

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Gonzalez Pittman offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 **Section 1. Section 311.106, Florida Statutes, is amended**
7 **to read:**

8 311.106 Seaport stormwater permitting and mitigation.—

9 (1) A seaport listed in s. 403.021(9)(b) is authorized to
10 provide for onsite or offsite stormwater treatment for water
11 quality impacts caused by a proposed port activity that requires
12 a permit and that causes or contributes to pollution from
13 stormwater runoff. Offsite stormwater treatment may occur
14 outside of the established boundaries of the port, but must be
15 within the same drainage basin in which the port activity
16 occurs. A port offsite stormwater treatment project must be

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

17 constructed and maintained by the seaport or by the seaport in
18 conjunction with an adjacent local government. In order to limit
19 stormwater treatment from individual parcels within a port, a
20 seaport may provide for a regional stormwater treatment facility
21 that must be constructed and maintained by the seaport or by the
22 seaport in conjunction with an adjacent local government.

23 (2) For a proposed port activity with water quality
24 impacts that causes or contributes to pollution from stormwater
25 runoff from a seaport not listed in s. 403.021(9) (b), and not
26 including ports in Citrus or Putnam Counties, a regional
27 stormwater management system, as defined in s. 373.413(7) (a),
28 operated by a non-local governmental entity independently or
29 under contract with a seaport or local government, may not
30 provide stormwater treatment or achieve net improvement under s.
31 373.414(1) (b)3. For a proposed port activity with water quality
32 impacts that causes or contributes to pollution from stormwater
33 runoff from a seaport not listed in s. 403.021(9) (b), and not
34 including ports in Citrus or Putnam Counties, a water quality
35 enhancement area as defined in s. 373.4134 and operated by a
36 non-local governmental entity independently or under contract
37 with a seaport or local government may not convey enhancement
38 credits to provide stormwater treatment or achieve net
39 improvement under s. 373.414(1) (b)3.

40 **Section 2. Subsections (23), (24), and (25) are added to**
41 **section 373.403, Florida Statutes, to read:**

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

42 373.403 Definitions.—When appearing in this part or in any
43 rule, regulation, or order adopted pursuant thereto, the
44 following terms mean:

45 (23) "Compensating stormwater treatment" means a method of
46 stormwater treatment for discharges from multiple parcels.

47 (24) "Enhancement credit" means a standard unit of measure
48 that represents a quantity of pollutant removed by a water
49 quality enhancement area.

50 (25) "Pollutant reduction allocation" means a standard
51 unit of measure that represents a quantity of pollutant removed
52 by a regional stormwater management system for purposes of
53 providing compensating stormwater treatment under the
54 environmental resource permitting program.

55 **Section 3. Subsection (7) is added to section 373.413,**
56 **Florida Statutes, to read:**

57 373.413 Permits for construction or alteration.—

58 (7) REGIONAL STORMWATER MANAGEMENT SYSTEMS.—

59 (a) A "regional stormwater management system" is a method
60 of compensating stormwater treatment that creates pollution
61 reduction allocations and is designed, constructed, operated,
62 and maintained to collect, convey, store, absorb, inhibit,
63 treat, or harvest stormwater to prevent or reduce flooding,
64 overdrainage, environmental degradation and water pollution or
65 otherwise affect the quantity and quality of discharges within
66 the drainage area served by the regional system which is the

Amendment No.

67 land or development that is served by or contributes stormwater
68 to the regional system.

69 (b) As part of meeting the requirement to demonstrate that
70 an applicant for an environmental resource permit for a regional
71 stormwater management system has the financial, legal, and
72 administrative capability of ensuring such regional stormwater
73 management system will be undertaken according to the terms and
74 conditions of an issued permit, the department or a water
75 management district shall require such applicant to provide
76 documentation of adequate financial responsibility. This
77 financial responsibility may consist of performance bonds,
78 letters of credit, insurance policies, trust agreements, or
79 similar, ensuring completion of construction; the amount of
80 which shall be based on cost estimates of completing the
81 construction; and an endowment or other long-term financial
82 assurance mechanism sufficient to ensure operation and
83 maintenance for the entire period the regional stormwater
84 management system is anticipated to be relied upon to provide
85 stormwater treatment, attenuation, or regulatory pollutant load
86 reduction allocations, the amount of which shall be based on
87 cost estimates of such long-term operation and maintenance. The
88 cost estimates and associated financial responsibility
89 mechanisms shall be updated every 5 years to reflect current
90 costs. This section shall not be construed to impose additional

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

91 financial responsibility requirements on stormwater management
92 systems that are not regional stormwater management systems.

93 (c) An environmental resource permit authorizing a
94 regional stormwater management system shall establish and
95 include a graphic depicting the drainage area to be served by
96 such system. Environmental resource permit applicants located
97 within the drainage area may purchase and use pollution
98 reduction allocations from a regional stormwater management
99 system to meet stormwater treatment performance criteria. The
100 department or water management district shall use Hydrologic
101 Unit Code 12 (HUC 12) subbasin as set forth by the United States
102 Geological Survey to establish the drainage area, unless the
103 regional stormwater management system applicant provides
104 justification demonstrating the proposed off-site area outside
105 of the HUC 12 would provide the same degree of compensating
106 treatment for a common downstream receiving waterbody without
107 causing or contributing to any localized adverse impact to any
108 downstream waters, through modeling, other evaluations, or a
109 combination thereof.

110 **Section 4. Present paragraphs (d) through (g) of**
111 **subsection (3) of section 373.4134, Florida Statutes, are**
112 **redesignated as paragraphs (e) through (h), respectively, a new**
113 **paragraph (d) is added to that subsection, and paragraph (e) of**
114 **subsection (1), paragraph (b) of subsection (2), paragraph (b)**

Amendment No.

115 **of subsection (3), subsection (5), paragraph (e) of subsection**
116 **(7), and subsection (9) of that section are amended, to read:**

117 373.4134 Water quality enhancement areas.—

118 (1) LEGISLATIVE FINDINGS AND INTENT.— The Legislature
119 finds that:

120 (e) Water quality enhancement areas that provide water
121 quality enhancement credits to applicants seeking permits under
122 ss. 373.403–373.443 and to governmental entities seeking to meet
123 an assigned basin management action plan allocation or
124 reasonable assurance plan under s. 403.067 are considered an
125 appropriate and permissible option. The use of an enhancement
126 credit as specified herein transfers the legal responsibility
127 for complying with the applicable regulatory water quality
128 treatment requirement from the purchaser and user of such
129 enhancement credit to the generator of such enhancement credit.

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

131 ~~(b) "Enhancement credit" means a standard unit of measure~~
132 ~~that represents a quantity of pollutant removed.~~

133 (3) WATER QUALITY ENHANCEMENT AREAS.—

134 (b) Water quality enhancement credits may be sold to and
135 used by governmental entities ~~seeking~~ to meet an assigned basin
136 management action plan allocation or reasonable assurance plan
137 or to permit applicants to meet environmental resource permit
138 stormwater treatment performance standards or to achieve for the
139 ~~purpose of achieving net improvement or meeting environmental~~

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

140 ~~resource permit performance standards~~ under s. 373.414(1)(b)3.
141 ~~after reasonable assurances have been provided for the design~~
142 ~~and construction of all onsite stormwater management, as~~
143 ~~required by law.~~

144 (d) The use of enhancement credits from a water quality
145 enhancement area constitutes compensating stormwater treatment
146 under the environmental resource permitting program.

147 (5) WATER QUALITY ENHANCEMENT SERVICE AREA.—The department
148 shall establish a water quality enhancement service area for
149 each water quality enhancement area. Enhancement credits may be
150 withdrawn and used only to address adverse impacts in the
151 enhancement service area. The boundaries of the enhancement
152 service area shall depend upon the geographic area in which the
153 water quality enhancement area could reasonably be expected to
154 address adverse impacts and must, at a minimum, consist of a
155 Hydrologic Unit Code 8 (HUC 8) subbasin as set forth by the
156 United States Geological Survey. Enhancement service areas may
157 overlap, and enhancement service areas for two or more water
158 quality enhancement areas may be approved for a regional
159 watershed.

160 (7) ENHANCEMENT CREDITS.—

161 (e) Reductions in pollutant loading required under any
162 state regulatory program are not eligible to be considered as
163 enhancement credits. In addition, the term "credit" shall not be
164 used to refer to pollutant reduction achieved through

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

165 compensating stormwater treatment to meet environmental resource
166 permitting stormwater performance standards or as a mitigation
167 measure to achieve net improvement under s. 373.414(1)(b)3.
168 outside of enhancement credits generated from a water quality
169 enhancement area.

170 (9) RULES.—The department shall adopt rules to implement
171 this section which shall be filed for adoption no later than
172 October 1, 2026. This section may not be implemented until the
173 department adopts such rules. Pending the adoption of rules to
174 implement this section, the department shall accept, review and
175 take final agency action on applications for water quality
176 enhancement area provisional permits. The department shall issue
177 a water quality enhancement provisional permit in response to a
178 submitted application if the applicant provides reasonable
179 assurance of meeting the statutory criteria in this section.
180 Enhancement credits may be used from a water quality enhancement
181 area established under a provisional permit as provided in this
182 section subject to compliance with s. 373.4134 and the terms of
183 the provisional permit. Notwithstanding any other provision of
184 law or rule, the department or a water management district
185 reviewing an environmental resource permit application that
186 seeks to satisfy stormwater treatment performance standards or
187 achieve net improvement under s. 373.414(1)(b)3. shall allow the
188 use of enhancement credits from a water quality enhancement area
189 with a provisional permit pursuant to the terms of such

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

190 provisional permit. After the department adopts rules to
191 implement this section, the department may modify a water
192 quality enhancement area provisional permit to conform such
193 permit to such rules. Any enhancement credits used from a water
194 quality enhancement area established under a provisional permit
195 shall continue to be recognized by the department and water
196 management districts without change regardless of whether the
197 provisional permit is subsequently modified to conform to the
198 adopted rules.

199 **Section 5. Paragraph (b) of subsection (1) of section**
200 **373.414, Florida Statutes, is amended to read:**

201 373.414 Additional criteria for activities in surface
202 waters and wetlands.—

203 (1) As part of an applicant's demonstration that an
204 activity regulated under this part will not be harmful to the
205 water resources or will not be inconsistent with the overall
206 objectives of the district, the governing board or the
207 department shall require the applicant to provide reasonable
208 assurance that state water quality standards applicable to
209 waters as defined in s. 403.031 will not be violated and
210 reasonable assurance that such activity in, on, or over surface
211 waters or wetlands, as delineated in s. 373.421(1), is not
212 contrary to the public interest. However, if such an activity
213 significantly degrades or is within an Outstanding Florida
214 Water, as provided by department rule, the applicant must

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

215 provide reasonable assurance that the proposed activity will be
216 clearly in the public interest.

217 (b) If the applicant is unable to otherwise meet the
218 criteria set forth in this subsection, the governing board or
219 the department, in deciding to grant or deny a permit, must
220 consider measures proposed by or acceptable to the applicant to
221 mitigate adverse effects that may be caused by the regulated
222 activity. Such measures may include, but are not limited to,
223 onsite mitigation, offsite mitigation, offsite regional
224 mitigation, and the purchase of mitigation credits from
225 mitigation banks permitted under s. 373.4136. It is the
226 responsibility of the applicant to choose the form of
227 mitigation. The mitigation must offset the adverse effects
228 caused by the regulated activity.

229 1. The department or water management districts may accept
230 the donation of money as mitigation only where the donation is
231 specified for use in a duly noticed environmental creation,
232 preservation, enhancement, or restoration project, endorsed by
233 the department or the governing board of the water management
234 district, which offsets the impacts of the activity permitted
235 under this part. However, this subsection does not apply to
236 projects undertaken pursuant to s. 373.4137 or chapter 378.
237 Where a permit is required under this part to implement any
238 project endorsed by the department or a water management
239 district, all necessary permits must be ~~have been~~ issued before

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

240 ~~prior to~~ the acceptance of any cash donation. After the
241 effective date of this act, when money is donated to either the
242 department or a water management district to offset impacts
243 authorized by a permit under this part, the department or the
244 water management district shall accept only a donation that
245 represents the full cost to the department or water management
246 district of undertaking the project that is intended to mitigate
247 the adverse impacts. The full cost shall include all direct and
248 indirect costs, as applicable, such as those for land
249 acquisition, land restoration or enhancement, perpetual land
250 management, and general overhead consisting of costs such as
251 staff time, building, and vehicles. The department or the water
252 management district may use a multiplier or percentage to add to
253 other direct or indirect costs to estimate general overhead.
254 Mitigation credit for such a donation may be given only to the
255 extent that the donation covers the full cost to the agency of
256 undertaking the project intended to mitigate the adverse
257 impacts. However, nothing herein may be construed to prevent the
258 department or a water management district from accepting a
259 donation representing a portion of a larger project, provided
260 that the donation covers the full cost of that portion and
261 mitigation credit is given only for that portion. The department
262 or water management district may deviate from the full cost
263 requirements of this subparagraph to resolve a proceeding
264 brought pursuant to chapter 70 or a claim for inverse

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

265 condemnation. ~~Nothing in~~ This section may not be construed to
266 require the owner of a private mitigation bank, permitted under
267 s. 373.4136, to include the full cost of a mitigation credit in
268 the price of the credit to a purchaser of such ~~said~~ credit.

269 2. The department and each water management district shall
270 report by March 1 of each year, as part of the consolidated
271 annual report required by s. 373.036(7), all cash donations
272 accepted under subparagraph 1. during the preceding water
273 management district fiscal year for wetland mitigation purposes.
274 The report must exclude those contributions pursuant to s.
275 373.4137. The report must include a description of the endorsed
276 mitigation projects and, except for projects governed by s.
277 373.4135(6), must address, as applicable, success criteria,
278 project implementation status and timeframe, monitoring, long-
279 term management, provisions for preservation, and full cost
280 accounting.

281 3. If the applicant is unable to meet water quality
282 standards because existing ambient water quality does not meet
283 standards, the governing board or the department must consider
284 mitigation measures, such as compensating stormwater treatment
285 as defined in s. 373.403(23), proposed by or acceptable to the
286 applicant that cause net improvement of the water quality in the
287 receiving body of water for those parameters which do not meet
288 standards.

Amendment No.

289 4. If mitigation requirements imposed by a local
290 government for surface water and wetland impacts of an activity
291 regulated under this part cannot be reconciled with mitigation
292 requirements approved under a permit for the same activity
293 issued under this part, including application of the uniform
294 wetland mitigation assessment method adopted pursuant to
295 subsection (18), the mitigation requirements for surface water
296 and wetland impacts are controlled by the permit issued under
297 this part.

298 **Section 6. For the purpose of incorporating the amendment**
299 **made by this act to section 373.414, Florida Statutes, in a**
300 **reference thereto, paragraph (d) of subsection (6) of section**
301 **373.4136, Florida Statutes, is reenacted to read:**

302 373.4136 Establishment and operation of mitigation banks.—

303 (6) MITIGATION SERVICE AREA.—The department or water
304 management district shall establish a mitigation service area
305 for each mitigation bank permit. The department or water
306 management district shall notify and consider comments received
307 on the proposed mitigation service area from each local
308 government within the proposed mitigation service area. Except
309 as provided in this section, mitigation credits may be withdrawn
310 and used only to offset adverse impacts in the mitigation
311 service area. The boundaries of the mitigation service area
312 shall depend upon the geographic area where the mitigation bank
313 could reasonably be expected to offset adverse impacts.

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

Amendment No.

314 Mitigation service areas may overlap, and mitigation service
315 areas for two or more mitigation banks may be approved for a
316 regional watershed.

317 (d) If the provisions of s. 373.414(1)(b) and (8) are met
318 and an insufficient number or type of credits from banks whose
319 permitted service area overlays in whole or in part the regional
320 watershed in which the impacts occur, the permit applicant is
321 entitled to a one-time use of credits released from a mitigation
322 bank outside the mitigation bank service area to offset impacts
323 pursuant to s. 373.414(1)(b), as established by the procedure in
324 paragraph (f). The department or water management district must
325 have determined that the mitigation service area lacked the
326 appropriate credit type. Priority must be given to mitigation
327 banks whose permitted service area fully includes the impacted
328 site. If the number of released credits within a mitigation
329 service area only partially offsets the impacts associated with
330 a proposed project in the mitigation service area, the permit
331 applicant may only use out-of-service-area credits to account
332 for the difference between the released credits available in the
333 mitigation bank service area and the credits required to offset
334 the impacts associated with the proposed project. In
335 implementing this subsection, the department and water
336 management districts shall apply a proximity factor to determine
337 adequate compensatory mitigation as follows:

Amendment No.

338 1. A 1.0 multiplier shall be applied for use of in-kind
339 credits within the service area.

340 2. A 1.0 multiplier shall be applied for use of in-kind
341 and out-of-service-area credits when the service area overlays
342 part of the same regional watershed as the proposed impacts only
343 after credit deficiency has been established by the procedure
344 set forth in paragraph (f).

345 3. A 1.2 multiplier shall be applied for use of in-kind
346 and out-of-service-area credits located within a regional
347 watershed immediately adjacent to the regional watershed
348 overlain by a bank service area in which proposed impacts are
349 located only after credit deficiency has been established by the
350 procedure set forth in paragraph (f).

351 4. When in-kind credits are not available to offset
352 impacts in the regional watershed immediately adjacent to the
353 regional watershed overlain by a mitigation bank service area in
354 which the proposed impacts are located, an additional 0.25
355 multiplier shall be applied for each additional regional
356 watershed boundary crossed only after credit deficiency has been
357 established by the procedure set forth in paragraph (f).

358 5. An additional 0.50 multiplier shall be applied after
359 any multipliers required in subparagraphs 1.-4., if the
360 mitigation used to offset impacts entails out-of-kind
361 replacement.

362 **Section 7.** This act shall take effect July 1, 2026.

Amendment No.

363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to stormwater treatment; amending s.
311.106, F.S.; prohibiting certain stormwater
treatment and net improvement activities; prohibiting
certain water quality enhancement areas from conveying
enhancement credits to provide stormwater treatment or
achieve net improvement; amending s. 373.403, F.S.;
defining terms; amending s. 373.413, F.S.; defining
the term "regional stormwater management system";
requiring that the Department of Environmental
Protection or a water management district require an
applicant to provide certain documentation of adequate
financial responsibility in order to meet certain
requirements; providing requirements for such
financial responsibility; providing construction;
requiring an environmental resource permit authorizing
a regional stormwater management system to establish
and include a specified graphic depiction; authorizing
certain environmental resource permit applicants to
purchase and use pollution reduction allocations from
a regional stormwater management system to meet

Amendment No.

388 certain performance criteria; requiring the department
389 or water management district to use a specified
390 identifier to establish the drainage area; providing
391 an exception; amending s. 373.4134, F.S.; revising
392 legislative findings; deleting the definition of the
393 term "enhancement credit"; authorizing water quality
394 enhancement credits to be used by governmental
395 entities to meet environmental resource permit
396 stormwater treatment performance standards or achieve
397 net improvement, pursuant to specified provisions;
398 providing that the use of enhancement credits from a
399 water quality enhancement area constitutes
400 compensating stormwater treatment under the
401 environmental resource permitting program; requiring
402 the boundaries of the enhancement service area to
403 include a certain type of subbasin; prohibiting the
404 term "credit" from being used to refer to pollutant
405 reduction under certain circumstances; requiring the
406 department to adopt rules by a specified date;
407 requiring the department to take certain action
408 pending the adoption of certain rules; requiring the
409 department to issue a provisional permit under certain
410 circumstances; authorizing enhancement credits to be
411 used from certain water quality enhancement areas;
412 providing construction; authorizing the department to

199967 - h1457-strike.docx

Published On: 2/25/2026 4:33:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1457 (2026)

Amendment No.

413 modify permits after the adoption of rules; requiring
414 the department and water management districts to
415 recognize any enhancement credit used from a water
416 quality enhancement area established pursuant to a
417 provisional permit; amending s. 373.414, F.S.;
418 clarifying the types of mitigation measures for
419 compensating stormwater treatment which the department
420 or a water management district governing board must
421 consider under certain circumstances; making technical
422 changes; reenacting s. 373.4136(6)(d), F.S., relating
423 to establishment and operation of mitigation banks, to
424 incorporate the amendment made to s. 373.414, F.S., in
425 a reference thereto; providing an effective date.