.¹⁷

The Santa Fe River Basin is approximately 1,380 square miles and is underlain by limestone formations that comprise the Floridan aquifer or aquifer system.¹⁸ The area features several popular recreational areas containing springs, swallets, and river rises, including Ichetucknee Springs State Park, O'Leno State Park, River Rise State Park, and private venues.¹⁹ The river and its springs are important to the economy of at least seven counties in north-central Florida and serve as a significant natural resource through the ecosystem services they provide, including the maintenance of habitat for fish and wildlife.²⁰

Six springs within the basin have been designated as OFSs, including the Ichetucknee Springs Group and Columbia, Devil's Ear, Hornsby, Poe, and Treehouse Springs along the Santa Fe River.²¹ The Ichetucknee Springs Group is a first-magnitude spring complex, comprised of nine named and many unnamed springs that discharge into the Ichetucknee River. All but two of the nine springs are identified as Priority Springs.²²

Maintaining flows from the Priority Springs is essential to protecting water resource conditions and the ecological values of the springs, as well as the Lower Santa Fe River and Ichetucknee River downstream.²³ However, historical flow records over more than 90 years have shown a decline in flow for the Ichetucknee River and springs of roughly 10-20 percent. Additionally, nitrate-nitrogen concentrations have increased over the past two decades, and while the Ichetucknee River and springs continue to be well-vegetated with native plant species, there has been a marked decrease in the diversity of those species over time.²⁴

¹⁴ Santa Fe River Basin Springs Working Group and the Howard T. Odum Florida Springs Institute, *Santa Fe Springs Restoration Plan*, 7 (2012), available at <https://floridaspringsinstitute.org/wp-content/uploads/2018/07/SFS-RAP.pdf>.

¹⁵ *Id.*

¹⁶ *Id.* at 8.

¹⁷ DEP, *Florida State Park: When the masses meet the grasses*, <https://www.floridastateparks.org/learn/when-masses-meet-grasses> (last visited Jan. 30, 2026); Florida Springs Institute, *Santa Fe River and Springs: Environmental Analysis*, 5 (2021), available at https://floridaspringsinstitute.org/wp-content/uploads/2021/03/Santa-Fe-River-and-Springs-Environmental-Analysis_Final-rev1-ZH-Update.pdf.

¹⁸ Florida Springs Institute, *Santa Fe Springs Restoration Plan*, at 8; SRWMD, *Minimum flows and minimum water levels re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs*, 2 (2021), available at <https://www.mysuwanneeriver.com/DocumentCenter/View/17834/LSFIR-MFL-Report-Final>.

¹⁹ SRWMD, *MFLs re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs* at 3.

²⁰ See Florida Springs Institute, *Santa Fe Springs Restoration Plan* at 2.

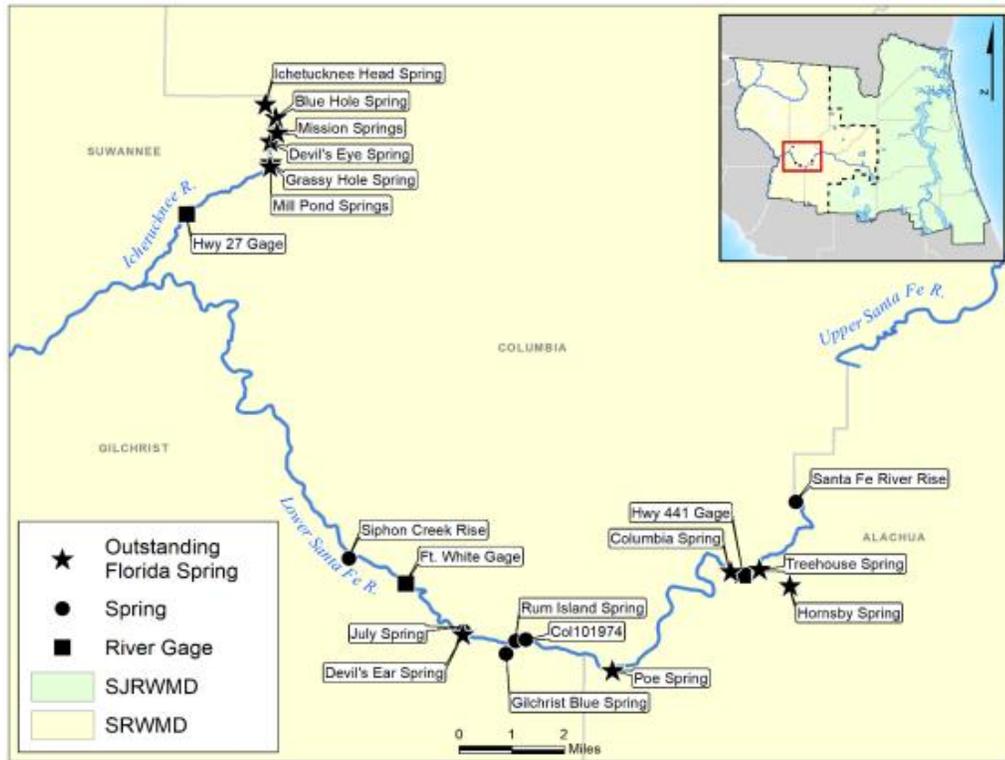
²¹ SRWMD, *MFLs re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs* at 3.

²² *Id.*

²³ *Id.* at 119.

²⁴ Florida Springs Institute, *Santa Fe River and Springs: Environmental Analysis* at 5.

In 2013, SRWMD concluded that excessive flow reductions in the Lower Santa Fe and Ichetucknee Rivers and associated Priority Springs (LSFIR) were beyond the point of “significant harm” and that these waterbodies required a recovery strategy.²⁵ Accordingly, the SRWMD governing board requested that DEP adopt MFLs for the LSFIR due to the potential for impacts associated with water withdrawals in both the SRWMD and the St. Johns River Water Management District (SJRWMD).²⁶ At that time, the LSFIR was determined to be in recovery at both of the two MFL compliance points, and a recovery strategy was approved by the SRWMD and SJRWMD governing boards with regulatory components adopted by rule by DEP in June 2015.²⁷



*Santa Fe and Ichetucknee Rivers and Priority Springs*²⁸

On December 2, 2019, DEP published a Notice of Rule Development to reevaluate the 2015 LSFIR MFLs.²⁹ The most recent status assessment determined that the reevaluated MFLs in the proposed rule are not being met at two of the three identified compliance points. Accordingly, development of a prevention or recovery strategy was necessary.³⁰ The revised rules and implementation strategy are discussed in the Effect of Proposed Changes section below.

²⁵ *Id.*; SRWMD, *Recovery Strategy: Lower Santa Fe River Basin*, 1 (2014), available at <https://srwmd.org/DocumentCenter/View/9116/Lower-Santa-Fe-and-Ichetucknee-River-Recovery-Strategy?bidId=>.

²⁶ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A*, 6 (2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment>.

²⁷ *Id.*

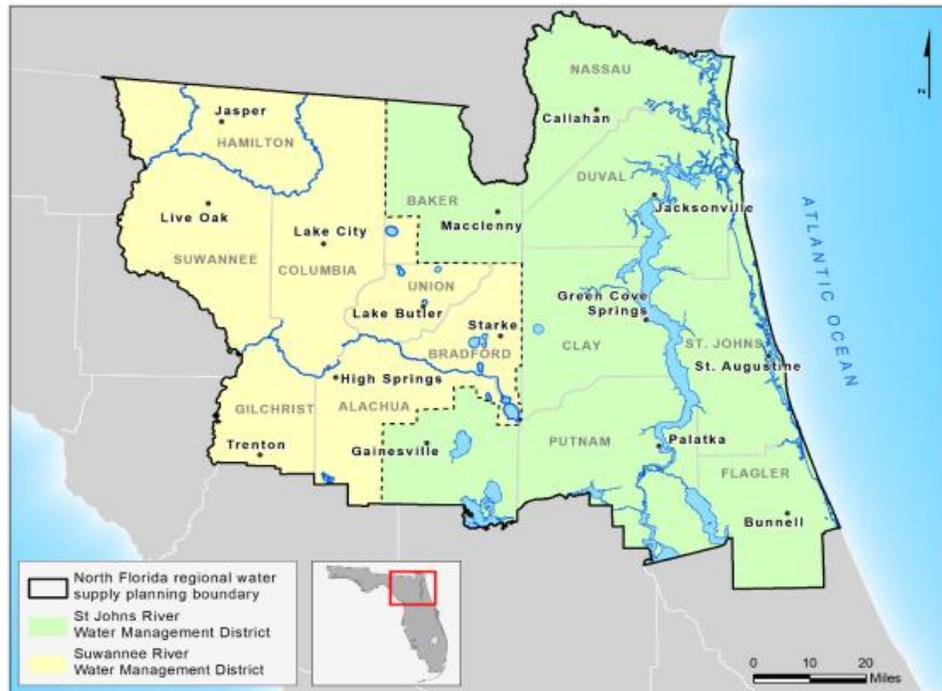
²⁸ North Florida Regional Water Supply Partnership, *2025 Implementation Strategy for the Lower Santa Fe and Ichetucknee Rivers and priority springs*, 5 (2025), available at <https://www.northfloridawater.com/2025implementationstrategy.html> (depicting map).

²⁹ *Id.* at 7.

³⁰ Section 373.0421(2), F.S.

North Florida Regional Water Supply Partnership (NFRWSP)

The NFRWSP was established in 2011 through a formal interagency agreement executed by DEP, SJRWMD, and SRWMD.³¹ The NFRWSP planning area covers more than 8,000 square miles and includes 14 counties: Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union.³²



NFRWSP Area³³

The purpose of the NFRWSP is to protect natural resources and water supplies in North Florida through collaborative planning, scientific-tool development, and related efforts.³⁴ A central product of the NFRWSP is the North Florida Regional Water Supply Plan, which assesses current and projected water demands and identifies projects, water conservation measures, and other strategies to meet future demands while avoiding unacceptable water resource impacts.³⁵ Such projects include the use of reclaimed water to offset potable use or groundwater recharge to increase the amount of water in an aquifer to help offset declines caused by withdrawals.³⁶

³¹ SJRWMD and SRWMD, *2023 North Florida Regional Water Supply Plan (2020-2045)*, 18 (2023), available at https://aws.sjrwmd.com/NFRWSP/watersupplyplan/documents/final/2023_NFRWSP_and_Associated_Appendices_Final_20230212.pdf

³² *Id.*

³³ NFRWSP, *2025 Implementation Strategy for the Lower Santa Fe and Ichetucknee Rivers and priority springs*, 6 (2025), available at <https://www.northfloridawater.com/2025implementationstrategy.html> (depicting map).

³⁴ SJRWMD and SRWMD, *2023 North Florida Regional Water Supply Plan* at 19.

³⁵ *Id.* at 22.

³⁶ *Id.* at 84, 87. For example, one project identified in the 2023 plan is the Black Creek Water Resource Development Project in Clay County, which is designed to recharge of the Upper Floridan aquifer and has the potential to increase flows in the Lower Santa Fe and Ichetucknee Rivers. *Id.* at 84.

According to the latest water supply plan published in 2023, total water demand within the NFRWSP area is projected to increase from 530 million gallons per day (mgd) in 2015 to 698 mgd by 2045, a 32 percent increase.³⁷ The NFRWSP concluded that fresh groundwater alone cannot meet this projected increase in demand without causing unacceptable impacts to water resources.³⁸

Since approval of the previous regional water supply plan in 2017, participating agencies and stakeholders have implemented approximately 1,294 cost-share water supply and conservation projects through 2022, an investment of about \$146 million that contributed to the availability or conservation of approximately 89.1 mgd of water within the NFRWSP area.³⁹ The 2023 plan identifies 160 mgd of estimated benefit from water supply development, water resource development, and water conservation project options to offset the projected increase in groundwater demand of approximately 135 mgd by 2045.⁴⁰

Legislative Ratification

A rule is subject to legislative ratification if it:

- Has an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- Has an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; or
- Increases regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.⁴¹

If a rule requires ratification by the Legislature, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the regular legislative session. The rule may not go into effect until it is ratified by the Legislature.⁴²

Statement of Estimated Regulatory Costs Requirements

A statement of estimated regulatory costs (SERC) is an analysis prepared by an agency before the adoption, amendment, or repeal of a rule other than an emergency rule. A SERC must be prepared by an agency for a proposed rule that:

- Will have an adverse impact on small businesses; or

³⁷ *Id.* at 26. This includes groundwater, surface water, and alternative water sources. *Id.* at 2.

³⁸ *Id.* at 2.

³⁹ *Id.* at 75.

⁴⁰ *Id.* at 4, 101.

⁴¹ Section 120.541(2)(a), F.S. “Transactional costs” re direct costs that are readily ascertainable by the agency based upon standard business practices, and may include, among other things: filing fees; necessary equipment, operations, or procedures; labor and benefits; capital expenditures; professional services; monitoring and reporting; reduced sales or other revenue. Section 120.541(2)(d), F.S.

⁴² Section 120.541(3), F.S.

- Is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in the state within one year after the implementation of the rule.⁴³

A SERC must include:

- An economic analysis showing whether the rule exceeds the thresholds requiring legislative ratification;
- A good faith estimate of the number and types of individuals and entities likely to be required to comply with the rule, and a general description of the types of individuals likely to be affected by the rule;
- A good faith estimate of the cost to the agency, and to other state and local government entities, of implementing and enforcing the proposed rule, including anticipated effects on state or local revenues;
- A good faith estimate of the transactional costs (direct business costs) likely to be incurred by individuals and entities required to comply with the requirements of the rule;
- An analysis of the impact on small businesses, small counties, and small cities; and
- A description of regulatory alternatives submitted to the agency and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.⁴⁴

SERC for Rule 62-300, F.A.C.

DEP determined that a SERC was required for the revisions to rule 62-42.300 of the Florida Administrative Code and prepared one in advance of rule adoption.⁴⁵ DEP estimates the revised rule will increase regulatory costs, including transactional costs, by up to \$163.8 million in the aggregate within five years of implementation.⁴⁶ A summary of these costs is provided in the table below.⁴⁷

Summary of Costs to Regulated Entities⁴⁸

Rule Citation	Topic	SERC Total Estimated Cost
62-42.300(4), F.A.C.	Private residential landscape irrigation well water uses	\$2,540,806–\$4,393,906
62-42.300(5), F.A.C.	Metering and Monitoring Requirements	\$1,136,818–\$4,669,133
62-42.300(6), F.A.C.	Water Conservation Requirements	\$12,772,964
62-42.300(7), F.A.C.	Offset Requirements ⁴⁹	\$142,000,000
TOTAL		\$158,450,588–\$163,836,003

⁴³ Section 120.541(3)(b)1., F.S.

⁴⁴ Section 120.541(2), F.S.

⁴⁵ See DEP, *SERC: Rule 62-42.300, F.A.C. (2025)*, available at <https://floridadep.gov/owper/water-policy/documents/office-fiscal-accountability-regulatory-reform-serc-form-rule-62-42300>.

⁴⁶ *Id.* at 4.

⁴⁷ See *id.* at 4-5.

⁴⁸ For agricultural producers, section 373.0421, F.S. (2025), provides an alternative means for compliance. The costs associated with that statutorily-established alternative are not included in this SERC. *Id.* at 4.

⁴⁹ The total estimated cost for the “Offset Requirements” includes the completion of a large-scale regional water recharge project, which will take place over an estimated 13-year time period. In the first five years following rule adoption, \$142 million is the estimated expenditure for the project, which includes preconstruction activities, such as permitting and design and land acquisition, and some initial construction activities. The total estimated project cost is \$1.1 billion. *Id.*

Additionally, an estimated \$1,975,050 to \$11,712,476 in indirect costs are expected to be incurred by the Suwannee River Water Management District (SRWMD) within the first five years.⁵⁰

The proposed rules and associated costs will be discussed in the Effect of Proposed Changes section below.

III. Effect of Proposed Changes:

Section 1 ratifies the revised minimum flows and level (MFL) rule 62-42.300 of the Florida Administrative Code, titled “The Lower Santa Fe and Ichetucknee Rivers and Priority Springs,” as filed for adoption with the Department of State pursuant to the certification package dated December 31, 2025. The bill provides that this section serves no other purpose and may not be codified in the Florida Statutes. After this act becomes a law, its enactment and effective dates must be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This section does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under chapter 120, Florida Statutes. This section does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing adoption of any rule cited.

The costs associated with the revised rule stem from revisions to the MFLs for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs and the implementation strategy to comply with those MFLs. The key components of the proposed rule and implementation strategy are discussed below. In total, the proposed rule may increase regulatory costs, including transactional costs, by \$158,450,588 to \$163,836,003.⁵¹

Proposed MFLs for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs

The proposed revisions to rule 62-42.300 of the Florida Administrative Code replace the existing 2015 MFLs and establish the regulatory components of an implementation strategy to achieve the new limits.⁵² The implementation strategy will be administered by the St. Johns River Water Management District (SJRWMD) and the Suwannee River Water Management District (SRWMD) in the North Florida Regional Water Supply Partnership (NFRWSP) planning area.

As discussed in further detail below, the proposed rule provides new requirements related to private residential landscape irrigation, monitoring and reporting, water conservation, and offsetting impacts.

⁵⁰ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A*, 4 (2025), available at <https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment>.

⁵¹ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 4.

⁵² *Id.* at 8. If the revised rules are not ratified, the 2015 MFL and recovery strategy will remain in place.

Private Residential Landscape Irrigation Requirements

Currently, private residential irrigation water use is authorized by a general permit. Uses authorized under such permits generally must abide by days of the week restrictions and other watering restrictions.⁵³

The proposed rule supersedes existing rules for certain users. If a residential home is supplied potable water by a utility, a general permit will not be authorized within the NFRWSP for a new well from the Floridan aquifer for irrigation after the effective date of the rule.⁵⁴ The use of water may be authorized through a No-Fee Noticed General Permit, which has a duration of 10 years and requires certification that the applicant has an irrigation system that includes leak detection and water conservation devices.⁵⁵

The estimated costs for the proposed private residential landscape irrigation requirements are between \$2,540,806 and \$4,393,906 (\$1,200 to \$2,100 per system).⁵⁶

Monitoring and Reporting Requirements

The proposed rule provides supplemental requirements for monitoring and reporting activities where they are not already in place.⁵⁷ Monitoring and reporting requirements are currently in effect in both SJRWMD and SRWMD.⁵⁸ In SJRWMD, the proposed rule does not impose any additional monitoring or reporting requirements beyond those already in effect. However, in SRWMD, the proposed rule supplements existing district rules and would result in additional regulatory requirements for monitoring and reporting water use.⁵⁹

Currently, SRWMD rules require monthly monitoring of wells eight inches or greater and surface water pumps with a cumulative intake diameter of six inches or greater, regardless of total permit allocation.⁶⁰ The proposed rule requires monitoring of all permitted wells and pumps authorized by an individual consumptive use permit.⁶¹ The timeline and type of monitoring required is handled differently based on permit allocation and when the authorized use began.⁶²

⁵³ See Fla. Admin. Code R. 40B-2.041(9)(d) and 40C-2.042(2)(a).

⁵⁴ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 9.

⁵⁵ *Id.*

⁵⁶ *Id.* at 24. These costs are incurred by homeowners who have public supply available but choose to install a well for irrigation and ensure that water conservation measures are implemented. The cost savings from not paying for water from the public supplier are presumed to be offset by the well installation. *Id.*

⁵⁷ *Id.* at 9.

⁵⁸ *Id.* at 10.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ A consumptive use permit allows the holder to withdraw a specified amount of water from surface water and groundwater sources for reasonable and beneficial use. Consumptive use permits require water conservation to prevent wasteful uses, require the reuse of reclaimed water instead of higher-quality groundwater where appropriate, and set limits on the amount of water that can be withdrawn. South Florida Water Management District, *Consumptive Water Use Permits*, <https://www.sfwmd.gov/doing-business-with-us/permits/water-use-permits> (last visited Jan. 27, 2026).

⁶² DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 10. New individual permits issued after the effective date of the proposed rule must comply with monitoring requirements before use begins. Existing individual permits issued prior to the effective date are generally required to comply within five years following a renewal or modification that does not increase allocation or add withdrawal points. Modifications or renewals of existing permits that add withdrawal points or increase authorized allocations earlier compliance timelines, depending on the nature of the modification.

Regarding reporting requirements, SRWMD currently requires permittees to submit monthly water use data every six months for withdrawal points that are subject to monitoring (i.e., wells eight inches or greater, surface water pumps with intakes six inches or greater).⁶³ SRWMD rules currently do not incorporate standardized forms for reporting. The proposed rule prescribes the format for reporting. Specifically, the proposed rule requires monthly recording and biannual reporting of all permitted wells for permittees with total allocations of 100,000 gallons per day (gpd) or greater and annual reporting for permittees with total allocations less than or equal to 100,000 gpd. Additionally, flow meters and alternative methods must be validated for accuracy every 10 years using proposed forms incorporated into the proposed rule. In SRWMD, this verification is a current requirement only for the withdrawal points currently requiring monitoring (i.e., wells 8 inches or greater, surface water pumps with intakes six inches or greater), and the SRWMD rules do not incorporate standardized forms for reporting.⁶⁴

The total cost to permittees for this regulatory measure is estimated to be between \$1,136,818 and \$4,669,133, which includes the cost of equipment installation, monitoring, and reporting.⁶⁵

Water Conservation Requirements

The proposed rule imposes different requirements for public water supply permittees, agricultural permittees, and permittees of other use types (i.e., landscape/recreation, commercial/industrial/institutional, and mining/dewatering). The total estimated cost of the proposed rule's water conservation requirements for all permittees is \$12,772,964.⁶⁶ The requirements and associated costs for each type of permittee are discussed in more detail below.⁶⁷

Public Water Supply: All public supply permittees are required to implement either a standard or goal-based water conservation plan, evaluate those plans, and provide the evaluations in the form of a report.⁶⁸ Water conservation plans are already required for permittees, but the proposed rule includes new components or minimum requirements that must be included.⁶⁹ The standard plan must include:

- A water conservation public education program;
- An outdoor water use reduction program;
- A rate structure promoting conservation;⁷⁰
- A water loss reduction program; and

⁶³ *Id.* at 11.

⁶⁴ *Id.*

⁶⁵ *Id.* at 26. To develop the cost for the monitoring requirements, the cost to install in-line flow meters is estimated to be \$5,000 per well, inclusive of the cost of equipment and installation. Based on SRWMD's current agricultural cost-share program, these devices are covered at 75 percent district cost share (which is funded by state grants), leaving the total estimated cost per well at \$1,250 for the producer. *Id.* at 24-25.

⁶⁶ *Id.* at 32.

⁶⁷ The proposed rule also provides an alternative means of compliance for agricultural producers who implement statutorily adopted best management practices. *Id.* at 15. See section 373.0421(2), F.S.

⁶⁸ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 11.

⁶⁹ *Id.* at 11.

⁷⁰ There are no changes in these requirements. However, the proposed rule conforms this language in SRWMD to how it is currently expressed in the SJRWMD rule, including the details of how the districts will assist the permittee or applicant. These amendments in SRWMD are not expected to create an additional regulatory burden. *Id.* at 12.

- An indoor water use conservation program.⁷¹

The proposed rule also includes four new requirements for Public Supply Water Conservation Plans:

- A goal for reducing residential per capita water use;⁷²
- For permittees with an allocation of 100,000 gpd or greater:
 - Annual verification of ongoing implementation of the water conservation plan and submittal of a Public Supply Annual Report; and
 - Submittal of an updated water conservation plan and a Public Supply Five-Year Water Conservation Report;
- For permittees with an allocation greater than 1 million gpd, include in the Public Supply Five-Year Water Conservation Report an analysis of the pre- and post-water use data to demonstrate the water savings associated with the implementation of the water conservation measures.⁷³

Public Water Supply permittees are estimated to incur total costs of \$10,769,636 to implement these water conservation requirements, including \$4,061,448 for reporting and \$6,708,188 for conservation measures.⁷⁴

Agricultural: Currently, all agricultural permittees are required to implement a district-approved water conservation plan.⁷⁵ Consistent with existing rules, the proposed rule requires these permittees to implement the best available water conservation measures for all irrigation systems installed and take reasonable actions to maintain that efficiency throughout the term of the permit.⁷⁶ The specific requirements depend on the size of the permit, based on allocation, and include:

- Irrigation system maintenance and evaluation: For permittees with allocations of 100,000 gpd or greater, the proposed rule requires maintenance of minimum distribution uniformity standards and submission of a Mobile Irrigation Lab evaluation or its equivalent to verify compliance.⁷⁷
- Water conservation measures: Consistent with existing rules, permittees with allocations exceeding 100,000 gpd must implement water conservation practices appropriate for field conditions. The proposed rule requires that this be accomplished to the maximum extent environmentally, economically, and technically feasible by using the highest efficiency options from a list of options provided in the proposed rule.⁷⁸

⁷¹ *Id.* at 12.

⁷² This is a new requirement. The proposed rule requires permittees or applicants to demonstrate achievement of, or progress toward, a residential per capita water use rate equal to the lower of 75 gallons per capita day or the permittee's five-year average prior to the rule's effective date, with interim per capita reduction targets as needed. Permittees must submit documentation explaining any failure to meet the goal or approved targets through the required five-year water conservation report. *Id.* at 13.

⁷³ *Id.* at 13.

⁷⁴ *Id.* at 30, 31.

⁷⁵ *Id.* at 14.

⁷⁶ *Id.*

⁷⁷ Evaluations must be submitted with permit renewals, certain modifications, or 10-year compliance reviews. Because Mobile Irrigation Labs are already required under current rules, this does not create a new regulatory cost. *Id.* at 14.

⁷⁸ *Id.*

- Reporting: Agricultural permittees with allocations greater than 100,000 gpd must verify ongoing implementation of conservation measures and submit an Agricultural Water Conservation Report with renewals, certain permit modifications, and 10-year compliance reviews. While existing rules require conservation information at renewal, the proposed rule expands reporting to additional permit actions and standardizes the reporting format.⁷⁹
- Small agricultural uses: For agricultural uses with allocations of 100,000 gpd or less, excluding aquaculture, the proposed rule requires implementation of water conservation measures and consideration of a specified list of practices.⁸⁰

Agricultural permittees are estimated to incur total costs of \$256,620 to implement these water conservation requirements, including \$81,120 for reporting and \$175,500 for conservation measures.⁸¹

Other Use Types: The proposed rule requires permittees for other use types (i.e., landscape/recreation, commercial/industrial/institutional, and mining/dewatering) to consider implementation of water conservation practices for all processes and components of water use that are environmentally, technically, and economically feasible.⁸² Although water conservation is already required under existing rules, the proposed rule adds specificity by identifying additional elements to be considered, including:

- For landscape/recreation: limiting daytime water use, leak detection and repair programs, and use of irrigation schedules and water-conserving devices;
- For commercial/industrial/institutional and mining/dewatering: water-efficient irrigation for drought-tolerant landscaping.⁸³

The proposed rule also requires permittees in these use categories with allocations greater than 100,000 gpd to evaluate and update their water conservation plans and submit a standardized water conservation report upon permit renewal, certain permit modifications, and 10-year compliance reviews.⁸⁴

These permittees are estimated to incur \$1,746,708 in costs associated with reporting requirements within five years of rule implementation.⁸⁵ Implementation of other water conservation measures does not result in additional costs, as all permittees are already required to implement such measures and submit a water conservation plan.⁸⁶

Offset Requirements

The proposed rule requires the offset of impacts as a permit condition for specific individual permit applicants.⁸⁷ These offset requirements are based on the quantity of water needed to meet

⁷⁹ *Id.* at 14-15.

⁸⁰ This builds on existing SJRWMD and SRWMD requirements and does not add new reporting obligations for small agricultural uses. *Id.* at 15.

⁸¹ *Id.* at 30, 31.

⁸² *Id.* at 15.

⁸³ *Id.*

⁸⁴ *Id.* at 15-16.

⁸⁵ *Id.* at 30.

⁸⁶ *Id.* at 32.

⁸⁷ *Id.* at 16.

demands in 2025, referred to the “Demonstrated 2025 Demand.” For new permits, applicants whose requested withdrawals that may impact an MFL compliance point must continue to provide reasonable assurance that the potential impact will be eliminated or offset before withdrawals begin, consistent with existing rule requirements. For permit renewals or modifications, applications that may impact an MFL compliance point must include reasonable assurance of elimination or offset for the portion of the requested allocation that exceeds the applicant’s Demonstrated 2025 Demand.⁸⁸ For existing permits, uses that do not exceed the Demonstrated 2025 Demand are considered consistent with the implementation strategy. Uses with projected demands above that level must, within five years of the proposed rule’s effective date, identify a project to eliminate or offset the excess.⁸⁹ The proposed rule provides means by which permittees may participate in a regional project to offset their growth.⁹⁰

For permittees whose demand is not calculated based on projected growth, such as agriculture, no offset is required and no action will be taken to reduce the permittee’s allocation.⁹¹ For permittees whose demand is calculated based on projected population growth, such as public supply, the permittee must address any future impacts associated with that growth.⁹² Impacts may be offset by financial contribution, in-kind services, or assisting in cooperation and maintenance of a regional or local project.⁹³

The cost of the proposed rule’s offset requirements are estimated to be \$142 million within the first five years of the rule’s implementation, which includes completion of a large-scale regional water recharge project (Water First North Florida) over an estimated 13-year period.⁹⁴ While other projects may be implemented at the election of individual permittees, DEP included the Water First North Florida project cost as the sole offset cost as the project is anticipated to address the impacts associated with all water uses.⁹⁵

Regulatory Cost to Agencies

The proposed rule will require SJRWMD and SRWMD to incorporate the proposed regulatory requirements into all water use permits issued in the NFRWSP area.⁹⁶ SJRWMD and SRWMD will provide financial assistance for projects and measures identified in the implementation

⁸⁸ Existing rules require offsets for amounts exceeding the current permitted allocation. Therefore, the requirement to eliminate or offset impacts for renewals or modifications is not entirely new, but the benchmark for determining the amount of offset that would be needed is a change from existing rule. *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* at 17.

⁹¹ *Id.* at 16-17.

⁹² *Id.* at 17.

⁹³ *Id.*

⁹⁴ *Id.* at 33. Water First North Florida is a planned 40 mgd project that will treat reclaimed water from JEA’s Buckman and Southwest water reclamation facilities through wetland systems, provide regional recharge to the Floridan aquifer, and, when fully implemented, has the potential to increase flows to the Lower Santa Fe and Ichetucknee rivers. The project is in the planning phase, with wetland treatment and recharge site investigations underway. Total estimated construction costs are approximately \$1.1 billion, excluding land acquisition, permitting, and operation and maintenance costs. *Id.* at 32-33.

⁹⁵ *Id.* at 33.

⁹⁶ *Id.*

strategy.⁹⁷ SJRWMD is required to provide at least 25 percent of total project costs unless other funding sources provide more than 75 percent.⁹⁸ SRWMD is not subject to this requirement.⁹⁹

SJRWMD intends to implement the proposed rule with existing staff and meet its statutory requirements through participation in the Black Creek Water Resource Development Project, the Water First North Florida project, and the Florida Water Star Silver Plus water conservation project.¹⁰⁰ SJRWMD's financial contribution to Water First North Florida will be limited to the share of impacts to the MFL compliance points resulting from water withdrawals in the SJRWMD region, estimated at \$100–125 million.¹⁰¹

SRWMD has identified the potential need to expand their workforce by one full-time equivalent position for the first five years of the proposed rule's implementation.¹⁰² Additionally, SRWMD's existing cost-share programs are anticipated to assist agricultural producers in implementing monitoring cost. The funding for these programs comes from state grant programs. The total estimated indirect cost to SRWMD for the new position and cost-share programs is between \$1,975,050 and \$11,712,476.¹⁰³

Regulatory Costs to Small Cities, Small Counties, and Small Businesses

Small cities are estimated to incur total costs between \$1,545,415 and \$1,608,996 within the first five years of rule implementation.¹⁰⁴ These estimates are based on a review of existing permits and 2020 Census population data identifying small city permittees in the NFRWSP planning area.¹⁰⁵ Costs to the small cities will vary based on the permit allocation and type, and include the cost to implement the conservation requirements, including achieving per capita goals (for Public Supply permittees), implementing specific elements required in their water conservation plans, and reporting on the effectiveness of their water conservation plans.¹⁰⁶ Most costs are attributable to water conservation requirements applicable to Public Supply permits with allocations exceeding 100,000 gpd.¹⁰⁷

Small counties are estimated to incur total costs between \$191,746 and \$234,134 within the first five years of rule implementation.¹⁰⁸ Like small cities, these estimates are based on a review of existing permits and 2020 Census population data identifying small county permittees in the

⁹⁷ *Id.* See section 373.805(4)(d), F.S.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 33, 34. Regarding Water First North Florida, SJRWMD intends to participate by contributing to the planning, design, construction and/or operation and maintenance of the project. In addition to direct cost-share, SJRWMD may meet the financial assistance requirement through land acquisition or in-kind services. *Id.* at 34.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 37. "Small city" means any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. *Id.* at 35; section 120.52(18), F.S.

¹⁰⁵ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 36-37.

¹⁰⁶ *Id.* at 37.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* at 38. "Small county" means any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census. *Id.* at 35; section 120.52(19), F.S.

NFRWSP planning area.¹⁰⁹ Only three small county Public Supply permits exceed 100,000 gpd and are subject to water conservation requirements, resulting in an estimated cost of \$178,104.¹¹⁰ Additional costs to small counties are attributable to monitoring and reporting requirements, based on their proportionate share of affected permittees.¹¹¹

Small businesses are estimated to incur total costs between \$3,272,885 and \$6,628,584 within the first five years of rule implementation.¹¹² The proposed rule would only directly impact small businesses that are water use permittees or applicants in the NFRWSP planning area.¹¹³ Below is a table summarizing the regulatory costs from the proposed water conservation requirements.

Estimated Number of Small Business Permittees by Use Type and Regulatory Costs from Conservation Requirements¹¹⁴

Water Use Type	Total Number of Permittees with a Regulatory Cost (a)	Water Conservation Reporting Cost per Permittee (b)	Total Regulatory Cost per Use Type (a x b)
Agricultural	669	\$120	\$80,280
Commercial/Industrial/Institutional	30	\$12,388	\$371,640
Landscape/Recreation	81	\$12,388	\$1,003,428
Mining/Dewatering	10	\$12,388	\$123,880
Public Supply ¹¹⁵	10	\$59,368	\$613,680

In addition, small businesses are estimated to incur \$1,079,977–\$4,435,676 in costs related to the proposed rule’s monitoring and reporting requirements.¹¹⁶

Other costs that could be incurred by small businesses, small cities, and small counties, such as participation in a water conservation project, are based on the needs and decisions of the permittees and are not known on an individual basis at this time.¹¹⁷

Section 2 provides that the bill takes effect upon becoming a law.

¹⁰⁹ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 38.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.* at 36. “Small business” means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement includes both personal and business investments. *Id.* at 34-35; section 288.703(6), F.S.

¹¹³ DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 35.

¹¹⁴ *Id.* at 36.

¹¹⁵ The cost for Public Supply is the combined cost of the five-year cost for the Public Supply Annual Report (\$46,980) and the one-time cost for the Public Supply Five-Year Water Conservation Report (\$12,388). There is one small business Public Supply permit with an allocation greater than 1 mgd, which means it would also have an additional \$20,000 reporting cost for implementing the data analytics requirements. This \$20,000 is added to the total for Public Supply. *Id.* at 36.

¹¹⁶ *Id.* at 36.

¹¹⁷ *Id.* at 36, 38.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

See pages 7-8 of the analysis and the Effect of Proposed Changes section for a breakdown of estimated impacts. Grants may be available to offset some of these costs; however, such offsets were not considered in the Statement of Estimated Regulatory Cost.

C. Government Sector Impact:

See pages 7-8 of the analysis and the Effect of Proposed Changes section for a breakdown of estimated impacts. Impacts to St. Johns River Water Management District and Suwannee River Water Management District are discussed on pages 13-14 of this analysis. Impacts to small cities and counties are discussed on pages 14-15.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-02076A-26

20267034pb

1 A bill to be entitled
2 An act relating to ratification of rules of the
3 Department of Environmental Protection; ratifying a
4 specified rule relating to the Lower Santa Fe and
5 Ichetucknee Rivers and Priority Springs minimum flows
6 and recovery strategy for the sole and exclusive
7 purpose of satisfying any condition on effectiveness
8 pursuant to s. 120.541(3), F.S., which requires
9 ratification of any rule exceeding the specified
10 thresholds for likely adverse impact or increase in
11 regulatory costs; providing construction; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. (1) The following rule is ratified for the sole
17 and exclusive purpose of satisfying any condition on the
18 effectiveness imposed under s. 120.541(3), Florida Statutes:
19 Rule 62-42.300, Florida Administrative Code, titled "The Lower
20 Santa Fe and Ichetucknee Rivers and Priority Springs," as filed
21 for adoption with the Department of State pursuant to the
22 certification package dated December 31, 2025.

23 (2) This act serves no other purpose and may not be
24 codified in the Florida Statutes. After this act becomes a law,
25 its enactment and effective dates must be noted in the Florida
26 Administrative Code, the Florida Administrative Register, or
27 both, as appropriate. This act does not alter rulemaking
28 authority delegated by prior law, does not constitute
29 legislative preemption of or exception to any provision of law

592-02076A-26

20267034pb

30 governing adoption or enforcement of the rule cited, and is
31 intended to preserve the status of any cited rule as a rule
32 under chapter 120, Florida Statutes. This act does not cure any
33 rulemaking defect or preempt any challenge based on a lack of
34 authority or a violation of the legal requirements governing the
35 adoption of any rule cited.

36 Section 2. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/3/26

Meeting Date

EMR

Committee

SB 7034

Bill Number or Topic

Amendment Barcode (if applicable)

Name

SHAY HILL

Phone

904.545-5699

Address

P.O. Box 47621

Email

hillcs2@jea.com

Street

JACKSONVILLE

FL

32247

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

JEA

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 7034

2/3/26

Meeting Date

Bill Number or Topic

Environment and Natural Resources

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Alex Cronin

Phone 850-245-2092

Address 3900 Commonwealth Blvd

Email alex.cronin@FloridaDEP.gov

Street

Tallahassee FL 32399

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: FL Dept. of Environmental Protection

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

2/3/26

Meeting Date

The Florida Senate APPEARANCE RECORD

7034

Bill Number or Topic

Env. & Nat'l. Resources

Committee

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Amendment Barcode (if applicable)

Name Chris Dawson

Phone 4078438880

Address 301 E. Pine Street, Suite 1400

Email chris.dawson@gray-robinson.com

Street

Orlando

FL

32801

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Clay County Utility Authority

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-3-2026

Meeting Date

SB 7034

Bill Number or Topic

EN

Committee

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Amendment Barcode (if applicable)

Name Merrillee Malwitz-Jipson

Phone 352-222-8893

Address 460 SW Riverland Ct.

Email Merrilleeart@gmail.com

Street

Fort White FL

32038

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-3-2026

Meeting Date

7034

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name Jodi Boas Phone 541-225-8848

Address 1255 NW 12th Street Email jodi.boas@oursantafeiver
Street *City* *State* *Zip* Gainessville FL 32601 .org

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing:
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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02-03-2026

Meeting Date

SPB 7034

Bill Number or Topic

Environment and Natural Resources Committee

Amendment Barcode (if applicable)

Name Rick LANESE

Phone 813-965-1983

Address 914 SW Riverland Ct Street

Email RLANESE@RLANESE-CPA.COM

Fort White FL 32038 City State Zip

Speaking: [] For [] Against [X] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SPB 7034

Bill Number or Topic

Amendment Barcode (if applicable)

2/3/20
Meeting Date

ENR
Committee

Name Ryan Smart

Phone 561-358-7191

Address 209 Tallwood Rd
Street

Email smart@floridaspringscouncil.org

Jax Beach FL 32200
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Springs Council

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

Read

Lower Santa Fe and Ichetucknee River and Priority Springs (LSFIR) Minimum Flows and Levels (MFLs) - Summary of Adopted Rule 62-42.300, F.A.C.

The purpose of the adopted rule is to replace the previously-adopted MFLs for the LSFIR and associated implementation strategy that regulates water users in both the Suwannee River and St. Johns River Water Management Districts.

- Minimum flows and minimum water levels (MFLs) are “the **limit** at which further withdrawals would be significantly harmful to the water resources or the ecology of the area.” (s. 373.042, F.S.)
- MFLs for Outstanding Florida Springs (OFS) must **be recovered within 20 years** (s. 373.805, F.S) and a recovery or prevention strategy must be adopted or modified concurrent with the adoption of the MFL.

The adopted Rule 62-42.300, F.A.C., provides new MFLs which are currently not being met (that is, they are in recovery). The adopted rule therefore additionally provides for **regulatory components** to recover the system, including six OFS (see Figure 1). These regulatory components are effective in the North Florida Regional Water Supply Partnership Area (see Figure 2).

What are the regulatory components of the adopted rule?

- **Water conservation** is a critical component of the rule, providing for clear milestones and accountability. This includes a 75-gallon per day residential per capita goal for public supply and reporting for larger users.
- Requirements for **monitoring and reporting** of water use provide better data to manage groundwater resources and monitor implementation of the strategy.
- The rule creates a No Fee Noticed General Permit for new **private residential irrigation wells** where public supply is available. The authorization is designed to ensure leak detection and water conservation devices will be installed on these irrigation systems.
- The rule requires water users to **offset their impacts** to the system for their growth. Specifically, new permits or water use above the Demonstrated 2025 Demand will need to eliminate or offset their impact; no offset by water users is required for water use continuing at the 2025 demand level. Offsets by water users may include a regional project or a local project. In total, the St. Johns River and Suwannee River Water Management Districts have identified 4 regional projects (one of which is **Water First North Florida**) and 115 additional local project options as part of the implementation of this strategy.

What is Water First North Florida?

- The Water First North Florida project was identified as the most cost-effective regional solution after a review of hundreds of different project options, including desalination. Combined with robust water conservation, it is anticipated to achieve recovery of the system well beyond the planning horizon of 2045.
- The Water First North Florida project will produce enough recharge to account for both the *recovery* of the MFL and its six OFS *and* allow for growth in the region.

What regulatory framework will be in place if the rule is not ratified?

- If not ratified, the Department’s 2015 adopted MFL and Recovery Strategy remains in place.
- Under the 2015 rule, permits are limited to 5-year durations unless offsets are provided. The new rule eliminates that limitation for all water users. Users would be eligible for 20-year or longer permits, which, for utilities, can result in lower interest rates on borrowed funds.

Figure 1. Lower Santa Fe and Ichetucknee River and Springs

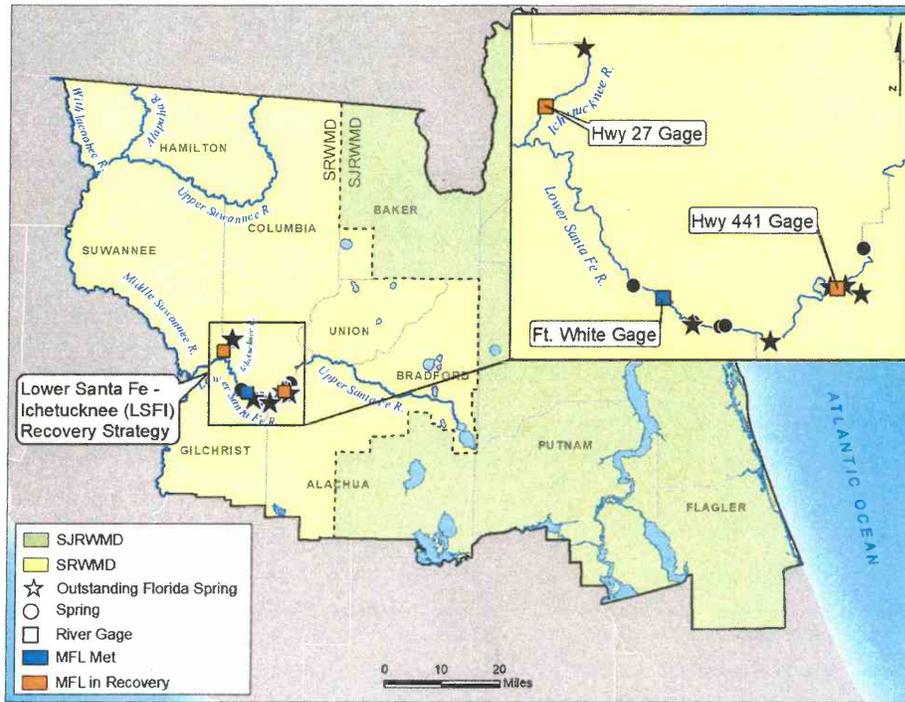
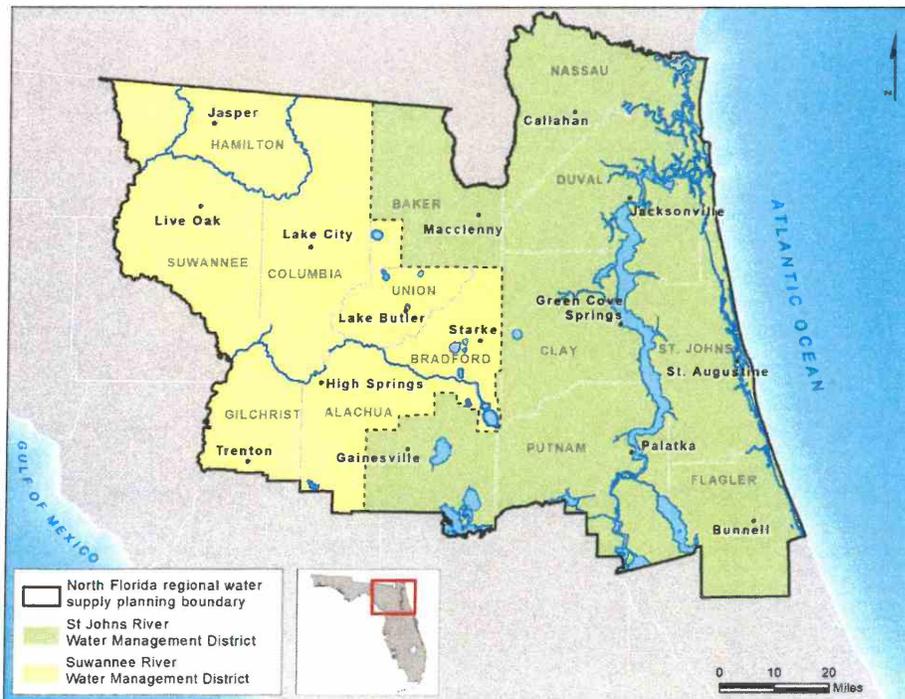


Figure 2. North Florida Regional Water Supply Partnership Area



Detailed Summary of the Rule's Regulatory Components

Applicability. This rule is applicable to water users in the North Florida Regional Water Supply Partnership Area (see Figure 2.)

Permit Duration

- Under the 2015 rule, permits are limited to 5-year durations unless offsets are provided. The new rule eliminates that limitation for all water users. Users would be eligible for 20-year or longer permits.

Public Supply Water Conservation

- Amends the existing requirements for standard and goal-based conservation plans for consumptive use permit holders. Includes a new requirement for those with allocations greater than 1 mgd to implement a landscape irrigation audit/evaluation program for the highest quartile of water use customers for targeted education and program implementation.
- Adds a residential per capita water use goal of 75 gallons per capita daily (or, if below that, to maintain the lower per capita). If a user does not meet the goal or milestone towards the goal, they must explain the reasons it has not met the per capita goal.
- For users with an allocation of 100,000 gallons per day (gpd) or greater:
 - Requires submittal of a Public Supply Annual Report (PSAR) to evaluate progress towards conservation objectives.
 - Requires submittal of a water conservation report every 5 years.

Agricultural Water Conservation

- Identifies implementation of water-saving practices appropriate for field conditions to the maximum extent environmentally, economically, and technically feasible consistent with existing requirements. Also identifies water conservation measures for small agricultural uses.
- For users with an allocation of 100,000 gpd or greater:
 - Establishes distribution uniformity provisions to ensure efficient use of water.
 - Continues the participation in the Mobile Irrigation Lab (MIL) program as established under the 2015 Rule. This rule adds additional flexibility in implementing this effort.
 - Includes water conservation reporting to verify ongoing implementation of their water conservation measures at renewal, modification, or statutory 10-year compliance review.

Other Water Conservation

- Applies to Commercial/Industrial/Institutional, Mining/Dewatering, and Landscape Recreation
- Includes utilization of the most water conserving practices in all processes and components of water use that are environmentally, technically and economically feasible, with additional consideration of outdoor irrigation efficiencies.
- For users with an allocation of 100,000 gpd or greater, includes conservation reporting at renewal, modification, or statutory 10-year compliance review.

Monitoring And Reporting

- These provisions bring consistency in monitoring and reporting between the two water management districts.
- In the SJRWMD, based on existing SJRWMD rules, there is no increased regulatory requirement for monitoring and reporting.
- In the SRWMD, the adopted rule supplements existing SRWMD rules, resulting in additional requirements such as:
 - Prescribing reporting format in incorporated forms.
 - Requiring monitoring based on allocation, giving time to implement, and providing for alternatives to flow meters where needed.
 - Requiring reporting of water use.

Private Residential Irrigation Wells

- Applies to water use from a new private residential irrigation well in the Floridan Aquifer where the residence is otherwise supplied by Public Supply (i.e., a utility).
- Requires a no-fee noticed general permit to require water conservation and leak detection devices.
- Permits have a duration of 10 years and carry forward to subsequent owners for the duration of the authorization.

Offsetting Impacts

- Existing users do not have to offset water use associated with their Demonstrated 2025 Demand (the quantity of water needed to meet demands in 2025).
- Water users seeking additional water for growth will have to offset their water use above the Demonstrated 2025 Demand. Additionally, new water users have to offset their water use, which is a current requirement based on the 2015 rule.
- The rule provides means by which permittees may participate in a Regional Project to offset their growth (including financial contribution, in-kind services, or assisting in cooperation and maintenance of the project) or complete a local project, such as water resource or water supply development projects, retirements, or any other project or strategy that provides the necessary offset.
- The adopted rule outlines how available offsets will be made available to permittees where funding is from state or district funding sources, unless otherwise provided by law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 1422

INTRODUCER: Environment and Natural Resources Committee and Senators Garcia and Jones

SUBJECT: Coral Reefs

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	_____	_____	<u>AEG</u>	_____
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1422 provides legislative findings regarding coral reefs, including:

- Coral reefs can help mitigate the risks and damage from floods, climate change, and natural disasters and protect coastal properties from storms, high wave events, sea level rise, and flooding.
- Coral reef restoration for risk reduction is an active restoration strategy to increase the structural integrity and complexity of coral reef ecosystems to attenuate wave energy and reduce coastal flooding.
- The Federal Emergency Management Agency is responsible for responding to natural disasters and providing technical and financial hazard mitigation support.
- Legislative recognition of coral reefs as critical natural infrastructure and a nature-based solution demonstrates political support for nature-based solutions.

The bill designates coral reefs as critical natural infrastructure and as a nature-based solution that helps mitigate climate change-related risks and disaster events. The bill also designates the protection of corals, coral reefs, and coral reef-associated hardbottom in Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties as being in the public interest.

II. Present Situation:

Coral Reefs

Coral reefs are valuable natural resources that contribute ecologically, aesthetically, and economically to the state.¹ They harbor significant biodiversity and provide important ecosystem services for people, including food provision, hazard mitigation, and recreation.² Coral reefs are home to more than 25 percent of known marine species and support fisheries by providing nursery habitat for many commercial species.³ Coral reefs are also a major source of recreation and a significant source of income through tourism.⁴ Florida's Coral Reef, which stretches approximately 350 linear miles from Dry Tortugas National Park west of the Florida Keys to the St. Lucie Inlet in Martin County, supports more than 71,000 jobs and generates over \$6 billion annually.⁵

In recent years, coral reefs have experienced declines due to growing pressures from development and climate change,⁶ including high ocean temperatures that cause more frequent bleaching events, coral disease, poor water quality from land-based sources of pollution, and planned and unplanned human activities that result in direct physical injury.⁷ Impacts from vessels, such as ship strikes and groundings, also harm coral reefs by fragmenting or crushing coral colonies, destroying reef frameworks, and creating blowholes.⁸ In Florida, 98 percent of coral reefs have been lost.⁹

Coral Reef Restoration

Coral restoration projects are designed to improve ecological functions of coral reef ecosystems through a variety of restoration methods,¹⁰ including direct transplantation, coral gardening, micro-fragmentation, genetic diversity, larval enhancement, artificial reefs, and substratum stabilization and enhancement.¹¹

¹ Section 403.93345(4), F.S.

² Austin E. Stovall et al., *Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development*, University of California Santa Cruz, 5 (2022), available at <https://zenodo.org/records/7268962#.Y5ufaXbMIuU>.

³ *Id.*

⁴ *Id.*

⁵ Fish and Wildlife Conservation Commission, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 59 (Dec. 9, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981>; DEP, *Florida's Coral Reef*, <https://floridadep.gov/rcp/coral-protection-restoration/content/floridas-coral-reef> (last visited Jan. 28, 2026).

⁶ See Filippo Ferrario et al., *The effectiveness of coral reefs for coastal hazard risk reduction and adaptation*, *Nature Communications*, 5 (2014), available at <https://www.nature.com/articles/ncomms4794>.

⁷ DEP, *Florida's Coral Reef*.

⁸ National Oceanic and Atmospheric Administration (NOAA), *National Marine Sanctuaries: Vessel Impacts*, <https://sanctuaries.noaa.gov/science/sentinel-site-program/florida-keys/vessel-impacts.html> (last visited Jan. 28, 2026).

⁹ Mote Marine Laboratory, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 6 (Dec. 9, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981>.

¹⁰ Stovall, *Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development* at 4.

¹¹ See Lisa Boström-Einarsson et al., *Coral restoration: A systematic review of current methods, successes, failures and future directions*, *PLOS One* 10-12 (2020), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0226631>; Mote Marine Laboratory, *Presentation to the Florida Senate Committee on Environment and Natural Resource* at 10-31.



Most restoration efforts have focused on preserving reefs by reducing stressors, growing juvenile corals in nurseries and planting them on reefs, or providing fish habitat.¹² A smaller set of projects have used structural restoration of reefs to mitigate damage from ship groundings on reef crests.¹³ A small but growing number of projects have focused directly on coral reef restoration for risk reduction (CR4).¹⁴ CR4 projects differ from purely ecological coral restoration projects in that they are designed to achieve two distinct management objectives: environmental conservation and hazard mitigation.¹⁵ As a result, CR4 projects often require more precise placement and planning, detailed hydrodynamic analyses, and, in some cases, larger project scales to meet both objectives.¹⁶

Coral reef conservation and restoration can be a cost-effective means of risk reduction and adaptation and can deliver wave attenuation benefits similar to or greater than artificial structures designed for coastal defense.¹⁷

Coral Reefs as Nature-Based Solutions

Nature-based solutions integrate natural features and processes into the built environment.¹⁸ Coastal nature-based solutions can stabilize shorelines, reduce erosion, and buffer coastal areas from the impacts of storms, sea level rise, and flooding.¹⁹ Examples of nature-based solutions

¹² Stovall, *Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development* at 7-8. DEP and Mote Marine Laboratory, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 39, 65 (Dec. 9, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981> (pictures of coral restoration).

¹³ Stovall, *Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development* at 8. See Ferrario, *The effectiveness of coral reefs for coastal hazard risk reduction and adaptation*.

¹⁴ *Id.*

¹⁵ Stovall, *Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development* at 4.

¹⁶ *Id.*

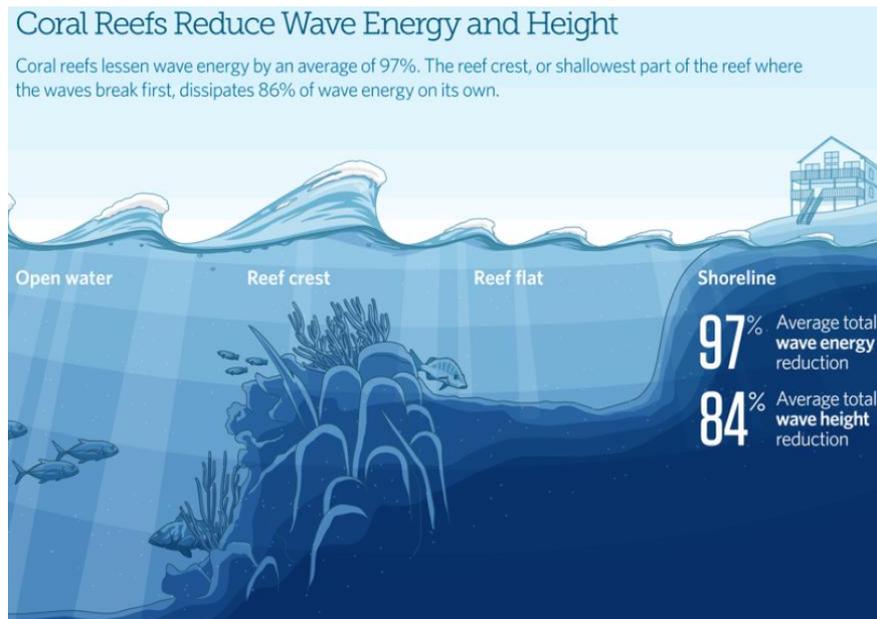
¹⁷ Ferrario, *The effectiveness of coral reefs for coastal hazard risk reduction and adaptation* at 4-5.

¹⁸ Federal Emergency Management Agency (FEMA), *Building Community Resilience with Nature-based Solutions*, 4 (2020), available at https://www.fema.gov/sites/default/files/2020-07/fema_bric_nature-based-solutions-guide_2020.pdf.

¹⁹ FEMA, *Building Community Resilience with Nature-based Solutions* at 5. See generally Environmental Protection Agency (EPA), *Green Infrastructure and Extreme Weather*, <https://www.epa.gov/green-infrastructure/climate-resiliency-and-green->

include floodplain and wetland restoration, land conservation, living shorelines, mangroves, and coral reefs.²⁰

Coral reefs offer coastal protection services by reducing flooding and erosion through wave breaking and friction.²¹ On average, coral reefs reduce wave height by 84 percent and dissipate 97 percent of wave energy that would otherwise reach shorelines.²²



The value of the coastal protection services provided by reefs can be retained or enhanced through active coral restoration or CR4 projects.²³ Potential reef restoration across Florida has been valued at approximately \$232 million in annual flood risk reduction benefits.²⁴

In 2020, the Federal Emergency Management Agency (FEMA) acknowledged the mitigation value of nature-based solutions by updating its approach to how certain project benefits are evaluated.²⁵ This update allows for the easier inclusion of nature-based solutions into risk-based mitigation projects and creates the potential to pursue large-scale CR4 projects through hazard

[infrastructure](#) (last visited Jan. 28, 2026); EPA, *Green Infrastructure Opportunities that Arise During Municipal Operations*, 1 (2015), available at https://www.epa.gov/sites/default/files/2015-09/documents/green_infrastructure_roadshow.pdf.

²⁰ See FEMA, *Building Community Resilience with Nature-based Solutions* at 6-8; EPA, *Types of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/types-green-infrastructure> (last visited Jan. 28, 2026); Stovall, *Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development* at 6.

²¹ Stovall, *Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development* at 7.

²² Ferrario, *The effectiveness of coral reefs for coastal hazard risk reduction and adaptation* at 2, 4.

²³ Stovall, *Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development* at 7.

²⁴ *Id.*; Curt Storlazzi et al., *Rigorously valuing the coastal hazard risks reduction provided by potential coral reef restoration in Florida and Puerto Rico*, U.S. Geological Survey, 15-24 (2021), available at <https://repository.library.noaa.gov/view/noaa/32346>.

²⁵ See FEMA, *Ecosystem Service Benefits in Benefit-Cost Analysis for FEMA's Mitigation Programs* (2020), available at [Ecosystem Service Benefits in Benefit-Cost Analysis for FEMA's Mitigation Programs Policy](#).

mitigation funding programs, including FEMA's Hazard Mitigation Assistance and Public Assistance programs.²⁶

Florida Coral Reef Protection Act

In 2009, the Legislature passed the Florida Coral Reef Protection Act to increase protection of coral reef resources off the coasts of Monroe, Miami-Dade, Broward, Palm Beach and Martin counties.²⁷ The act designated the Department of Environmental Protection (DEP) as the state's lead trustee for coral reef resources and authorized it to assess and recover damages resulting from vessel impacts to coral reefs.²⁸ Recoverable damages include compensation for the cost of replacing, restoring, or acquiring the equivalent of the injured coral reef; the value of lost use and services pending restoration or replacement; the costs of damage assessments, response actions to prevent further injury, and long-term monitoring; and the costs of enforcement actions, including court costs, attorney's fees, and expert witness fees.²⁹ DEP may use habitat equivalency analysis to calculate such compensation.³⁰

In addition to this compensation, the act authorizes DEP to assess civil penalties based on the size of the coral reef area damaged, with increased penalties for aggravating circumstances, impacts within state parks or aquatic preserves, and repeat violations.³¹ All damages recovered must be deposited into the Water Quality Assurance Trust Fund to be used for reef protection and restoration purposes.³²

Environmental Resource Permitting (ERP)

Florida's ERP program regulates activities involving the alteration of surface water flows, including activities that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters.³³ Specifically, the program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.³⁴ ERP permits are issued by DEP and the state's five water management districts.

²⁶ Stovall, *Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development* at 11-13.

²⁷ DEP, *Florida's Coral Reef Protection Act*, 2 (2020), available at https://floridadep.gov/sites/default/files/CRPA%20Fact%20Sheet_July%202020%20Update_0.pdf; ch. 2009-86, s. 57, Laws of Fla.; section 403.93345, F.S.

²⁸ Section 403.93345(4), F.S.

²⁹ Section 403.93345(6), F.S.

³⁰ Section 403.93345(7), F.S.

³¹ Section 403.93345(8), F.S. The total penalty may not exceed \$375,000 per occurrence. Section 403.93345(8)(g), F.S.

³² Section 403.93345(11), F.S.

³³ DEP, *Environmental Resource Permitting Coordination, Assistance, Portals*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/environmental-resource-permitting> (last visited Jan. 28, 2026). See ch. 373, F.S.; Fla. Admin. Code R. 62-330.

³⁴ Fla. Admin. Code R. 62-330.010(2).

ERP applications are reviewed to ensure the permit will only authorize activities that are not harmful to the water resources.³⁵ Applicants must provide reasonable assurance that state water quality standards will not be violated and that the activity is not contrary to the public interest.³⁶ However, if the proposed activity significantly degrades or is within an Outstanding Florida Water,³⁷ the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.³⁸ In determining whether an activity is not contrary to the public interest or is clearly in the public interest, the permitting agency must consider the following criteria:

- Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources; and
- The current condition and relative value of functions being performed by areas affected by the proposed activity.³⁹

If an ERP applicant cannot meet applicable criteria, the permitting agency must consider measures to mitigate adverse effects of the regulated activity.⁴⁰ Mitigation options may include, but are not limited to, onsite or offsite mitigation, regional offsite mitigation, and the purchase of mitigation credits from mitigation banks.⁴¹ It is the applicant's responsibility to choose the form of mitigation.⁴²

Mitigation must consider the environmental impact on habitats. For example, mitigation bank credits are based on the degree of improvement in ecological value⁴³ expected to result from the establishment and operation of the mitigation bank, which is determined by evaluating changes

³⁵ Southwest Florida Water Management District, *Environmental Resource Permit*, <https://www.swfwmd.state.fl.us/business/epermitting/environmental-resource-permit> (last visited Dec. 29, 2025). See section 373.413(1), F.S.

³⁶ Section 373.414(1), F.S.

³⁷ An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Nov. 20, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

³⁸ Section 373.414(1), F.S.

³⁹ Section 373.414(1)(a), F.S.

⁴⁰ Section 373.414(1)(b), F.S.

⁴¹ *Id.*

⁴² *Id.*

⁴³ "Ecological value" means the value of functions performed by uplands, wetlands, and other surface waters to the abundance, diversity, and habitats of fish, wildlife, and listed species. These functions include, but are not limited to, providing cover and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife movement; food chain support; and natural water storage, natural flow attenuation, and water quality improvement, which enhances fish, wildlife, and listed species utilization. Section 373.403(18), F.S.

in habitat-related ecological functions of uplands, wetlands, and other surface waters.⁴⁴ Mitigation bank permittees must assess those changes by comparing current and anticipated fish and wildlife habitat conditions and by describing the expected ecological benefits to the regional watershed.⁴⁵ In addition, proposed mitigation for certain transportation projects must include an environmental impact inventory that evaluates habitat impacts and the anticipated mitigation needed to offset impacts.⁴⁶

III. Effect of Proposed Changes:

Section 1 amends s. 403.93345, F.S., regarding coral reef protection. The bill provides the following legislative findings:

- Coral reefs can help mitigate the risks and related loss and damage from floods, climate change, and natural disasters.
- The Legislature recognizes that studies have shown that healthy coral reefs can protect coastal properties from climate change-related risks and disaster events, including storms, high wave events, sea level rise, and flooding.
- The Federal Emergency Management Agency (FEMA) is responsible for responding to natural disasters and providing technical and financial hazard mitigation support, primarily distributed as grant funding through FEMA's hazard mitigation assistance programs.
- Coral reef restoration for risk reduction, known as CR4, is an active restoration strategy with the aim of increasing the structural integrity and complexity of coral reef ecosystems to attenuate wave energy and reduce coastal flooding.
- Legislative recognition of coral reefs as critical natural infrastructure and a nature-based solution demonstrates political support for nature-based solutions.

The bill provides that the Legislature designates coral reefs as critical natural infrastructure and as a nature-based solution that helps mitigate climate change-related risks and disaster events, including storms, high wave events, sea level rise, and flooding. As such, the Legislature further designates the protection of corals, coral reefs, and coral reef-associated hardbottom in Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties as being in the public interest.

Section 2 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴⁴ See sections 373.414(18) and 373.4136(4), F.S.

⁴⁵ See Fla. Admin. Code R. 62-342.450(5)(b).

⁴⁶ Section 373.4137(2)(a), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.93345 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources on Feb. 3, 2026:

Changed the title of the bill to coral reefs and made the following changes:

- Removed the requirement that the uniform mitigation assessment method must incorporate habitat equivalency analysis;
- Removed the requirement that dredging and turbidity monitoring for dredge and fill permits must be performed by separate entities;

- Removed the provision making permittees responsible for the full cost of damages caused by dredging and filling; and
- Added a provision designating the protection of corals, coral reefs, and coral reef-associated hardbottom in Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties as being in the public interest.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



316018

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (5) through (12) of section 403.93345, Florida Statutes, are redesignated as subsections (6) through (13), respectively, a new subsection (5) is added to that section, and subsection (4) and present subsections (7) and (8) of that section are amended, to read:

403.93345 Coral reef protection.—



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11 (4) (a) The Legislature finds that coral reefs are valuable
12 natural resources that contribute ecologically, aesthetically,
13 and economically to the state. Therefore, the Legislature
14 declares it is in the best interest of the state to clarify the
15 department's powers and authority to protect coral reefs through
16 timely and efficient recovery of monetary damages resulting from
17 vessel groundings and anchoring-related injuries.

18 (b) The Legislature further finds that coral reefs can help
19 mitigate the risks and related loss and damage from floods,
20 climate change, and natural disasters. The Legislature
21 recognizes that studies have shown that healthy coral reefs can
22 protect coastal properties from climate change-related risks and
23 disaster events, including storms, high wave events, sea level
24 rise, and flooding. The Federal Emergency Management Agency
25 (FEMA) is responsible for responding to natural disasters and
26 providing technical and financial hazard mitigation support,
27 primarily distributed as grant funding through FEMA's hazard
28 mitigation assistance programs. Coral reef restoration for risk
29 reduction, known as CR4, is an active restoration strategy with
30 the aim of increasing the structural integrity and complexity of
31 coral reef ecosystems to attenuate wave energy and reduce
32 coastal flooding. Legislative recognition of coral reefs as
33 critical natural infrastructure and a nature-based solution
34 demonstrates political support for nature-based solutions.

35 (c) It is the intent of the Legislature that the department
36 be recognized as the state's lead trustee for coral reef
37 resources located within waters of the state or on sovereignty
38 submerged lands unless preempted by federal law. This section
39 does not divest other state agencies and political subdivisions



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40 of the state of their interests in protecting coral reefs.

41 (5) The Legislature designates coral reefs as critical
42 natural infrastructure and as a nature-based solution that helps
43 mitigate climate change-related risks and disaster events,
44 including storms, high wave events, sea level rise, and
45 flooding. As such, the Legislature further designates the
46 protection of corals, coral reefs, and coral reef-associated
47 hardbottom in Broward, Martin, Miami-Dade, Monroe, and Palm
48 Beach Counties as being in the public interest.

49 (8)(7) The department may use habitat equivalency analysis
50 as the method by which the compensation described in subsection
51 (6)(5) is calculated. The parameters for calculation by this
52 method may be prescribed by rule adopted by the department.

53 (9)(8) In addition to the compensation described in
54 subsection (6)(5), the department may assess, per occurrence,
55 civil penalties according to the following schedule:

56 (a) For any anchoring of a vessel on a coral reef or for
57 any other damage to a coral reef totaling less than or equal to
58 an area of 1 square meter, \$225, provided that a responsible
59 party who has anchored a recreational vessel as defined in s.
60 327.02 which is lawfully registered or exempt from registration
61 pursuant to chapter 328 is issued, at least once, a warning
62 letter in lieu of penalty; with aggravating circumstances, an
63 additional \$225; occurring within a state park or aquatic
64 preserve, an additional \$225.

65 (b) For damage totaling more than an area of 1 square meter
66 but less than or equal to an area of 10 square meters, \$450 per
67 square meter; with aggravating circumstances, an additional \$450
68 per square meter; occurring within a state park or aquatic



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69 preserve, an additional \$450 per square meter.

70 (c) For damage exceeding an area of 10 square meters,
71 \$1,500 per square meter; with aggravating circumstances, an
72 additional \$1,500 per square meter; occurring within a state
73 park or aquatic preserve, an additional \$1,500 per square meter.

74 (d) For a second violation, the total penalty may be
75 doubled.

76 (e) For a third violation, the total penalty may be
77 tripled.

78 (f) For any violation after a third violation, the total
79 penalty may be quadrupled.

80 (g) The total of penalties levied may not exceed \$375,000
81 per occurrence.

82 Section 2. This act shall take effect July 1, 2026.

83

84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete everything before the enacting clause
87 and insert:

88 A bill to be entitled
89 An act relating to coral reefs; amending s. 403.93345,
90 F.S.; revising legislative findings; providing a
91 legislative designation; providing an effective date.

By Senator Garcia

36-01104A-26

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1 A bill to be entitled
2 An act relating to surface waters; amending s.
3 373.414, F.S.; requiring the Department of
4 Environmental Protection to incorporate habitat
5 equivalency analysis in the uniform mitigation
6 assessment method; defining the term "habitat
7 equivalency analysis"; amending s. 403.811, F.S.;
8 requiring that permits for dredging and filling
9 include certain requirements; requiring the department
10 to adopt rules; requiring permitted entities to bear
11 the full cost and responsibility for any damage or
12 destruction caused by dredging, filling, or related
13 activities; amending s. 403.93345, F.S.; revising
14 legislative findings; providing a legislative
15 designation; reenacting s. 373.4137(2)(b) and (4),
16 F.S., relating to mitigation requirements for
17 specified transportation projects, to incorporate the
18 amendment made to s. 373.414, F.S., in a reference
19 thereto; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (a) of subsection (18) of section
24 373.414, Florida Statutes, is amended to read:

25 373.414 Additional criteria for activities in surface
26 waters and wetlands.—

27 (18) The department and each water management district
28 responsible for implementation of the environmental resource
29 permitting program shall develop a uniform mitigation assessment

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30 method for wetlands and other surface waters. The department
31 shall adopt the uniform mitigation assessment method by rule no
32 later than July 31, 2002. The rule shall provide an exclusive
33 and consistent process for determining the amount of mitigation
34 required to offset impacts to wetlands and other surface waters,
35 and, once effective, shall supersede all rules, ordinances, and
36 variance procedures from ordinances that determine the amount of
37 mitigation needed to offset such impacts. Once the department
38 adopts the uniform mitigation assessment method by rule, the
39 uniform mitigation assessment method shall be binding on the
40 department, the water management districts, local governments,
41 and any other governmental agencies and shall be the sole means
42 to determine the amount of mitigation needed to offset adverse
43 impacts to wetlands and other surface waters and to award and
44 deduct mitigation bank credits. A water management district and
45 any other governmental agency subject to chapter 120 may apply
46 the uniform mitigation assessment method without the need to
47 adopt it pursuant to s. 120.54. It shall be a goal of the
48 department and water management districts that the uniform
49 mitigation assessment method developed be practicable for use
50 within the timeframes provided in the permitting process and
51 result in a consistent process for determining mitigation
52 requirements. It shall be recognized that any such method shall
53 require the application of reasonable scientific judgment. The
54 uniform mitigation assessment method must determine the value of
55 functions provided by wetlands and other surface waters
56 considering the current conditions of these areas, utilization
57 by fish and wildlife, location, uniqueness, and hydrologic
58 connection, and, when applied to mitigation banks, the factors

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59 listed in s. 373.4136(4). The uniform mitigation assessment
60 method shall also account for the expected time-lag associated
61 with offsetting impacts and the degree of risk associated with
62 the proposed mitigation. The uniform mitigation assessment
63 method shall account for different ecological communities in
64 different areas of the state. In developing the uniform
65 mitigation assessment method, the department and water
66 management districts shall consult with approved local programs
67 under s. 403.182 which have an established mitigation program
68 for wetlands or other surface waters. The department and water
69 management districts shall consider the recommendations
70 submitted by such approved local programs, including any
71 recommendations relating to the adoption by the department and
72 water management districts of any uniform mitigation methodology
73 that has been adopted and used by an approved local program in
74 its established mitigation program for wetlands or other surface
75 waters. Environmental resource permitting rules may establish
76 categories of permits or thresholds for minor impacts under
77 which the use of the uniform mitigation assessment method will
78 not be required. The application of the uniform mitigation
79 assessment method is not subject to s. 70.001. In the event the
80 rule establishing the uniform mitigation assessment method is
81 deemed to be invalid, the applicable rules related to
82 establishing needed mitigation in existence prior to the
83 adoption of the uniform mitigation assessment method, including
84 those adopted by a county which is an approved local program
85 under s. 403.182, and the method described in paragraph (b) for
86 existing mitigation banks, shall be authorized for use by the
87 department, water management districts, local governments, and

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88 other state agencies.

89 (a) In developing the uniform mitigation assessment method,
90 the department shall:

91 1. Seek input from the United States Army Corps of
92 Engineers in order to promote consistency in the mitigation
93 assessment methods used by the state and federal permitting
94 programs.

95 2. Incorporate habitat equivalency analysis. As used in
96 this paragraph, the term "habitat equivalency analysis" means a
97 type of methodology used to determine how much restoration is
98 necessary to compensate for adverse impacts.

99 Section 2. Section 403.811, Florida Statutes, is amended to
100 read:

101 403.811 Dredge and fill permits issued pursuant to this
102 chapter and s. 373.414.—

103 (1) Permits or other orders addressing dredging and filling
104 in, on, or over waters of the state issued pursuant to this
105 chapter or s. 373.414(9) before the effective date of rules
106 adopted under s. 373.414(9) and permits or other orders issued
107 in accordance with s. 373.414(13), (14), (15), or (16) shall
108 remain valid through the duration specified in the permit or
109 order, unless revoked by the agency issuing the permit. The
110 agency issuing the permit or other order may seek to enjoin the
111 violation of, or to enforce compliance with, the permit or other
112 order as provided in ss. 403.121, 403.131, 403.141, and 403.161.
113 A violation of a permit or other order addressing dredging or
114 filling issued pursuant to this chapter is punishable by a civil
115 penalty as provided in s. 403.141 or a criminal penalty as
116 provided in s. 403.161.

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117 (2) Permits for dredging and filling must include a
118 requirement that dredging and turbidity monitoring be performed
119 by separate and distinct entities. The department shall adopt
120 rules to implement this subsection.

121 (3) Permitted entities shall bear the full cost of and
122 responsibility for any damage or destruction caused by dredging,
123 filling, or related activities.

124 Section 3. Present subsections (5) through (12) of section
125 403.93345, Florida Statutes, are redesignated as subsections (6)
126 through (13), respectively, and a new subsection (5) is added,
127 and present subsection (4) is amended to read:

128 403.93345 Coral reef protection.—

129 (4) (a) The Legislature finds that coral reefs are valuable
130 natural resources that contribute ecologically, aesthetically,
131 and economically to the state. Therefore, the Legislature
132 declares it is in the best interest of the state to clarify the
133 department's powers and authority to protect coral reefs through
134 timely and efficient recovery of monetary damages resulting from
135 vessel groundings and anchoring-related injuries.

136 (b) The Legislature further finds that coral reefs, if
137 healthy and effectively managed, can help mitigate the risks and
138 related loss and damage from floods, climate change, and natural
139 disasters. The Legislature recognizes that studies have shown
140 that healthy coral reefs can protect coastal properties from
141 such climate change-related risks and disaster events, including
142 storms, high wave events, sea level rise, and flooding. The
143 Federal Emergency Management Agency (FEMA) is responsible for
144 responding to natural disasters and providing technical and
145 financial hazard mitigation support, primarily distributed as

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146 grant funding through FEMA's hazard mitigation assistance
147 programs. Coral reef restoration for risk reduction, known as
148 CR4, is an active restoration strategy with the aim of
149 increasing the structural integrity and complexity of coral reef
150 ecosystems to attenuate wave energy and reduce coastal flooding.
151 Legislative recognition of coral reefs as critical natural
152 infrastructure and a nature-based solution demonstrates
153 political support for nature-based solutions.

154 (c) It is the intent of the Legislature that the department
155 be recognized as the state's lead trustee for coral reef
156 resources located within waters of the state or on sovereignty
157 submerged lands unless preempted by federal law. This section
158 does not divest other state agencies and political subdivisions
159 of the state of their interests in protecting coral reefs.

160 (5) The Legislature designates coral reefs as critical
161 natural infrastructure and as a nature-based solution that helps
162 mitigate climate change-related risks and disaster events,
163 including, exposure to storms, high wave events, sea level rise,
164 and flooding.

165 Section 4. For the purpose of incorporating the amendment
166 made by this act to section 373.414, Florida Statutes, in a
167 reference thereto, paragraph (b) of subsection (2) and
168 subsection (4) of section 373.4137, Florida Statutes, are
169 reenacted to read:

170 373.4137 Mitigation requirements for specified
171 transportation projects.—

172 (2) Environmental impact inventories for transportation
173 projects proposed by the Department of Transportation or a
174 transportation authority established pursuant to chapter 348 or

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175 chapter 349 shall be developed as follows:

176 (b) The environmental impact inventory must include a
177 description of habitat impacts, including location, acreage, and
178 type; the anticipated mitigation needed based on the functional
179 loss as determined through the uniform mitigation assessment
180 method adopted by the Department of Environmental Protection by
181 rule pursuant to s. 373.414(18); identification of the proposed
182 mitigation option; state water quality classification of
183 impacted wetlands and other surface waters; any other state or
184 regional designations for these habitats; and a list of
185 threatened species, endangered species, and species of special
186 concern affected by the proposed project.

187 (4) Before March 1 of each year, each water management
188 district shall develop a mitigation plan to offset only the
189 impacts of transportation projects in the environmental impact
190 inventory for which a water management district is implementing
191 mitigation that meets the requirements of this section, 33
192 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management
193 district mitigation plan must be developed in consultation with
194 the Department of Environmental Protection, the United States
195 Army Corps of Engineers, the Department of Transportation,
196 participating transportation authorities established pursuant to
197 chapter 348 or chapter 349, other appropriate federal, state,
198 and local governments, and other interested parties, including
199 entities operating mitigation banks. In developing such plans,
200 the water management districts shall use sound ecosystem
201 management practices to address significant water resource needs
202 and consider activities of the Department of Environmental
203 Protection and the water management districts, such as surface

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204 water improvement and management (SWIM) projects and lands
205 identified for potential acquisition for preservation,
206 restoration, or enhancement, and the control of invasive and
207 exotic plants in wetlands and other surface waters, to the
208 extent that the activities comply with the mitigation
209 requirements adopted under this part, 33 U.S.C. s. 1344, and 33
210 C.F.R. part 332. The water management district mitigation plan
211 must identify each site where the water management district will
212 mitigate for a transportation project. For each mitigation site,
213 the water management district shall provide the scope of the
214 mitigation services; provide the functional gain as determined
215 through the uniform mitigation assessment method adopted by the
216 Department of Environmental Protection by rule pursuant to s.
217 373.414(18); describe how the mitigation offsets the impacts of
218 each transportation project as permitted; and provide a schedule
219 for the mitigation services. The water management districts
220 shall maintain records of costs incurred and payments received
221 for providing these services. Records must include, but are not
222 limited to, planning, land acquisition, design, construction,
223 staff support, long-term maintenance and monitoring of the
224 mitigation site, and other costs necessary to meet the
225 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the
226 extent moneys paid to a water management district by the
227 Department of Transportation or a participating transportation
228 authority are greater than the amount spent by the water
229 management districts in providing the mitigation services to
230 offset the permitted transportation project impacts, these
231 moneys must be refunded to the Department of Transportation or
232 participating transportation authority. The mitigation plan

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233 shall be submitted to the water management district governing
234 board or its designee for review and approval. At least 14 days
235 before approval by the governing board, the water management
236 district shall provide a copy of the draft mitigation plan to
237 the Department of Environmental Protection and any person who
238 has requested a copy. Subsequent to the governing board
239 approval, the mitigation plan shall be submitted to the
240 Department of Environmental Protection for approval. The plan
241 may not be implemented until it is submitted to, and approved in
242 part or in its entirety by, the Department of Environmental
243 Protection.

244 (a) Specific projects may be excluded from the mitigation
245 plan, in whole or in part, and are not subject to this section
246 upon the election of the Department of Transportation, a
247 transportation authority if applicable, or the appropriate water
248 management district. The Department of Transportation or a
249 participating transportation authority may not exclude a
250 transportation project from the mitigation plan if mitigation is
251 scheduled for implementation by the water management district in
252 the current fiscal year unless the transportation project is
253 removed from the Department of Transportation's work program or
254 transportation authority funding plan, the mitigation cannot be
255 timely permitted to offset the impacts of a Department of
256 Transportation project identified in the environmental impact
257 inventory, or the proposed mitigation does not meet state and
258 federal requirements. If a project is removed from the work
259 program or the mitigation plan, costs spent by the water
260 management district before removal are eligible for
261 reimbursement by the Department of Transportation or

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262 participating transportation authority.

263 (b) When determining which projects to include in or
264 exclude from the mitigation plan, the Department of
265 Transportation shall investigate using credits from a permitted
266 mitigation bank before those projects are submitted for
267 inclusion in a water management district mitigation plan. The
268 Department of Transportation shall exclude a project from the
269 mitigation plan if the investigation undertaken pursuant to this
270 paragraph results in the conclusion that the use of credits from
271 a permitted mitigation bank promotes efficiency, timeliness in
272 project delivery, cost-effectiveness, and transfer of liability
273 for success and long-term maintenance.

274 Section 5. This act shall take effect July 1, 2026.

2/3/2026

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1422

Bill Number or Topic

Amendment Barcode (if applicable)

Name Elizabeth Alvi Phone 850-999-1028

Address 2001 Thomasville Road Email beth.alvi@audubon.org

Street

Tallahassee FL 32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am a registered lobbyist, representing:

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 1196

INTRODUCER: Environment and Natural Resources Committee and Senator Sharief

SUBJECT: Waste Facilities

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1196 prohibits local governments and the Department of Environmental Protection from issuing construction permits for new solid waste disposal facilities that use an ash-producing incinerator or for waste-to-energy facilities if the proposed location is sited within a 2-mile radius, as measured from the stack, of any impoundment area authorized by Congress with an effective interior storage of at least 100 acres for purposes of:

- Capturing, storing, and distributing surface water;
- Improving hydroperiods and hydroperiods in any water conservation area;
- Increasing the spatial extent of wetlands;
- Benefiting any federally listed threatened and endangered species;
- Flood mitigation; or
- Groundwater recharge.

The bill creates exceptions for (1) canals; (2) any existing construction, current operation, or modification to such structure or operation in existence as of July 1, 2026; and (3) any parcel located in a county with a population of less than 1.7 million according to the most recent decennial census.

II. Present Situation:

Incinerators and Waste-to-Energy Facilities

Energy recovery from waste is the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through processes, including combustion, gasification, pyrolyzation, anaerobic digestion, and landfill gas recovery.¹ This process is often called waste-to-energy (WTE).²

Municipal solid waste (MSW) can be used to produce energy at WTE plants and landfills.³ MSW can contain:

- Biomass, or biogenic (plant or animal products) materials such as paper, cardboard, food waste, grass clippings, leaves, wood, and leather products;
- Nonbiomass combustible materials such as plastics and other synthetic materials made from petroleum; and
- Noncombustible materials such as glass and metals.⁴

The process of MSW incineration is generally divided into three main parts: incineration, energy recovery, and air-pollution control.⁵ Most modern incinerators are equipped with energy-recovery schemes, which produce WTE ash.⁶ Three major classes of technologies are used to combust MSW: mass burn, refuse-derived fuel, and fluidized-bed combustion.⁷ The most common WTE system in the United States is the mass-burn system.⁸

At an MSW combustion facility, MSW is unloaded from collection trucks and placed in a trash storage bunker.⁹ An overhead crane sorts the waste and then lifts it into a combustion chamber to be burned. The heat released from burning converts water to steam, which is then sent to a turbine generator to produce electricity. The remaining ash is collected and taken to a landfill where a high-efficiency baghouse filtering system captures particulates. As the gas stream travels through these filters, more than 99 percent of particulate matter is removed. Captured fly ash particles fall into hoppers (funnel-shaped receptacles) and are transported by an enclosed conveyor system to the ash discharger. They are then wetted to prevent dust and mixed with the bottom ash from the grate. The facility transports the ash residue to an enclosed building where it is loaded into covered, leak-proof trucks and taken to a landfill designed to protect against groundwater contamination.¹⁰

¹ U.S. Environmental Protection Agency (EPA), *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, <https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw> (last visited Jan. 27, 2026).

² *Id.*

³ U.S. Energy Information Administration (EIA), *Biomass explained, Waste-to-energy (Municipal Solid Waste), Basics*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy.php> (last visited Jan. 27, 2026).

⁴ *Id.*

⁵ Byoung Cho et al., *Municipal Solid Waste Incineration Ashes as Construction Materials—A review*, *Materials*, vol. 13, 2 (2020), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7411600/>.

⁶ *Id.*

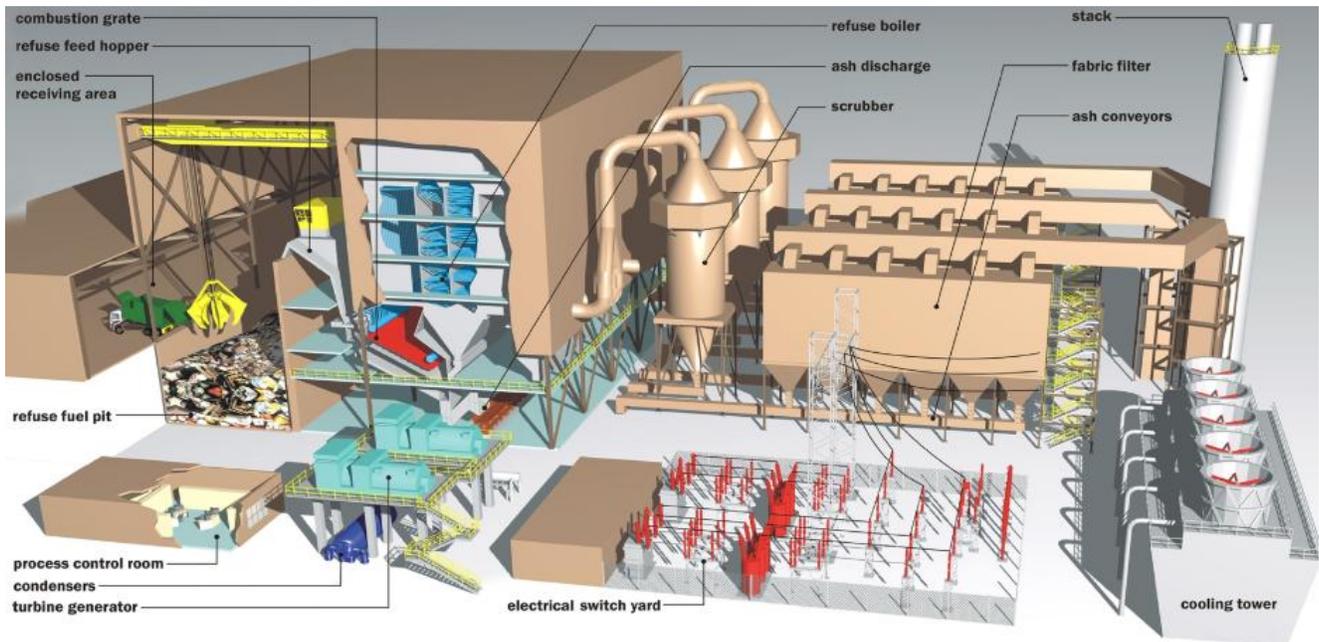
⁷ *Id.*

⁸ EIA, *Biomass explained: Waste-to-energy (Municipal Solid Waste), In-depth*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy-in-depth.php> (last visited Jan. 27, 2026).

⁹ EPA, *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, <https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw> (last visited Jan. 27, 2026).

¹⁰ *Id.*

About 90 percent of the energy produced by WTE plants is delivered to the electric grid.¹¹ The remaining 10 percent consists of steam that some WTE facilities send to nearby industrial plants and institutions.¹²



Example of a WTE plant¹³

Waste incineration first became popular in the U.S. in the first half of the 20th century as a way to manage waste but declined after the passage of the Clean Air Act in 1963 forced facilities to either adopt costly air pollution controls or shut down.¹⁴ In the 1970s and 1980s, waste-to-energy facilities rose again in popularity as a way to produce a low-cost energy alternative to coal, which was considered by some at the time to be a renewable energy source. However, the number of incinerators has again declined nationally due to public concern about their environmental and health impacts, as well as a loss in profitability.¹⁵

¹¹ EIA, *Waste-to-energy plants are a small but stable source of electricity in the United States*, <https://www.eia.gov/todayinenergy/detail.php?id=55900> (last visited Jan. 27, 2026).

¹² *Id.*

¹³ Pinellas County, *Waste-to-Energy Facility*, <https://pinellas.gov/waste-to-energy-facility/> (last visited Jan. 27, 2026) (showing graphic of a mass-burn waste-to-energy plant).

¹⁴ University of Florida, Thompson Earth Systems Institute, *Tell Me About: Waste Incineration in Florida* (2022), <https://www.floridamuseum.ufl.edu/earth-systems/blog/tell-me-about-waste-incineration-in-florida/> (last visited Jan. 27, 2026).

¹⁵ *Id.* The major concern associated with MSW incineration is the air pollution caused by dioxin, furan, and heavy metals originating from MSW. Cho, *Municipal Solid Waste Incineration Ashes as Construction Materials—A review* at 2. See also C. Ferreira et al., *Heavy metals in MSW incineration fly ashes*, *Journal de Physique IV*, vol. 107 (2003), available at <https://jp4.journaldephysique.org/articles/jp4/abs/2003/05/jp4pr5p463/jp4pr5p463.html>; Junjie Zhang et al., *Degradation technologies and mechanisms of dioxins in municipal solid waste incineration fly ash: A review*, *Journal of Cleaner Production*, vol. 250 (2020), available at <https://www.sciencedirect.com/science/article/abs/pii/S095965261934377X>.

In Florida, there are currently 10 WTE facilities.¹⁶ Florida has the largest capacity to burn MSW of any state in the country.¹⁷

Solid Waste Facility Permitting in Florida

In Florida, the governing body of a county has the responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.¹⁸ A county may enter into a written agreement with other parties to undertake some or all of its responsibilities.¹⁹

A solid waste management facility may not be operated, maintained, constructed, expanded, modified, or closed without a permit issued by the Department of Environmental Protection (DEP).²⁰ In addition to a solid waste management facility permit, WTE facilities may also require an air construction and operation permits.²¹

DEP may only issue a construction permit to a solid waste management facility that provides the conditions necessary to control the safe movement of wastes or waste constituents into surface or ground waters or the atmosphere and that will be operated, maintained, and closed by qualified and properly trained personnel.²² Such facility must if necessary:

- Use natural or artificial barriers that can control lateral or vertical movement of wastes or waste constituents into surface or ground waters.
- Have a foundation or base that can provide support for structures and waste deposits and capable of preventing foundation or base failure due to settlement, compression, or uplift.
- Provide for the most economically feasible, cost-effective, and environmentally safe control of leachate, gas, stormwater, and disease vectors and prevent the endangerment of public health and the environment.²³

DEP can exempt certain types of facilities from permit requirements if it determines that construction or operation of the facility is not expected to create any significant threat to the environment or public health.²⁴

¹⁶ DEP, *Waste-to-Energy*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy> (last visited Jan. 27, 2026). The state had 11 WTE facilities until 2023 when a fire destroyed one in Miami-Dade County. See Mayor Daniella Levine Cava, *Memorandum on Site Selection for a Sustainable Solid Waste Campus and Update on Miami-Dade County's Solid Waste Disposal Strategy*, 1 (2024), available at <https://documents.miamidade.gov/mayor/memos/09.13.24-Site-Selection-for-a-Sustainable-Solid-Waste-Campus.pdf>. The Miami-Dade Board of County Commissioners has voted to replace the facility with another waste-to-energy facility, but a site has not yet been chosen. Miami-Dade County, *Legislative Item File Number 251585* (Jul. 16, 2025), available at <https://www.miamidade.gov/govaction/matter.asp?matter=251585&file=false&fileAnalysis=false&yearFolder=Y2025>; Miami-Dade County, *Legislative Item File Number 260106* (Jan. 21, 2026), available at <https://www.miamidade.gov/govaction/matter.asp?matter=260106&file=true&fileAnalysis=false&yearFolder=Y2026>.

¹⁷ DEP, *Waste-to-Energy*.

¹⁸ Section 403.706(1), F.S.

¹⁹ Section 403.706(8), F.S.

²⁰ See section 403.707(1), F.S.

²¹ Sections 403.707(6) and 403.087(1), F.S.; Fla. Admin. Code R. 62-210.300. See also DEP, *Air Construction Permits*, <https://floridadep.gov/sites/default/files/Air-Construction-Permits.pdf> (last visited Jan. 27, 2026).

²² Section 403.707(6), F.S.

²³ *Id.*

²⁴ Section 403.707(1), F.S.

DEP must allow WTE facilities to maximize acceptance and processing of nonhazardous solid and liquid waste.²⁵ Ash from WTE facilities must be disposed of in a lined MSW landfill or a lined ash monofill, since an U.S. Environmental Protection Agency (EPA) study showed that ash from WTE facilities should not be classified as hazardous waste.²⁶

Federal Regulations on Waste Incineration

Pursuant to the Clean Air Act, EPA has developed regulations limiting emissions of nine air pollutants—particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium—from four categories of solid waste incineration units: (1) MSW; (2) hospital, medical and infectious solid waste; (3) commercial and industrial solid waste; and (4) other solid waste.²⁷

Emission limits may vary depending on the size and type of the facility (e.g., large versus small municipal waste combustors) and whether the materials incinerated are hazardous.²⁸ In 2024, EPA proposed stricter standards for large municipal waste combustion units.²⁹ EPA is also considering requiring waste incinerators to report toxic releases to the toxic release inventory, which tracks the management of certain toxic chemicals.³⁰

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 403.706 and 403.707, F.S., regarding local government solid waste responsibilities and Department of Environmental Protection (DEP) permits, respectively. The bill prohibits local governments and DEP from issuing a construction permit for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy facility if the proposed location of such facility is sited within a 2-mile radius, as measured from the stack, of any impoundment area authorized by Congress with an effective interior storage of at least 100 acres for purposes of:

- Capturing, storing, and distributing surface water;

²⁵ Section 403.707(1), F.S.

²⁶ DEP, *Waste-to-Energy*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy> (last visited Jan. 27, 2026).

²⁷ EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, <https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance> (last visited Jan. 27, 2026). See 71 Fed. Reg. 27325-26 (adopting final rule regarding standards of performance for new stationary sources and emission guidelines for existing sources: large municipal waste combustors); 40 CFR part 60.

²⁸ See generally EPA, *Clean Air Act Guidelines and Standards for Waste Management*, <https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-waste-management> (last visited Jan. 27, 2026).

²⁹ 89 Fed. Reg. 4243, 4246 (Jan. 23, 2024) (proposing amendments to 40 CFR part 60). Large municipal waste combustors combust greater than 250 tons per day of MSW. 40 CFR 60.32b and 60.50b; EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, <https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance> (last visited Jan. 27, 2026).

³⁰ EPA, *Memorandum re: Petition for Rulemaking Pursuant to the Administrative Procedure Act and the Emergency Planning and Community Right-to-Know Act, Requiring that Waste Incinerators Report to the Toxics Release Inventory*, 1-2 (2024), available at https://peer.org/wp-content/uploads/2024/12/PET-001757_Incinerators_PetitionResponse_Ltr.pdf; EPA, *What is the Toxics Release Inventory?*, <https://www.epa.gov/toxics-release-inventory-tri-program/what-toxics-release-inventory> (last visited Jan. 28, 2026). U.S. facilities in different industry sectors must report annually how much of each chemical they release into the environment and/or managed through recycling, energy recovery and treatment, as well as any practices implemented to prevent or reduce the generation of chemical waste. *Id.*

- Improving hydroperiods³¹ and hydropatterns³² in any water conservation area;
- Increasing the spatial extent of wetlands;
- Benefiting any federally listed threatened and endangered species;
- Flood mitigation; or
- Groundwater recharge.

The bill's siting restrictions do not apply to:

- Any canal;
- Any existing construction, current operation, or modification to such structure or operation in existence as of July 1, 2026;
- Any parcel located in a county with a population of less than 1.7 million according to the most recent decennial census.³³

Section 3 through 5 provide conforming changes.

Section 6 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

³¹ A hydroperiod is the seasonal fluctuation of water levels in wetlands, which is affected by the weather, season, water feeding into and draining from nearby streams, the surrounding watershed, and other nearby bodies of water. University of Florida Institute of Food and Agricultural Sciences (UF/IFAS), *What is a Wetland?*, <https://soils.ifas.ufl.edu/florida-wetlands-extension-program/about-wetlands/> (last visited Jan. 27, 2026).

³² Hydropattern is a recent term that is used to expand the traditional concept of hydroperiod by incorporating additional information about the aerial extent and timing of inundation. EPA, *Methods for Evaluating Wetland Condition: Wetland Hydrology*, 7, available at https://www.epa.gov/sites/default/files/documents/wetlands_20hydrology.pdf.

³³ Broward and Miami-Dade are the only counties in Florida with a population of more than 1.7 million. Office of Economic and Demographic Research, *Econographic News*, 2 (2025), available at https://edr.state.fl.us/Content/population-demographics/reports/econographicnews_2025_Volume1.pdf.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may increase costs associated with siting incinerators and waste-to-energy facilities or relying on other methods of waste management when incineration and waste-to-energy facilities are not feasible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.706, 403.707, 403.703, 403.7049, and 403.705.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources Committee on Feb. 3, 2026:

Provided that the bill's two-mile siting prohibition for new ash-producing or waste-to-energy solid waste disposal facilities does not apply to any parcel located in a county with a population of less than 1.7 million according to the most recent decennial census.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Sharief) recommended the following:

Senate Amendment

Delete lines 32 - 155

and insert:

(b) Paragraph (a) does not apply to the following:

1. Any canal.

2. Any existing construction, current operation, or modification to such structure or operation in existence as of July 1, 2026.

3. Any parcel located in a county with a population of less



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11 than 1.7 million according to the most recent decennial census.

12 (5)-(4)(a) In order to promote the production of renewable
13 energy from solid waste, each megawatt-hour produced by a
14 renewable energy facility using solid waste as a fuel shall
15 count as 1 ton of recycled material and shall be applied toward
16 meeting the recycling goals set forth in this section. If a
17 county creating renewable energy from solid waste implements and
18 maintains a program to recycle at least 50 percent of municipal
19 solid waste by a means other than creating renewable energy,
20 that county shall count 1.25 tons of recycled material for each
21 megawatt-hour produced. If waste originates from a county other
22 than the county in which the renewable energy facility resides,
23 the originating county shall receive such recycling credit. Any
24 byproduct resulting from the creation of renewable energy that
25 is recycled shall count towards the county recycling goals in
26 accordance with the methods and criteria developed pursuant to
27 paragraph (3)(h) ~~(2)(h)~~.

28 (b) A county may receive credit for one-half of the
29 recycling goal set forth in subsection (3) ~~(2)~~ from the use of
30 yard trash, or other clean wood waste or paper waste, in
31 innovative programs including, but not limited to, programs that
32 produce alternative clean-burning fuels such as ethanol or that
33 provide for the conversion of yard trash or other clean wood
34 waste or paper waste to clean-burning fuel for the production of
35 energy for use at facilities other than a waste-to-energy
36 facility as defined in s. 403.7061. The provisions of this
37 paragraph apply only if a county can demonstrate that:

38 1. The county has implemented a yard trash mulching or
39 composting program, and



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40 2. As part of the program, compost and mulch made from yard
41 trash is available to the general public and in use at county-
42 owned or maintained and municipally owned or maintained
43 facilities in the county and state agencies operating in the
44 county as required by this section.

45 (c) A county with a population of 100,000 or less may
46 provide its residents with the opportunity to recycle in lieu of
47 achieving the goal set forth in this section. For the purposes
48 of this section, the "opportunity to recycle" means that the
49 county:

50 1.a. Provides a system for separating and collecting
51 recyclable materials prior to disposal that is located at a
52 solid waste management facility or solid waste disposal area; or

53 b. Provides a system of places within the county for
54 collection of source-separated recyclable materials.

55 2. Provides a public education and promotion program that
56 is conducted to inform its residents of the opportunity to
57 recycle, encourages source separation of recyclable materials,
58 and promotes the benefits of reducing, reusing, recycling, and
59 composting materials.

60 ~~(7)~~~~(6)~~ The department may reduce or modify the municipal
61 solid waste recycling goal that a county is required to achieve
62 pursuant to subsection (3) ~~(2)~~ if the county demonstrates to the
63 department that:

64 (a) The achievement of the goal set forth in subsection (3)
65 ~~(2)~~ would have an adverse effect on the financial obligations of
66 a county that are directly related to a waste-to-energy facility
67 owned or operated by or on behalf of the county; and

68 (b) The county cannot remove normally combustible materials



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69 from solid waste that is to be processed at a waste-to-energy
70 facility because of the need to maintain a sufficient amount of
71 solid waste to ensure the financial viability of the facility.
72

73 The goal shall not be waived entirely and may only be reduced or
74 modified to the extent necessary to alleviate the adverse
75 effects of achieving the goal on the financial viability of a
76 county's waste-to-energy facility. Nothing in this subsection
77 shall exempt a county from developing and implementing a
78 recycling program pursuant to this act.

79 ~~(8)(7)~~ In order to assess the progress in meeting the goal
80 set forth in subsection (3) ~~(2)~~, each county shall, by April 1
81 each year, provide information to the department regarding its
82 annual solid waste management program and recycling activities.

83 (a) The information submitted to the department by the
84 county must, at a minimum, include:

85 1. The amount of municipal solid waste disposed of at solid
86 waste disposal facilities, by type of waste such as yard trash,
87 white goods, clean debris, tires, and unseparated solid waste;

88 2. The amount and type of materials from the municipal
89 solid waste stream that were recycled; and

90 3. The percentage of the population participating in
91 various types of recycling activities instituted.

92 (b) Beginning with the data for the 2012 calendar year, the
93 department shall by July 1 each year post on its website the
94 recycling rates of each county for the prior calendar year.

95 ~~(21)(20)~~ In addition to any other penalties provided by
96 law, a local government that does not comply with the
97 requirements of subsections (3) ~~(2)~~ and (5) ~~is (4)~~ shall not be



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98 eligible for grants from the Solid Waste Management Trust Fund,
99 and the department may notify the Chief Financial Officer to
100 withhold payment of all or a portion of funds payable to the
101 local government by the department from the General Revenue Fund
102 or by the department from any other state fund, to the extent
103 not pledged to retire bonded indebtedness, unless the local
104 government demonstrates that good faith efforts to meet the
105 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ have been made
106 or that the funds are being or will be used to finance the
107 correction of a pollution control problem that spans
108 jurisdictional boundaries.

109 Section 2. Present subsections (6) through (14) of section
110 403.707, Florida Statutes, are redesignated as subsections (7)
111 through (15), respectively, and a new subsection (6) is added to
112 that section to read:

113 403.707 Permits.—

114 (6) (a) The department may not issue a construction permit
115 pursuant to this section for a new solid waste disposal facility
116 that uses an ash-producing incinerator or for a waste-to-energy
117 facility if the proposed location of such facility is sited
118 within a 2-mile radius, as measured from the stack, of any
119 impoundment area authorized by Congress with an effective
120 interior storage of at least 100 acres for purposes of
121 capturing, storing, and distributing surface water; improving
122 hydroperiods and hydropatterns in any water conservation area;
123 increasing the spatial extent of wetlands; benefiting any
124 federally listed threatened and endangered species; flood
125 mitigation; or groundwater recharge.

126 (b) Paragraph (a) does not apply to the following:



370166

- 127 1. Any canal.
- 128 2. Any existing construction, current operation, or
129 modification to such structure or operation in existence as of
130 July 1, 2026.
- 131 3. Any parcel located in a county with a population of less
132 than 1.7 million according to the most recent decennial census.

By Senator Sharief

35-01046A-26

20261196__

1 A bill to be entitled
2 An act relating to waste facilities; amending ss.
3 403.706 and 403.707, F.S.; prohibiting a local
4 government or the Department of Environmental
5 Protection, respectively, from issuing a construction
6 permit for certain solid waste disposal and waste-to-
7 energy facilities under certain circumstances;
8 providing applicability; amending ss. 403.703,
9 403.7049, and 403.705, F.S.; conforming cross-
10 references; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Present subsections (2) through (23) of section
15 403.706, Florida Statutes, are redesignated as subsections (3)
16 through (24), respectively, a new subsection (2) is added to
17 that section, and present subsections (4), (6), (7), and (20)
18 are amended, to read:

19 403.706 Local government solid waste responsibilities.—
20 (2) (a) A local government may not issue a construction
21 permit pursuant to s. 403.707 for a new solid waste disposal
22 facility that uses an ash-producing incinerator or for a waste-
23 to-energy facility if the proposed location of such facility is
24 sited within a 2-mile radius, as measured from the stack, of any
25 impoundment area authorized by Congress with an effective
26 interior storage of at least 100 acres for purposes of
27 capturing, storing, and distributing surface water; improving
28 hydroperiods and hydropatterns in any water conservation area;
29 increasing the spatial extent of wetlands; benefiting any

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30 federally listed threatened and endangered species; flood
31 mitigation; or groundwater recharge.

32 (b) Paragraph (a) does not apply to:

33 1. Any canal.

34 2. Any existing construction, current operation, or
35 modification to such structure or operation in existence as of
36 July 1, 2026.

37 (5)~~(4)~~(a) In order to promote the production of renewable
38 energy from solid waste, each megawatt-hour produced by a
39 renewable energy facility using solid waste as a fuel shall
40 count as 1 ton of recycled material and shall be applied toward
41 meeting the recycling goals set forth in this section. If a
42 county creating renewable energy from solid waste implements and
43 maintains a program to recycle at least 50 percent of municipal
44 solid waste by a means other than creating renewable energy,
45 that county shall count 1.25 tons of recycled material for each
46 megawatt-hour produced. If waste originates from a county other
47 than the county in which the renewable energy facility resides,
48 the originating county shall receive such recycling credit. Any
49 byproduct resulting from the creation of renewable energy that
50 is recycled shall count towards the county recycling goals in
51 accordance with the methods and criteria developed pursuant to
52 paragraph (3) (h) ~~(2) (h)~~.

53 (b) A county may receive credit for one-half of the
54 recycling goal set forth in subsection (3) ~~(2)~~ from the use of
55 yard trash, or other clean wood waste or paper waste, in
56 innovative programs including, but not limited to, programs that
57 produce alternative clean-burning fuels such as ethanol or that
58 provide for the conversion of yard trash or other clean wood

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59 waste or paper waste to clean-burning fuel for the production of
60 energy for use at facilities other than a waste-to-energy
61 facility as defined in s. 403.7061. The provisions of this
62 paragraph apply only if a county can demonstrate that:

63 1. The county has implemented a yard trash mulching or
64 composting program, and

65 2. As part of the program, compost and mulch made from yard
66 trash is available to the general public and in use at county-
67 owned or maintained and municipally owned or maintained
68 facilities in the county and state agencies operating in the
69 county as required by this section.

70 (c) A county with a population of 100,000 or less may
71 provide its residents with the opportunity to recycle in lieu of
72 achieving the goal set forth in this section. For the purposes
73 of this section, the "opportunity to recycle" means that the
74 county:

75 1.a. Provides a system for separating and collecting
76 recyclable materials prior to disposal that is located at a
77 solid waste management facility or solid waste disposal area; or

78 b. Provides a system of places within the county for
79 collection of source-separated recyclable materials.

80 2. Provides a public education and promotion program that
81 is conducted to inform its residents of the opportunity to
82 recycle, encourages source separation of recyclable materials,
83 and promotes the benefits of reducing, reusing, recycling, and
84 composting materials.

85 (7)~~(6)~~ The department may reduce or modify the municipal
86 solid waste recycling goal that a county is required to achieve
87 pursuant to subsection (3) ~~(2)~~ if the county demonstrates to the

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88 department that:

89 (a) The achievement of the goal set forth in subsection (3)
90 ~~(2)~~ would have an adverse effect on the financial obligations of
91 a county that are directly related to a waste-to-energy facility
92 owned or operated by or on behalf of the county; and

93 (b) The county cannot remove normally combustible materials
94 from solid waste that is to be processed at a waste-to-energy
95 facility because of the need to maintain a sufficient amount of
96 solid waste to ensure the financial viability of the facility.

97
98 The goal shall not be waived entirely and may only be reduced or
99 modified to the extent necessary to alleviate the adverse
100 effects of achieving the goal on the financial viability of a
101 county's waste-to-energy facility. Nothing in this subsection
102 shall exempt a county from developing and implementing a
103 recycling program pursuant to this act.

104 (8)~~(7)~~ In order to assess the progress in meeting the goal
105 set forth in subsection (3) ~~(2)~~, each county shall, by April 1
106 each year, provide information to the department regarding its
107 annual solid waste management program and recycling activities.

108 (a) The information submitted to the department by the
109 county must, at a minimum, include:

110 1. The amount of municipal solid waste disposed of at solid
111 waste disposal facilities, by type of waste such as yard trash,
112 white goods, clean debris, tires, and unseparated solid waste;

113 2. The amount and type of materials from the municipal
114 solid waste stream that were recycled; and

115 3. The percentage of the population participating in
116 various types of recycling activities instituted.

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117 (b) Beginning with the data for the 2012 calendar year, the
118 department shall by July 1 each year post on its website the
119 recycling rates of each county for the prior calendar year.

120 (21)~~(20)~~ In addition to any other penalties provided by
121 law, a local government that does not comply with the
122 requirements of subsections (3) ~~(2)~~ and (5) ~~is~~ ~~(4)~~ shall not be
123 eligible for grants from the Solid Waste Management Trust Fund,
124 and the department may notify the Chief Financial Officer to
125 withhold payment of all or a portion of funds payable to the
126 local government by the department from the General Revenue Fund
127 or by the department from any other state fund, to the extent
128 not pledged to retire bonded indebtedness, unless the local
129 government demonstrates that good faith efforts to meet the
130 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ have been made
131 or that the funds are being or will be used to finance the
132 correction of a pollution control problem that spans
133 jurisdictional boundaries.

134 Section 2. Present subsections (6) through (14) of section
135 403.707, Florida Statutes, are redesignated as subsections (7)
136 through (15), respectively, and a new subsection (6) is added to
137 that section to read:

138 403.707 Permits.—

139 (6) (a) The department may not issue a construction permit
140 pursuant to this section for a new solid waste disposal facility
141 that uses an ash-producing incinerator or for a waste-to-energy
142 facility if the proposed location of such facility is sited
143 within a 2-mile radius, as measured from the stack, of any
144 impoundment area authorized by Congress with an effective
145 interior storage of at least 100 acres for purposes of

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146 capturing, storing, and distributing surface water; improving
147 hydroperiods and hydropatterns in any water conservation area;
148 increasing the spatial extent of wetlands; benefiting any
149 federally listed threatened and endangered species; flood
150 mitigation; or groundwater recharge.

151 (b) Paragraph (a) does not apply to:

152 1. Any canal.

153 2. Any existing construction, current operation, or
154 modification to such structure or operation in existence as of
155 July 1, 2026.

156 Section 3. Paragraph (b) of subsection (6) and subsections
157 (7) and (21) of section 403.703, Florida Statutes, are amended
158 to read:

159 403.703 Definitions.—As used in this part, the term:

160 (6) "Construction and demolition debris" means discarded
161 materials generally considered to be not water-soluble and
162 nonhazardous in nature, including, but not limited to, steel,
163 glass, brick, concrete, asphalt roofing material, pipe, gypsum
164 wallboard, and lumber, from the construction or destruction of a
165 structure as part of a construction or demolition project or
166 from the renovation of a structure, and includes rocks, soils,
167 tree remains, trees, and other vegetative matter that normally
168 results from land clearing or land development operations for a
169 construction project, including such debris from construction of
170 structures at a site remote from the construction or demolition
171 project site. Mixing of construction and demolition debris with
172 other types of solid waste will cause the resulting mixture to
173 be classified as other than construction and demolition debris.
174 The term also includes:

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175 (b) Except as provided in s. 403.707(10)(j) ~~s.~~
176 ~~403.707(9)(j)~~, yard trash and unpainted, nontreated wood scraps
177 and wood pallets from sources other than construction or
178 demolition projects;

179 (7) "County," or any like term, means a political
180 subdivision of the state established pursuant to s. 1, Art. VIII
181 of the State Constitution and, when s. 403.706(20) ~~s.~~
182 ~~403.706(19)~~ applies, means a special district or other entity.

183 (21) "Municipality," or any like term, means a municipality
184 created pursuant to general or special law authorized or
185 recognized pursuant to s. 2 or s. 6, Art. VIII of the State
186 Constitution and, when s. 403.706(20) ~~s. 403.706(19)~~ applies,
187 means a special district or other entity.

188 Section 4. Subsection (5) of section 403.7049, Florida
189 Statutes, is amended to read:

190 403.7049 Determination of full cost for solid waste
191 management; local solid waste management fees.-

192 (5) In order to assist in achieving the municipal solid
193 waste reduction goal and the recycling provisions of s.
194 403.706(3) ~~s. 403.706(2)~~, a county or a municipality which owns
195 or operates a solid waste management facility is hereby
196 authorized to charge solid waste disposal fees which may vary
197 based on a number of factors, including, but not limited to, the
198 amount, characteristics, and form of recyclable materials
199 present in the solid waste that is brought to the county's or
200 the municipality's facility for processing or disposal.

201 Section 5. Paragraph (c) of subsection (2) and subsection
202 (3) of section 403.705, Florida Statutes, are amended to read:

203 403.705 State solid waste management program.-

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204 (2) The state solid waste management program shall include,
205 at a minimum:

206 (c) Planning guidelines and technical assistance to
207 counties and municipalities to aid in meeting the municipal
208 solid waste recycling goals established in s. 403.706(3) ~~s.~~
209 ~~403.706(2)~~.

210 (3) The department shall evaluate and report biennially to
211 the President of the Senate and the Speaker of the House of
212 Representatives on the state's success in meeting the solid
213 waste recycling goal as described in s. 403.706(3) ~~s.~~
214 ~~403.706(2)~~.

215 Section 6. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

SB 1196

Bill Number or Topic

2/3/26

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Envir. & Nat. Resc.

Committee

City of Miramar

Amendment Barcode (if applicable)

Name

Mayor Wayne M. Messam

Phone

954-602-3119

Address

2300 Civic Center Place

Email

wmessam@miramarfl.gov

Street

Miramar

City

FL

State

33025

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

2-3-26

1196

Meeting Date

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Environment & Nat. Resources
Committee

Amendment Barcode (if applicable)

Name

Joe Kilsheimer

Phone

407-719-6686

Address

5401 S. Kirkman Rd #310

Email

joe.kilsheimer@gmail.com

Street

Orlando

City

FL

State

32819

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Waste-to-Energy Coalition

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 1196

Bill Number or Topic

2/3/26

Meeting Date

Envir. & Nat. Resc.

Committee

Amendment Barcode (if applicable)

Name Debon L. Campbell #

Phone 954-602-3119

Address 2300 Civic Center Place

Email dlcampbell@miramarfl.gov

Street

Miramar FL 33025

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2-3-26

The Florida Senate
APPEARANCE RECORD

1196

Meeting Date

ENR

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jess McCarty, First Assistant County Attorney Phone 305-979-7110

Address 111 N.W. 1st Street, Suite 2800 Email jmm2@miamidade.gov

Street

Miami FL 33128

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

This form is part of the public record for this meeting.

1475

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Gary Jennings

is duly appointed a member of the

Atlantic States Marine Fisheries Commission

for a term beginning on the Twenty-Second day of December,
A.D., 2025, until the Fourth day of September, A.D., 2028 and
is subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Sixteenth day of January, A.D., 2026.*



Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11 document

RON DESANTIS

GOVERNOR

2025 DEC -5 AM 9:24

TALLAHASSEE, FL

December 22, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

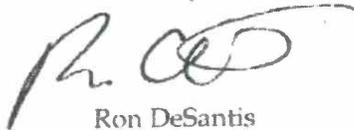
Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 370.19(2), Florida Statutes:

Mr. Gary Jennings
6514 Sawyer Shores Lane
Windermere, Florida 34786

as a member of the Atlantic States Marine Fisheries Commission, subject to confirmation by the Senate. This appointment is effective December 22, 2025, for a term ending September 4, 2028.

Sincerely,



Ron DeSantis
Governor

RD/gc

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

2025 JAN 08 PM 12:34

NOTARY PUBLIC
TALLAHASSEE, FL

STATE OF FLORIDA

County of Orange

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Governor's Appointee to the Atlantic States Marine Fisheries Commission

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature [Handwritten Signature]

Sworn to and subscribed before me by means of physical presence OR online notarization
this 6 day of Jan, 2025.

[Handwritten Signature]

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Print Name _____

Title _____

Court _____

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known OR Produced Identification

Type of Identification Produced FSD

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

6514 Sawyer Shores Ln

Gary Jennings

Street or Post Office Box _____

Print Name _____

Windermere, FL 34786

[Handwritten Signature]

City, State, Zip Code _____

Signature _____

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Environment And Natural Resources Committee

Judge:

Started: 2/3/2026 3:31:10 PM

Ends: 2/3/2026 4:41:06 PM Length: 01:09:57

3:31:11 PM Chair Rodriguez calls meeting to order
3:31:14 PM Roll call
3:31:25 PM Quorum announced
3:31:52 PM Pledge of Allegiance led by Senator Mayfield
3:32:01 PM Senator Rodriguez with opening comments
3:32:25 PM Tab 3, SB 1422 by Senator Garcia, Surface Waters introduced by Chair Rodriguez
3:32:34 PM Amendment Barcode No. 316018 introduced by Chair Rodriguez
3:32:45 PM Senator Garcia explains the Amendment
3:34:19 PM Chair Rodriguez
3:34:21 PM Question
3:34:25 PM Senator Harrell
3:34:41 PM Senator Garcia
3:34:48 PM Chair Rodriguez
3:34:51 PM Closure waived
3:35:03 PM Chair Rodriguez
3:35:05 PM Amendment adopted
3:35:09 PM Chair Rodriguez
3:35:16 PM Elizabeth Alvi, Audubon Florida waives
3:35:19 PM Chair Rodriguez
3:35:27 PM Senator Garcia with closure
3:35:29 PM Roll call
3:35:56 PM CS/SB 1422 reportedly favorably
3:36:25 PM Gavel passed to Senator Mayfield
3:36:32 PM Tab 5, SPB 7034, Ratification of Rules of the Department of Environmental Protection introduced by Chair Mayfield
3:36:42 PM Senator Rodriguez explains the Bill
3:36:46 PM Chair Mayfield
3:36:52 PM Questions
3:36:54 PM Senator Smith
3:37:18 PM Senator Rodriguez
3:37:52 PM Senator Smith
3:38:15 PM Senator Rodriguez
3:38:34 PM Senator Smith
3:39:15 PM Senator Rodriguez
3:39:25 PM Senator Smith
3:40:01 PM Senator Rodriguez
3:40:13 PM Chair Mayfield
3:40:46 PM Speaker Ryan Smart, Florida Springs Council
3:43:46 PM Speaker Rick Lanese
3:45:57 PM Speaker Jodi Boas
3:47:29 PM Speaker Merrilee Malwitz-Jipson
3:51:29 PM Chris Dawson, Clay County Utility Authority waives

3:51:38 PM Alex Cronin, FL Department of Environmental Protection waives
3:51:48 PM Shay Hill, JEA waives
3:51:53 PM Chair Mayfield
3:52:00 PM Senator Harrell moves that SPB 7034 be submitted as a Committee Bill
3:52:03 PM Roll call
3:52:16 PM Debate
3:52:26 PM Senator Smith
3:54:33 PM Chair Mayfield
3:54:42 PM Senator Rodriguez with closure
3:55:14 PM Roll call
3:55:30 PM SPB 7034 reported favorably
3:55:46 PM Chair returned to Chair Rodriguez
3:55:57 PM Chair Rodriguez
3:56:01 PM Recording Paused
3:56:09 PM Recording Resumed
3:56:19 PM Tab 4, SB 1510 by Senator Massullo, Department of Environmental Protection introduced by Chair Rodriguez
3:56:31 PM Senator Massullo explains the Bill
3:57:44 PM Amendment Barcode No. 732092 introduced by Chair Rodriguez
3:57:51 PM Senator Massullo explains the Amendment
4:00:50 PM Chair Rodriguez
4:01:03 PM Closure waived
4:01:05 PM Amendment adopted
4:01:09 PM Chair Rodriguez
4:01:12 PM Questions
4:01:14 PM Senator Smith
4:02:02 PM Senator Massullo
4:02:56 PM Senator Harrell
4:03:30 PM Senator Massullo
4:04:21 PM Senator Harrell
4:05:03 PM Senator Massullo
4:05:17 PM Chair Rodriguez
4:05:51 PM Speaker Ryan Smart, Florida Springs Council
4:07:44 PM Question
4:07:47 PM Senator Smith
4:08:09 PM Ryan Smart
4:08:31 PM Alex Cronin, FL Department of Environmental Protection waives
4:08:39 PM Roxanne Groover waives
4:08:48 PM Chair Rodriguez
4:08:56 PM Senator Massullo with closure
4:10:38 PM Roll call
4:10:49 PM CS/SB 1510 reported favorably
4:11:23 PM Tab 2, SB 1196 by Senator Sharief, Waste Facilities introduced by Chair Rodriguez
4:11:36 PM Senator Sharief explains the Bill
4:13:45 PM Chair Rodriguez
4:13:50 PM Amendment Barcode No. 370166 introduced by Chair Rodriguez
4:13:58 PM Senator Sharief explains the Amendment
4:14:31 PM Chair Rodriguez
4:14:37 PM Question
4:14:49 PM Senator DiCeglie
4:14:56 PM Senator Sharief
4:15:03 PM Senator DiCeglie

4:15:09 PM Chair Rodriguez
4:15:11 PM Closure waived
4:15:14 PM Amendment adopted
4:15:20 PM Chair Rodriguez
4:16:03 PM Speaker Mayor Wayne Messon, City of Miramar
4:17:40 PM Speaker Joe Kilsheimer, Florida Waste-to-Energy Coalition
4:20:11 PM Question
4:20:18 PM Senator Harrell
4:20:39 PM Joe Kilsheimer
4:21:47 PM Senator Harrell
4:22:07 PM Joe Kilsheimer
4:23:19 PM Senator Harrell
4:23:47 PM Joe Kilsheimer
4:25:33 PM Debon Campbell waives
4:25:37 PM Jess McCarty, First Assistant County Attorney waives
4:25:48 PM Chair Rodriguez
4:25:50 PM Debate
4:25:56 PM Senator DiCeglie
4:28:58 PM Senator Harrell
4:30:39 PM Chair Rodriguez
4:30:46 PM Senator Sharief with closure
4:32:23 PM Roll call
4:32:34 PM CS/SB 1196 reported favorably
4:33:06 PM Tab 1, SB 912 by Senator McClain, Battery Collection and Recovery introduced
4:33:15 PM Senator McClain with explanation of the Bill
4:33:30 PM Chair Rodriguez
4:33:41 PM Amendment Barcode No. 448936 introduced by Chair Rodriguez
4:33:45 PM Senator McClain explains the Amendment
4:33:52 PM Chair Rodriguez
4:34:57 PM Christian Camara, Consumer Technology Association waives
4:35:04 PM Marc Boolish, PRBA - The Rechargeable Battery Association waives
4:35:10 PM Keyna Cory, National Waste & Recycling Association - FL Chapter waives
4:35:36 PM Chair Rodriguez
4:35:39 PM Closure waived
4:35:42 PM Amendment adopted
4:35:44 PM Chair
4:36:18 PM Speaker Marc Boolish, PRBA, The Rechargeable Battery Association
4:38:38 PM Speaker Keyna Cory, National Waste & Recycling Association - FL Chapter
4:39:07 PM Christian Camara, Consumer Technology Association waives
4:39:13 PM Peter Abello, Florida Association of Counties waives
4:39:18 PM Chair Rodriguez
4:39:28 PM Senator McClain with closure
4:39:44 PM Roll call
4:39:58 PM CS/SB 912 reported favorably
4:40:21 PM Tab 6, Appointment of Gary Jennings to the Atlantic States Marine Fisheries Commission introduced by Chair Rodriguez
4:40:27 PM Senator Harrell moves to recommend confirmation
4:40:30 PM Roll call
4:40:40 PM Confirmation is favorable
4:40:46 PM Chair Rodriguez
4:40:55 PM Senator Smith moves to adjourn
4:40:58 PM Meeting adjourned