

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

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

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

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

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

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

100 deleting provisions relating to costs for
101 administering air pollution construction permits;
102 amending s. 403.1838, F.S.; conforming provisions to
103 changes made by the act; repealing s. 403.804, F.S.,
104 relating to the powers and duties of the Environmental
105 Regulation Commission; amending ss. 120.81, 373.421,
106 403.031, 403.061, 403.704, 403.707, 403.7222,
107 403.7234, 403.803, 403.805, 403.8055, and 403.814,
108 F.S.; conforming provisions to changes made by the
109 act; amending ss. 376.302 and 380.5105, F.S.;

110 conforming cross-references; reenacting s.
111 381.0066(2)(k), F.S., relating to onsite sewage
112 treatment and disposal system fees, to incorporate the
113 amendment made to s. 381.0065, F.S., in a reference
114 thereto; reenacting s. 373.4595, F.S., relating to the
115 Northern Everglades and Estuaries Protection Program,
116 to incorporate the amendment made to s. 403.067, F.S.,

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

126 Be It Enacted by the Legislature of the State of Florida:
127

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

130 20.255 Department of Environmental Protection.—There is
131 created a Department of Environmental Protection.

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

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146 ~~appointments shall be for 4-year terms. The Governor may at any~~
147 ~~time fill a vacancy for the unexpired term. The members of the~~
148 ~~commission shall serve without compensation, but shall be paid~~
149 ~~travel and per diem as provided in s. 112.061 while in the~~
150 ~~performance of their official duties. Administrative, personnel,~~
151 ~~and other support services necessary for the commission shall be~~
152 ~~furnished by the department. The commission may employ~~
153 ~~independent counsel and contract for the services of outside~~
154 ~~technical consultants.~~

155 Section 2. Section 163.3205, Florida Statutes, is amended
156 to read:

157 163.3205 Solar facility approval process; best management
158 practices for stormwater.—

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

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

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

171 (b) Consists principally of photovoltaic modules, a
172 mounting or racking system, power inverters, transformers,
173 collection systems, battery systems, fire suppression equipment,
174 and associated components.

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175 (c) May include accessory administration or maintenance
176 buildings, electric transmission lines, substations, energy
177 storage equipment, and related accessory uses and structures.

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

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

190 (5) BEST MANAGEMENT PRACTICES FOR STORMWATER.—

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

197 1. Soil percolation testing on the premises of the proposed
198 solar facility.

199 2. Implementation of stormwater best management practices
200 and related erosion controls for runoff during the construction
201 of the solar facility based on rainfall amounts up to the 100-
202 year, 24-hour design storm for the project site.

203 3. Clearing and stabilization in phases as needed to reduce

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204 disturbed portions of the project site, which may be susceptible
205 to erosion during construction.

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

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

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

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

225 Section 3. Paragraph (a) of subsection (1) and subsections
226 (2), (3), and (5) of section 259.035, Florida Statutes, are
227 amended to read:

228 259.035 Acquisition and Restoration Council.—

229 (1) There is created the Acquisition and Restoration
230 Council.

231 (a) The council shall be composed of 12 ~~10~~ voting members,
232 6 ~~4~~ of whom shall be appointed by the Governor. Of these 6 ~~four~~

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

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

252 (3) The council shall:

253 (a) Provide assistance to the board in reviewing the
254 recommendations and plans for state-owned conservation lands
255 required under s. 253.034 and this chapter. The council shall,
256 in reviewing such plans, consider the optimization of multiple-
257 use and conservation strategies to accomplish the provisions
258 funded pursuant to former s. 259.101(3)(a), Florida Statutes
259 2014, and to s. 259.105(3)(b).

260 (b) Effective July 1, 2026, administer the Florida
261 Communities Trust established in ss. 380.501-380.515, including

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262 reviewing, approving, and overseeing project applications and
263 disbursements, and implementation measures consistent with the
264 trust's purposes. The council shall coordinate with the
265 department for rulemaking and grant cycle administration for the
266 trust, ensuring alignment with the Florida Forever Act and the
267 state's conservation priorities.

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

275 Section 4. Paragraph (i) of subsection (4) of section
276 259.105, Florida Statutes, is amended to read:

277 259.105 The Florida Forever Act.—

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

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

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

288 2. The number of acres acquired or developed to serve dual
289 functions as:

290 a. Flow ways or temporary water storage areas during

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291 flooding or high water events, not including permanent
292 reservoirs; and

293 b. Greenways or open spaces available to the public for
294 recreation;

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

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

302

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

307 Section 5. Paragraph (d) of subsection (3) of section
308 373.469, Florida Statutes, is amended to read:

309 373.469 Indian River Lagoon Protection Program.—

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

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

319 1. Beginning on January 1, 2024, unless previously

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

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

347 Section 6. Paragraph (a) of subsection (1) of section
348 373.807, Florida Statutes, is amended to read:

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349 373.807 Protection of water quality in Outstanding Florida
350 Springs.—By July 1, 2016, the department shall initiate
351 assessment, pursuant to s. 403.067(3), of Outstanding Florida
352 Springs or spring systems for which an impairment determination
353 has not been made under the numeric nutrient standards in effect
354 for spring vents. Assessments must be completed by July 1, 2018.

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

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

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

387 Section 8. Paragraph (e) of subsection (5) of section
388 380.093, Florida Statutes, is amended to read:

389 380.093 Resilient Florida Grant Program; comprehensive
390 statewide flood vulnerability and sea level rise data set and
391 assessment; Statewide Flooding and Sea Level Rise Resilience
392 Plan; regional resilience entities.—

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

394 (e) Each project included in the plan must have a minimum
395 50 percent cost share unless the project assists or is within a
396 community eligible for a reduced cost share. For purposes of
397 this section, the term "community eligible for a reduced cost
398 share" means:

399 1. A municipality that has a population of less than 10,000
400 ~~or fewer~~, according to the most recent April 1 population
401 estimates posted on the Office of Economic and Demographic
402 Research's website, and a per capita annual income that is less
403 than the state's per capita annual income as shown in the most
404 recent release from the Bureau of the Census of the United
405 States Department of Commerce that includes both measurements;

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

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

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

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

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

422 380.502 Legislative findings and intent.—

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

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

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

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

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

451 Section 10. Section 380.504, Florida Statutes, is amended
452 to read:

453 380.504 Florida Communities Trust; creation; ~~membership;~~
454 ~~expenses.~~—

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

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

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

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

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

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

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

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

498 380.507 Powers of the trust.—The trust shall have all the
499 powers necessary or convenient to carry out the purposes and
500 provisions of this part, including:

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

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

517 (9) To review project recommendations and funding
518 priorities and provide acquisition decisions ~~To invest any funds~~
519 ~~held in reserves or sinking funds, or any funds not required for~~
520 ~~immediate disbursement, in such investments as may be authorized~~
521 ~~for trust funds under s. 215.47, and in any other authorized~~
522 ~~investments, if such investments are made on behalf of the trust~~

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

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

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

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

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552 ~~contract with private consultants and nonprofit organizations~~
553 ~~for professional and technical assistance and advice.~~

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

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

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

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

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

563 381.0065 Onsite sewage treatment and disposal systems;
564 regulation.—

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

567 (n) Regulate and permit maintenance entities for
568 performance-based treatment systems and aerobic treatment unit
569 systems. To ensure systems are maintained and operated according
570 to manufacturer's specifications and designs, the department
571 shall establish by rule minimum qualifying criteria for
572 maintenance entities. The criteria shall include training,
573 access to approved spare parts and components, access to
574 manufacturer's maintenance and operation manuals, and service
575 response time. The maintenance entity shall employ a contractor
576 licensed under s. 489.105(3)(m), or part III of chapter 489, or
577 a state-licensed wastewater plant operator, who is responsible
578 for maintenance and repair of all systems under contract. The
579 department may annually review and audit up to 25 percent of all
580 inspection and maintenance reports submitted by such maintenance

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581 entities for performance-based treatment systems and aerobic
582 treatment unit systems. The department may adopt rules to
583 establish procedures for such audits.

584 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
585 construct, repair, modify, abandon, or operate an onsite sewage
586 treatment and disposal system without first obtaining a permit
587 approved by the department. The department may issue permits to
588 carry out this section, except that the issuance of a permit for
589 work seaward of the coastal construction control line
590 established under s. 161.053 shall be contingent upon receipt of
591 any required coastal construction control line permit from the
592 department. A construction permit is valid for 18 months after
593 the date of issuance and may be extended by the department for
594 one 90-day period under rules adopted by the department. A
595 repair permit is valid for 90 days after the date of issuance.
596 When a person jointly applies for a construction permit and an
597 operating permit for the same onsite sewage treatment and
598 disposal system, the department shall concurrently process the
599 operating permit with the construction permit. An operating
600 permit must be obtained before the use of any aerobic treatment
601 unit or engineer-designed performance-based system, or if the
602 establishment generates commercial waste. Buildings or
603 establishments that use an aerobic treatment unit or generate
604 commercial waste shall be inspected by the department at least
605 annually to ensure assure compliance with the terms of the
606 operating permit. The operating permit for a commercial
607 wastewater system is valid for 1 year after the date of issuance
608 and must be renewed annually. The operating permit, where
609 required for a residential onsite sewage treatment and disposal

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610 system, is valid for the lifetime of the installation; however,
611 any subsequent change in ownership of the property or any
612 modification of the wastewater system requires an operating
613 permit modification upon such change. When an onsite sewage
614 treatment and disposal system that requires an operating permit
615 is sold or transferred, the subsequent owner with a controlling
616 interest shall provide written notice and proof of ownership to
617 the department to amend the operating permit information within
618 60 days after such property sale or transfer ~~commercial~~
619 ~~wastewater system is valid for 1 year after the date of issuance~~
620 ~~and must be renewed annually. The operating permit for an~~
621 ~~aerobic treatment unit is valid for 2 years after the date of~~
622 ~~issuance and must be renewed every 2 years. If all information~~
623 ~~pertaining to the siting, location, and installation conditions~~
624 ~~or repair of an onsite sewage treatment and disposal system~~
625 ~~remains the same, a construction or repair permit for the onsite~~
626 ~~sewage treatment and disposal system may be transferred to~~
627 ~~another person, if the transferee files, within 60 days after~~
628 ~~the transfer of ownership, an amended application providing all~~
629 ~~corrected information and proof of ownership of the property. A~~
630 ~~fee is not associated with the processing of this supplemental~~
631 ~~information~~ if only ownership information is updated to reflect
632 a permit transfer for a construction, repair, or an operating
633 permit. A person may not contract to construct, modify, alter,
634 repair, service, abandon, or maintain any portion of an onsite
635 sewage treatment and disposal system without being registered
636 under part III of chapter 489. A property owner who personally
637 performs construction, maintenance, or repairs to a system
638 serving his or her own owner-occupied single-family residence is

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

656 (a) Subdivisions and lots in which each lot has a minimum
657 area of at least one-half acre and either a minimum dimension of
658 100 feet or a mean of at least 100 feet of the side bordering
659 the street and the distance formed by a line parallel to the
660 side bordering the street drawn between the two most distant
661 points of the remainder of the lot may be developed with a water
662 system regulated under s. 381.0062 and onsite sewage treatment
663 and disposal systems, provided the projected daily sewage flow
664 does not exceed an average of 1,500 gallons per acre per day,
665 and provided satisfactory drinking water can be obtained and all
666 distance and setback, soil condition, water table elevation, and
667 other related requirements of this section and rules adopted

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668 under this section can be met.

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

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

691 (d) Paragraphs (a) and (b) do not apply to any proposed
692 residential subdivision with more than 50 lots or to any
693 proposed commercial subdivision with more than 5 lots where a
694 publicly owned or investor-owned sewage treatment system is
695 available. This paragraph does not allow development of
696 additional proposed subdivisions in order to evade the

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697 requirements of this paragraph.

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

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

- 718 1. Seventy-five feet from a private potable well.
- 719 2. Two hundred feet from a public potable well serving a
720 residential or nonresidential establishment having a total
721 sewage flow of greater than 2,000 gallons per day.
- 722 3. One hundred feet from a public potable well serving a
723 residential or nonresidential establishment having a total
724 sewage flow of less than or equal to 2,000 gallons per day.
- 725 4. Fifty feet from any nonpotable well.

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

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

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

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

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

743 1. Any residential lot that was platted and recorded on or
744 after January 1, 1972, or that is part of a residential
745 subdivision that was approved by the appropriate permitting
746 agency on or after January 1, 1972, and that was eligible for an
747 onsite sewage treatment and disposal system construction permit
748 on the date of such platting and recording or approval shall be
749 eligible for an onsite sewage treatment and disposal system
750 construction permit, regardless of when the application for a
751 permit is made. If rules in effect at the time the permit
752 application is filed cannot be met, residential lots platted and
753 recorded or approved on or after January 1, 1972, shall, to the
754 maximum extent possible, comply with the rules in effect at the

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755 time the permit application is filed. At a minimum, however,
756 those residential lots platted and recorded or approved on or
757 after January 1, 1972, but before January 1, 1983, shall comply
758 with those rules in effect on January 1, 1983, and those
759 residential lots platted and recorded or approved on or after
760 January 1, 1983, shall comply with those rules in effect at the
761 time of such platting and recording or approval. In determining
762 the maximum extent of compliance with current rules that is
763 possible, the department shall allow structures and
764 appurtenances thereto which were authorized at the time such
765 lots were platted and recorded or approved.

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

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

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

775 (h)1. The department may grant variances in hardship cases
776 which may be less restrictive than the provisions specified in
777 this section. If a variance is granted and the onsite sewage
778 treatment and disposal system construction permit has been
779 issued, the variance may be transferred with the system
780 construction permit, if the transferee files, within 60 days
781 after the transfer of ownership, an amended construction permit
782 application providing all corrected information and proof of
783 ownership of the property and if the same variance would have

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784 been required for the new owner of the property as was
785 originally granted to the original applicant for the variance. A
786 fee is not associated with the processing of this supplemental
787 information. A variance may not be granted under this section
788 until the department is satisfied that:

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

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

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

798
799 Where soil conditions, water table elevation, and setback
800 provisions are determined by the department to be satisfactory,
801 special consideration must be given to those lots platted before
802 1972.

803 2. The department shall appoint and staff a variance review
804 and advisory committee, which shall meet monthly to recommend
805 agency action on variance requests. The committee shall make its
806 recommendations on variance requests at the meeting in which the
807 application is scheduled for consideration, except for an
808 extraordinary change in circumstances, the receipt of new
809 information that raises new issues, or when the applicant
810 requests an extension. The committee shall consider the criteria
811 in subparagraph 1. in its recommended agency action on variance
812 requests and shall also strive to allow property owners the full

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813 use of their land where possible.

814 a. The committee is composed of the following:

815 (I) The Secretary of Environmental Protection or his or her
816 designee.

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

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

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

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

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

827 (VII) A representative from the engineering profession
828 recommended by the Florida Engineering Society.

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

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

840 (i) A construction permit may not be issued for an onsite
841 sewage treatment and disposal system in any area zoned or used

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

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

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

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871 not need to obtain a system operating permit. However, upon
872 change of ownership or tenancy, the new owner or operator must
873 notify the department of the change, and the new owner or
874 operator must obtain an annual system operating permit,
875 regardless of the date that the system was installed or
876 approved.

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

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

893 1. The performance criteria applicable to engineer-designed
894 systems must be limited to those necessary to ensure that such
895 systems do not adversely affect the public health or
896 significantly degrade the groundwater or surface water. Such
897 performance criteria shall include consideration of the quality
898 of system effluent, the proposed total sewage flow per acre,
899 wastewater treatment capabilities of the natural or replaced

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900 soil, water quality classification of the potential surface-
901 water-receiving body, and the structural and maintenance
902 viability of the system for the treatment of domestic
903 wastewater. However, performance criteria shall address only the
904 performance of a system and not a system's design.

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

926 3. The owner of an engineer-designed performance-based
927 system must maintain a current maintenance service agreement
928 with a maintenance entity permitted by the department. The

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929 maintenance entity shall inspect each system at least twice each
930 year and shall submit an inspection report to the department
931 each time the system is inspected which states ~~report quarterly~~
932 ~~to the department on~~ the number of systems inspected and
933 serviced. The reports may be submitted electronically.

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

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

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

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

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

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

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

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

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987 b. Suspended Solids of 10 mg/l.

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

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

994

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

998 3. In areas not scheduled to be served by a central
999 sewerage system, onsite sewage treatment and disposal systems
1000 must, by December 31, 2015, comply with department rules and
1001 provide the level of treatment described in subparagraph 2.

1002 4. In areas scheduled to be served by a central sewerage
1003 system by December 31, 2015, if the property owner has paid a
1004 connection fee or assessment for connection to the central
1005 sewerage system, the property owner may install a holding tank
1006 with a high water alarm or an onsite sewage treatment and
1007 disposal system that meets the following minimum standards:

1008 a. The existing tanks must be pumped and inspected and
1009 certified as being watertight and free of defects in accordance
1010 with department rule; and

1011 b. A sand-lined drainfield or injection well in accordance
1012 with department rule must be installed.

1013 5. Onsite sewage treatment and disposal systems must be
1014 monitored for total nitrogen and total phosphorus concentrations
1015 as required by department rule.

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1016 6. The department shall enforce proper installation,
1017 operation, and maintenance of onsite sewage treatment and
1018 disposal systems pursuant to this chapter, including ensuring
1019 that the appropriate level of treatment described in
1020 subparagraph 2. is met.

1021 7. The authority of a local government, including a special
1022 district, to mandate connection of an onsite sewage treatment
1023 and disposal system is governed by s. 4, chapter 99-395, Laws of
1024 Florida.

1025 8. Notwithstanding any other law, an onsite sewage
1026 treatment and disposal system installed after July 1, 2010, in
1027 unincorporated Monroe County, excluding special wastewater
1028 districts, that complies with the standards in subparagraph 2.
1029 is not required to connect to a central sewerage system until
1030 December 31, 2020.

1031 (m) A product sold in the state for use in onsite sewage
1032 treatment and disposal systems may not contain any substance in
1033 concentrations or amounts that would interfere with or prevent
1034 the successful operation of such system, or that would cause
1035 discharges from such systems to violate applicable water quality
1036 standards. The department shall publish criteria for products
1037 known or expected to meet the conditions of this paragraph. If a
1038 product does not meet such criteria, such product may be sold if
1039 the manufacturer satisfactorily demonstrates to the department
1040 that the conditions of this paragraph are met.

1041 (n) Evaluations for determining the seasonal high-water
1042 table elevations or the suitability of soils for the use of a
1043 new onsite sewage treatment and disposal system shall be
1044 performed by department personnel, professional engineers

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

1054 (o) An application for an onsite sewage treatment and
1055 disposal system permit shall be completed in full, signed by the
1056 owner or the owner's authorized representative, or by a
1057 contractor licensed under chapter 489, and shall be accompanied
1058 by all required exhibits and fees. Specific documentation of
1059 property ownership is not required as a prerequisite to the
1060 review of an application or the issuance of a permit. The
1061 issuance of a permit does not constitute determination by the
1062 department of property ownership.

1063 (p) The department may not require any form of subdivision
1064 analysis of property by an owner, developer, or subdivider
1065 before submission of an application for an onsite sewage
1066 treatment and disposal system.

1067 (q) This section does not limit the power of a municipality
1068 or county to enforce other laws for the protection of the public
1069 health and safety.

1070 (r) In the siting of onsite sewage treatment and disposal
1071 systems, including drainfields, shoulders, and slopes, guttering
1072 may not be required on single-family residential dwelling units
1073 for systems located greater than 5 feet from the roof drip line

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1074 of the house. If guttering is used on residential dwelling
1075 units, the downspouts shall be directed away from the
1076 drainfield.

1077 (s) Notwithstanding subparagraph (g)1., onsite sewage
1078 treatment and disposal systems located in floodways of the
1079 Suwannee and Aucilla Rivers must adhere to the following
1080 requirements:

1081 1. The absorption surface of the drainfield may not be
1082 subject to flooding based on 10-year flood elevations. Provided,
1083 however, for lots or parcels created by the subdivision of land
1084 in accordance with applicable local government regulations
1085 before January 17, 1990, if an applicant cannot construct a
1086 drainfield system with the absorption surface of the drainfield
1087 at an elevation equal to or above 10-year flood elevation, the
1088 department shall issue a permit for an onsite sewage treatment
1089 and disposal system within the 10-year floodplain of rivers,
1090 streams, and other bodies of flowing water if all of the
1091 following criteria are met:

1092 a. The lot is at least one-half acre in size;

1093 b. The bottom of the drainfield is at least 36 inches above
1094 the 2-year flood elevation; and

1095 c. The applicant installs a waterless, incinerating, or
1096 organic waste composting toilet and a graywater system and
1097 drainfield in accordance with department rules; an aerobic
1098 treatment unit and drainfield in accordance with department
1099 rules; a system that is capable of reducing effluent nitrate by
1100 at least 50 percent in accordance with department rules; or a
1101 system other than a system using alternative drainfield
1102 materials in accordance with department rules. The United States

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1103 Department of Agriculture Soil Conservation Service soil maps,
1104 State of Florida Water Management District data, and Federal
1105 Emergency Management Agency Flood Insurance maps are resources
1106 that shall be used to identify flood-prone areas.

1107 2. The use of fill or mounding to elevate a drainfield
1108 system out of the 10-year floodplain of rivers, streams, or
1109 other bodies of flowing water may not be permitted if such a
1110 system lies within a regulatory floodway of the Suwannee and
1111 Aucilla Rivers. In cases where the 10-year flood elevation does
1112 not coincide with the boundaries of the regulatory floodway, the
1113 regulatory floodway will be considered for the purposes of this
1114 subsection to extend at a minimum to the 10-year flood
1115 elevation.

1116 (t)1. The owner of an aerobic treatment unit system shall
1117 maintain a current maintenance service agreement with an aerobic
1118 treatment unit maintenance entity permitted by the department.
1119 The maintenance entity shall inspect each aerobic treatment unit
1120 system at least twice each year and shall submit an inspection
1121 report to the department each time the system is inspected
1122 stating report quarterly to the department on the number of
1123 aerobic treatment unit systems inspected and serviced. The
1124 reports may be submitted electronically.

1125 2. The property owner of an owner-occupied, single-family
1126 residence may be approved and permitted by the department as a
1127 maintenance entity for his or her own aerobic treatment unit
1128 system upon written certification from the system manufacturer's
1129 approved representative that the property owner has received
1130 training on the proper installation and service of the system.
1131 The maintenance entity service agreement must conspicuously

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1132 disclose that the property owner has the right to maintain his
1133 or her own system and is exempt from contractor registration
1134 requirements for performing construction, maintenance, or
1135 repairs on the system but is subject to all permitting
1136 requirements.

1137 3. A septic tank contractor licensed under part III of
1138 chapter 489, if approved by the manufacturer, may not be denied
1139 access by the manufacturer to aerobic treatment unit system
1140 training or spare parts for maintenance entities. After the
1141 original warranty period, component parts for an aerobic
1142 treatment unit system may be replaced with parts that meet
1143 manufacturer's specifications but are manufactured by others.
1144 The maintenance entity shall maintain documentation of the
1145 substitute part's equivalency for 2 years and shall provide such
1146 documentation to the department upon request.

1147 4. The owner of an aerobic treatment unit system shall
1148 obtain a system operating permit from the department and allow
1149 the department to inspect during reasonable hours each aerobic
1150 treatment unit system at least annually, and such inspection may
1151 include collection and analysis of system-effluent samples for
1152 performance criteria established by rule of the department.

1153 (u) The department may require the submission of detailed
1154 system construction plans that are prepared by a professional
1155 engineer registered in this state. The department shall
1156 establish by rule criteria for determining when such a
1157 submission is required.

1158 (v) Any permit issued and approved by the department for
1159 the installation, modification, or repair of an onsite sewage
1160 treatment and disposal system shall transfer with the title to

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

1171 (w) A governmental entity, including a municipality,
1172 county, or statutorily created commission, may not require an
1173 engineer-designed performance-based treatment system, excluding
1174 a passive engineer-designed performance-based treatment system,
1175 before the completion of the Florida Onsite Sewage Nitrogen
1176 Reduction Strategies Project. This paragraph does not apply to a
1177 governmental entity, including a municipality, county, or
1178 statutorily created commission, which adopted a local law,
1179 ordinance, or regulation on or before January 31, 2012.
1180 Notwithstanding this paragraph, an engineer-designed
1181 performance-based treatment system may be used to meet the
1182 requirements of the variance review and advisory committee
1183 recommendations.

1184 (x)1. An onsite sewage treatment and disposal system is not
1185 considered abandoned if the system is disconnected from a
1186 structure that was made unusable or destroyed following a
1187 disaster and if the system was properly functioning at the time
1188 of disconnection and was not adversely affected by the disaster.
1189 The onsite sewage treatment and disposal system may be

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1190 reconnected to a rebuilt structure if:

1191 a. The reconnection of the system is to the same type of
1192 structure which contains the same number of bedrooms or fewer,
1193 if the square footage of the structure is less than or equal to
1194 110 percent of the original square footage of the structure that
1195 existed before the disaster;

1196 b. The system is not a sanitary nuisance; and

1197 c. The system has not been altered without prior
1198 authorization.

1199 2. An onsite sewage treatment and disposal system that
1200 serves a property that is foreclosed upon is not considered
1201 abandoned.

1202 (y) If an onsite sewage treatment and disposal system
1203 permittee receives, relies upon, and undertakes construction of
1204 a system based upon a validly issued construction permit under
1205 rules applicable at the time of construction but a change to a
1206 rule occurs within 5 years after the approval of the system for
1207 construction but before the final approval of the system, the
1208 rules applicable and in effect at the time of construction
1209 approval apply at the time of final approval if fundamental site
1210 conditions have not changed between the time of construction
1211 approval and final approval.

1212 (z) An existing-system inspection or evaluation and
1213 assessment, or a modification, replacement, or upgrade of an
1214 onsite sewage treatment and disposal system is not required for
1215 a remodeling addition or modification to a single-family home if
1216 a bedroom is not added. However, a remodeling addition or
1217 modification to a single-family home may not cover any part of
1218 the existing system or encroach upon a required setback or the

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

1235 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
1236 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a
1237 total maximum daily load, the department shall implement a fast-
1238 track approval process of no longer than 6 months for the
1239 determination of the use of American National Standards
1240 Institute 245 systems approved by NSF International before July
1241 1, 2020. The department shall also establish an enhanced
1242 nutrient-reducing onsite sewage treatment and disposal system
1243 approval program that will expeditiously evaluate and approve
1244 such systems for use in this state to comply with ss.
1245 403.067(7)(a)10. and 373.469(3)(d).

1246 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may
1247 contract with or delegate its powers and duties under this

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1248 section ~~to a county~~ as provided in s. 403.061 or s. 403.182.

1249 Section 16. Paragraph (c) of subsection (6) and paragraph
1250 (a) of subsection (7) of section 403.067, Florida Statutes, are
1251 amended to read:

1252 403.067 Establishment and implementation of total maximum
1253 daily loads.—

1254 (6) CALCULATION AND ALLOCATION.—

1255 (c) Adoption of rules. The total maximum daily load
1256 calculations and allocations established under this subsection
1257 for each water body or water body segment shall be adopted by
1258 rule by the secretary pursuant to ss. 120.536(1), 120.54, and
1259 403.805. Where additional data collection and analysis are
1260 needed to increase the scientific precision and accuracy of the
1261 total maximum daily load, the department is authorized to adopt
1262 phased total maximum daily loads that are subject to change as
1263 additional data becomes available. Where phased total maximum
1264 daily loads are proposed, the department shall, in the detailed
1265 statement of facts and circumstances justifying the rule,
1266 explain why the data are inadequate so as to justify a phased
1267 total maximum daily load. The rules adopted pursuant to this
1268 paragraph are not ~~subject to approval by the Environmental~~
1269 ~~Regulation Commission and are not subject to the provisions of~~
1270 s. 120.541(3). As part of the rule development process, the
1271 department shall hold at least one public workshop in the
1272 vicinity of the water body or water body segment for which the
1273 total maximum daily load is being developed. Notice of the
1274 public workshop shall be published not less than 5 days nor more
1275 than 15 days before the public workshop in a newspaper of
1276 general circulation in the county or counties containing the

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1277 water bodies or water body segments for which the total maximum
1278 daily load calculation and allocation are being developed.

1279 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1280 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1281 (a) *Basin management action plans.*—

1282 1. In developing and implementing the total maximum daily
1283 load for a waterbody, the department, or the department in
1284 conjunction with a water management district, may develop a
1285 basin management action plan that addresses some or all of the
1286 watersheds and basins tributary to the waterbody. Such plan must
1287 integrate the appropriate management strategies available to the
1288 state through existing water quality protection programs to
1289 achieve the total maximum daily loads and may provide for phased
1290 implementation of these management strategies to promote timely,
1291 cost-effective actions as provided for in s. 403.151. The plan
1292 must establish a schedule implementing the management
1293 strategies, establish a basis for evaluating the plan's
1294 effectiveness, and identify feasible funding strategies for
1295 implementing the plan's management strategies. The management
1296 strategies may include regional treatment systems or other
1297 public works, when appropriate, and voluntary trading of water
1298 quality credits to achieve the needed pollutant load reductions.

1299 2. A basin management action plan must equitably allocate,
1300 pursuant to paragraph (6) (b), pollutant reductions to individual
1301 basins, as a whole to all basins, or to each identified point
1302 source or category of nonpoint sources, as appropriate. For
1303 nonpoint sources for which best management practices have been
1304 adopted, the initial requirement specified by the plan must be
1305 those practices developed pursuant to paragraph (c). When

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1306 appropriate, the plan may take into account the benefits of
1307 pollutant load reduction achieved by point or nonpoint sources
1308 that have implemented management strategies to reduce pollutant
1309 loads, including best management practices, before the
1310 development of the basin management action plan. The plan must
1311 also identify the mechanisms that will address potential future
1312 increases in pollutant loading.

1313 3. The basin management action planning process is intended
1314 to involve the broadest possible range of interested parties,
1315 with the objective of encouraging the greatest amount of
1316 cooperation and consensus possible. In developing a basin
1317 management action plan, the department shall assure that key
1318 stakeholders, including, but not limited to, applicable local
1319 governments, water management districts, the Department of
1320 Agriculture and Consumer Services, other appropriate state
1321 agencies, local soil and water conservation districts,
1322 environmental groups, regulated interests, and affected
1323 pollution sources, are invited to participate in the process.
1324 The department shall hold at least one public meeting in the
1325 vicinity of the watershed or basin to discuss and receive
1326 comments during the planning process and shall otherwise
1327 encourage public participation to the greatest practicable
1328 extent. Notice of the public meeting must be published in a
1329 newspaper of general circulation in each county in which the
1330 watershed or basin lies at least 5 days, but not more than 15
1331 days, before the public meeting. A basin management action plan
1332 does not supplant or otherwise alter any assessment made under
1333 subsection (3) or subsection (4) or any calculation or initial
1334 allocation.

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1335 4. Each new or revised basin management action plan must
1336 include all of the following:

1337 a. The appropriate management strategies available through
1338 existing water quality protection programs to achieve total
1339 maximum daily loads, which may provide for phased implementation
1340 to promote timely, cost-effective actions as provided for in s.
1341 403.151.

1342 b. A description of best management practices adopted by
1343 rule.

1344 c. For the applicable 5-year implementation milestone, a
1345 list of projects that will achieve the pollutant load reductions
1346 needed to meet the total maximum daily load or the load
1347 allocations established pursuant to subsection (6). Each project
1348 must include a planning-level cost estimate and an estimated
1349 date of completion.

1350 d. A list of projects developed pursuant to paragraph (e),
1351 if applicable.

1352 e. The source and amount of financial assistance to be made
1353 available by the department, a water management district, or
1354 other entity for each listed project, if applicable.

1355 f. A planning-level estimate of each listed project's
1356 expected load reduction, if applicable.

1357 5. The department shall adopt all or any part of a basin
1358 management action plan and any amendment to such plan by
1359 secretarial order pursuant to chapter 120 to implement this
1360 section. A basin management action plan and any amendment to
1361 such plan shall become effective 60 days after the date the
1362 secretarial order is filed.

1363 6. The basin management action plan must include 5-year

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1364 milestones for implementation and water quality improvement, and
1365 an associated water quality monitoring component sufficient to
1366 evaluate whether reasonable progress in pollutant load
1367 reductions is being achieved over time. An assessment of
1368 progress toward these milestones shall be conducted every 5
1369 years, and revisions to the plan shall be made as appropriate.
1370 Any entity with a specific pollutant load reduction requirement
1371 established in a basin management action plan shall identify the
1372 projects or strategies that such entity will undertake to meet
1373 current 5-year pollution reduction milestones, beginning with
1374 the first 5-year milestone for new basin management action
1375 plans, and submit such projects to the department for inclusion
1376 in the appropriate basin management action plan. Each project
1377 identified must include an estimated amount of nutrient
1378 reduction that is reasonably expected to be achieved based on
1379 the best scientific information available. Revisions to the
1380 basin management action plan shall be made by the department in
1381 cooperation with basin stakeholders. Revisions to the management
1382 strategies required for nonpoint sources must follow the
1383 procedures in subparagraph (c)4. Revised basin management action
1384 plans must be adopted pursuant to subparagraph 5.

1385 7. In accordance with procedures adopted by rule under
1386 paragraph (9)(c), basin management action plans, and other
1387 pollution control programs under local, state, or federal
1388 authority as provided in subsection (4), may allow point or
1389 nonpoint sources that will achieve greater pollutant reductions
1390 than required by an adopted total maximum daily load or
1391 wasteload allocation to generate, register, and trade water
1392 quality credits for the excess reductions to enable other

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1393 sources to achieve their allocation; however, the generation of
1394 water quality credits does not remove the obligation of a source
1395 or activity to meet applicable technology requirements or
1396 adopted best management practices. Such plans must allow trading
1397 between NPDES permittees, and trading that may or may not
1398 involve NPDES permittees, where the generation or use of the
1399 credits involve an entity or activity not subject to department
1400 water discharge permits whose owner voluntarily elects to obtain
1401 department authorization for the generation and sale of credits.

1402 8. The department's rule relating to the equitable
1403 abatement of pollutants into surface waters do not apply to
1404 water bodies or waterbody segments for which a basin management
1405 plan that takes into account future new or expanded activities
1406 or discharges has been adopted under this section.

1407 9. In order to promote resilient wastewater utilities, if
1408 the department identifies domestic wastewater treatment
1409 facilities or onsite sewage treatment and disposal systems as
1410 contributors of at least 20 percent of point source or nonpoint
1411 source nutrient pollution or if the department determines
1412 remediation is necessary to achieve the total maximum daily
1413 load, a basin management action plan for a nutrient total
1414 maximum daily load must include the following:

1415 a. A domestic wastewater treatment plan developed by each
1416 local government, in cooperation with the department, the water
1417 management district, and the public and private domestic
1418 wastewater treatment facilities providing services or located
1419 within the jurisdiction of the local government, which addresses
1420 domestic wastewater. Private domestic wastewater facilities and
1421 special districts providing domestic wastewater services must

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1422 provide the required wastewater facility information to the
1423 applicable local governments. The domestic wastewater treatment
1424 plan must:

1425 (I) Provide for construction, expansion, or upgrades
1426 necessary to achieve the total maximum daily load requirements
1427 applicable to the domestic wastewater treatment facility.

1428 (II) Include the permitted capacity in average annual
1429 gallons per day for the domestic wastewater treatment facility;
1430 the average nutrient concentration and the estimated average
1431 nutrient load of the domestic wastewater; a projected timeline
1432 of the dates by which the construction of any facility
1433 improvements will begin and be completed and the date by which
1434 operations of the improved facility will begin; the estimated
1435 cost of the improvements; and the identity of responsible
1436 parties.

1437

1438 The domestic wastewater treatment plan must be adopted as part
1439 of the basin management action plan no later than July 1, 2025.
1440 A local government that does not have a domestic wastewater
1441 treatment facility in its jurisdiction is not required to
1442 develop a domestic wastewater treatment plan unless there is a
1443 demonstrated need to establish a domestic wastewater treatment
1444 facility within its jurisdiction to improve water quality
1445 necessary to achieve a total maximum daily load. A local
1446 government is not responsible for a private domestic wastewater
1447 facility's compliance with a basin management action plan unless
1448 such facility is operated through a public-private partnership
1449 to which the local government is a party.

1450 b. An onsite sewage treatment and disposal system

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1451 remediation plan developed by each local government in
1452 cooperation with the department, the Department of Health, water
1453 management districts, and public and private domestic wastewater
1454 treatment facilities.

1455 (I) The onsite sewage treatment and disposal system
1456 remediation plan must identify cost-effective and financially
1457 feasible projects necessary to achieve the nutrient load
1458 reductions required for onsite sewage treatment and disposal
1459 systems. To identify cost-effective and financially feasible
1460 projects for remediation of onsite sewage treatment and disposal
1461 systems, the local government shall:

1462 (A) Include an inventory of onsite sewage treatment and
1463 disposal systems based on the best information available;

1464 (B) Identify onsite sewage treatment and disposal systems
1465 that would be eliminated through connection to existing or
1466 future central domestic wastewater infrastructure in the
1467 jurisdiction or domestic wastewater service area of the local
1468 government, that would be replaced with or upgraded to enhanced
1469 nutrient-reducing onsite sewage treatment and disposal systems,
1470 or that would remain on conventional onsite sewage treatment and
1471 disposal systems;

1472 (C) Estimate the costs of potential onsite sewage treatment
1473 and disposal system connections, upgrades, or replacements; and

1474 (D) Identify deadlines and interim milestones for the
1475 planning, design, and construction of projects.

1476 (II) The department shall adopt the onsite sewage treatment
1477 and disposal system remediation plan as part of the basin
1478 management action plan no later than July 1, 2025, or as
1479 required for Outstanding Florida Springs under s. 373.807.

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1480 10. The following activities are prohibited within a basin
1481 management action plan adopted under this section, a reasonable
1482 assurance plan, or a pollution reduction plan:

1483 a. The installation of new onsite sewage treatment and
1484 disposal systems ~~constructed within a basin management action~~
1485 ~~plan area adopted under this section, a reasonable assurance~~
1486 ~~plan, or a pollution reduction plan is prohibited~~ where
1487 connection to a publicly owned or investor-owned sewerage system
1488 is available as defined in s. 381.0065(2)(a). On lots of 1 acre
1489 or less ~~within a basin management action plan adopted under this~~
1490 ~~section, a reasonable assurance plan, or a pollution reduction~~
1491 ~~plan~~ where a publicly owned or investor-owned sewerage system is
1492 not available, the installation of enhanced nutrient-reducing
1493 onsite sewage treatment and disposal systems, distributed
1494 wastewater treatment systems as defined in s. 403.814(13), or
1495 other wastewater treatment systems that achieve at least 65
1496 percent nitrogen reduction is required.

1497 b. The construction or installation of new domestic
1498 wastewater disposal facilities, including rapid infiltration
1499 basins, with permitted capacities of 100,000 or more gallons per
1500 day, except for those facilities that meet an advanced
1501 wastewater treatment standard of no more than 3 mg/l total
1502 nitrogen and 1 mg/l total phosphorus on an annual permitted
1503 basis, or a more stringent treatment standard if the department
1504 determines the more stringent standard is necessary to attain a
1505 total maximum daily load.

1506 c. The construction or installation of new facilities for
1507 the disposal of hazardous waste.

1508 11. When identifying wastewater projects in a basin

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1509 management action plan, the department may not require the
1510 higher cost option if it achieves the same nutrient load
1511 reduction as a lower cost option. A regulated entity may choose
1512 a different cost option if it complies with the pollutant
1513 reduction requirements of an adopted total maximum daily load
1514 and meets or exceeds the pollution reduction requirement of the
1515 original project.

1516 12. Annually, local governments subject to a basin
1517 management action plan or located within the basin of a
1518 waterbody not attaining nutrient or nutrient-related standards
1519 must provide to the department an update on the status of
1520 construction of sanitary sewers to serve such areas, in a manner
1521 prescribed by the department.

1522 Section 17. Paragraph (e) of subsection (1) of section
1523 403.0671, Florida Statutes, is amended to read:

1524 403.0671 Basin management action plan wastewater reports.—

1525 (1) By July 1, 2021, the department, in coordination with
1526 the county health departments, wastewater treatment facilities,
1527 and other governmental entities, shall submit a report to the
1528 Governor, the President of the Senate, and the Speaker of the
1529 House of Representatives evaluating the costs of wastewater
1530 projects identified in the basin management action plans
1531 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1532 sewage treatment and disposal system remediation plans and other
1533 restoration plans developed to meet the total maximum daily
1534 loads required under s. 403.067. The report must include all of
1535 the following:

1536 (e) The projected costs of installing enhanced nutrient-
1537 reducing onsite sewage treatment and disposal systems on

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1538 buildable lots in priority focus areas ~~to comply with s.~~
1539 ~~373.811.~~

1540 Section 18. Subsection (11) of section 403.0872, Florida
1541 Statutes, is amended to read:

1542 403.0872 Operation permits for major sources of air
1543 pollution; annual operation license fee.—Provided that program
1544 approval pursuant to 42 U.S.C. s. 7661a has been received from
1545 the United States Environmental Protection Agency, beginning
1546 January 2, 1995, each major source of air pollution, including
1547 electrical power plants certified under s. 403.511, must obtain
1548 from the department an operation permit for a major source of
1549 air pollution under this section. This operation permit is the
1550 only department operation permit for a major source of air
1551 pollution required for such source; provided, at the applicant's
1552 request, the department shall issue a separate acid rain permit
1553 for a major source of air pollution that is an affected source
1554 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
1555 for major sources of air pollution, except general permits
1556 issued pursuant to s. 403.814, must be issued in accordance with
1557 the procedures contained in this section and in accordance with
1558 chapter 120; however, to the extent that chapter 120 is
1559 inconsistent with this section, the procedures contained in this
1560 section prevail.

1561 (11) Each major source of air pollution permitted to
1562 operate in this state must pay by June 30 ~~between January 15 and~~
1563 ~~April 1~~ of each year, upon written notice from the department,
1564 an annual operation license fee in an amount determined by
1565 department rule. The annual operation license fee shall be
1566 terminated immediately in the event the United States

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1567 Environmental Protection Agency imposes annual fees solely to
1568 implement and administer the major source air-operation permit
1569 program in Florida under 40 C.F.R. s. 70.10(d).

1570 (a) The annual fee must be assessed based upon the source's
1571 previous year's emissions and must be calculated by multiplying
1572 the applicable annual operation license fee factor times the
1573 tons of each regulated air pollutant actually emitted, as
1574 calculated in accordance with the department's emissions
1575 computation and reporting rules. The annual fee shall only apply
1576 to those regulated pollutants, except carbon monoxide and
1577 greenhouse gases, for which an allowable numeric emission
1578 limiting standard is specified in the source's most recent
1579 construction or operation permit; provided, however, that:

1580 1. The license fee factor is \$25 or another amount
1581 determined by department rule which ensures that the revenue
1582 provided by each year's operation license fees is sufficient to
1583 cover all reasonable direct and indirect costs of the major
1584 stationary source air-operation permit program established by
1585 this section. The license fee factor may be increased beyond \$25
1586 only if the secretary of the department affirmatively finds that
1587 a shortage of revenue for support of the major stationary source
1588 air-operation permit program will occur in the absence of a fee
1589 factor adjustment. The annual license fee factor may never
1590 exceed \$35.

1591 2. The amount of each regulated air pollutant in excess of
1592 4,000 tons per year emitted by any source, or group of sources
1593 belonging to the same Major Group as described in the Standard
1594 Industrial Classification Manual, 1987, may not be included in
1595 the calculation of the fee. Any source, or group of sources,

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1596 which does not emit any regulated air pollutant in excess of
1597 4,000 tons per year, is allowed a one-time credit not to exceed
1598 25 percent of the first annual licensing fee for the prorated
1599 portion of existing air-operation permit application fees
1600 remaining upon commencement of the annual licensing fees.

1601 3. If the department has not received the fee ~~by March 1 of~~
1602 ~~the calendar year, the permittee must be sent a written warning~~
1603 ~~of the consequences for failing to pay the fee by April 1. If~~
1604 ~~the fee is not postmarked by June 30 April 1~~ of the calendar
1605 year, the department shall impose, in addition to the fee, a
1606 penalty of 50 percent of the amount of the fee, plus interest on
1607 such amount computed in accordance with s. 220.807. The
1608 department may not impose such penalty or interest on any amount
1609 underpaid, provided that the permittee has timely remitted
1610 payment of at least 90 percent of the amount determined to be
1611 due and remits full payment within 60 days after receipt of
1612 notice of the amount underpaid. The department may waive the
1613 collection of underpayment and may not be required to refund
1614 overpayment of the fee, if the amount due is less than 1 percent
1615 of the fee, up to \$50. The department may revoke any major air
1616 pollution source operation permit if it finds that the
1617 permitholder has failed to timely pay any required annual
1618 operation license fee, penalty, or interest.

1619 4. Notwithstanding the computational provisions of this
1620 subsection, the annual operation license fee for any source
1621 subject to this section may not be less than \$250, except that
1622 the annual operation license fee for sources permitted solely
1623 through general permits issued under s. 403.814 may not exceed
1624 \$50 per year.

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1625 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
1626 air pollution construction permit fees, the department may not
1627 require such fees for changes or additions to a major source of
1628 air pollution permitted pursuant to this section, unless the
1629 activity triggers permitting requirements under Title I, Part C
1630 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
1631 7514a. ~~Costs to issue and administer such permits shall be~~
1632 ~~considered direct and indirect costs of the major stationary~~
1633 ~~source air operation permit program under s. 403.0873.~~ The
1634 department shall, however, require fees pursuant to s.
1635 403.087(7)(a)5.a. for the construction of a new major source of
1636 air pollution that will be subject to the permitting
1637 requirements of this section once constructed and for activities
1638 triggering permitting requirements under Title I, Part C or Part
1639 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

1640 (b) Annual operation license fees collected by the
1641 department must be sufficient to cover all reasonable direct and
1642 indirect costs required to develop and administer the major
1643 stationary source air-operation permit program, which shall
1644 consist of the following elements to the extent that they are
1645 reasonably related to the regulation of major stationary air
1646 pollution sources, in accordance with United States
1647 Environmental Protection Agency regulations and guidelines:

1648 1. Reviewing and acting upon any application for such a
1649 permit.

1650 2. Implementing and enforcing the terms and conditions of
1651 any such permit, excluding court costs or other costs associated
1652 with any enforcement action.

1653 3. Emissions and ambient monitoring.

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- 1654 4. Preparing generally applicable regulations or guidance.
1655 5. Modeling, analyses, and demonstrations.
1656 6. Preparing inventories and tracking emissions.
1657 7. Implementing the Small Business Stationary Source
1658 Technical and Environmental Compliance Assistance Program.
1659 8. Any audits conducted under paragraph (c).

1660 (c) An audit of the major stationary source air-operation
1661 permit program must be conducted 2 years after the United States
1662 Environmental Protection Agency has given full approval of the
1663 program to ascertain whether the annual operation license fees
1664 collected by the department are used solely to support any
1665 reasonable direct and indirect costs as listed in paragraph (b).
1666 A program audit must be performed biennially after the first
1667 audit.

1668 Section 19. Paragraphs (a) and (b) of subsection (3) of
1669 section 403.1838, Florida Statutes, are amended to read:

1670 403.1838 Small Community Sewer Construction Assistance
1671 Act.—

1672 (3) (a) In accordance with rules adopted by the department
1673 ~~Environmental Regulation Commission under this section~~, the
1674 department may provide grants, from funds specifically
1675 appropriated for this purpose, to financially disadvantaged
1676 small communities for up to 100 percent of the costs of
1677 planning, designing, constructing, upgrading, or replacing
1678 wastewater collection, transmission, treatment, disposal, and
1679 reuse facilities, including necessary legal and administrative
1680 expenses.

1681 (b) The rules of the department ~~Environmental Regulation~~
1682 ~~Commission~~ must:

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1683 1. Require that projects to plan, design, construct,
1684 upgrade, or replace wastewater collection, transmission,
1685 treatment, disposal, and reuse facilities be cost-effective,
1686 environmentally sound, permittable, and implementable.

1687 2. Require appropriate user charges, connection fees, and
1688 other charges sufficient to ensure the long-term operation,
1689 maintenance, and replacement of the facilities constructed under
1690 each grant.

1691 3. Require grant applications to be submitted on
1692 appropriate forms with appropriate supporting documentation, and
1693 require records to be maintained.

1694 4. Establish a system to determine eligibility of grant
1695 applications.

1696 5. Establish a system to determine the relative priority of
1697 grant applications. The system must consider public health
1698 protection and water pollution prevention or abatement and must
1699 prioritize projects that plan for the installation of wastewater
1700 transmission facilities to be constructed concurrently with
1701 other construction projects occurring within or along a
1702 transportation facility right-of-way.

1703 6. Establish requirements for competitive procurement of
1704 engineering and construction services, materials, and equipment.

1705 7. Provide for termination of grants when program
1706 requirements are not met.

1707 Section 20. Section 403.804, Florida Statutes, is repealed.

1708 Section 21. Subsection (6) of section 120.81, Florida
1709 Statutes, is amended to read:

1710 120.81 Exceptions and special requirements; general areas.—

1711 (6) RISK IMPACT STATEMENT.—The Department of Environmental

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1712 Protection shall prepare a risk impact statement for any rule
1713 that is proposed for adoption which ~~approval by the~~
1714 ~~Environmental Regulation Commission and that~~ establishes or
1715 changes standards or criteria based on impacts to or effects
1716 upon human health. The Department of Agriculture and Consumer
1717 Services shall prepare a risk impact statement for any rule that
1718 is proposed for adoption that establishes standards or criteria
1719 based on impacts to or effects upon human health.

1720 (a) This subsection does not apply to rules adopted
1721 pursuant to federally delegated or mandated programs where such
1722 rules are identical or substantially identical to the federal
1723 regulations or laws being adopted or implemented by the
1724 Department of Environmental Protection or Department of
1725 Agriculture and Consumer Services, as applicable. However, the
1726 Department of Environmental Protection and the Department of
1727 Agriculture and Consumer Services shall identify any risk
1728 analysis information available to them from the Federal
1729 Government that has formed the basis of such a rule.

1730 (b) This subsection does not apply to emergency rules
1731 adopted pursuant to this chapter.

1732 (c) The Department of Environmental Protection and the
1733 Department of Agriculture and Consumer Services shall prepare
1734 and publish notice of the availability of a clear and concise
1735 risk impact statement for all applicable rules. The risk impact
1736 statement must explain the risk to the public health addressed
1737 by the rule and shall identify and summarize the source of the
1738 scientific information used in evaluating that risk.

1739 (d) Nothing in this subsection shall be construed to create
1740 a new cause of action or basis for challenging a rule nor

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1741 diminish any existing cause of action or basis for challenging a
1742 rule.

1743 Section 22. Subsection (1) of section 373.421, Florida
1744 Statutes, is amended, and paragraph (b) of subsection (7) of
1745 that section is reenacted, to read:

1746 373.421 Delineation methods; formal determinations.—

1747 (1) The department's ~~Environmental Regulation Commission~~
1748 ~~shall adopt a~~ unified statewide methodology for the delineation
1749 of the extent of wetlands as defined in s. 373.019(27). ~~This~~
1750 ~~methodology~~ shall consider regional differences in the types of
1751 soils and vegetation that may serve as indicators of the extent
1752 of wetlands. This methodology shall also include provisions for
1753 determining the extent of surface waters other than wetlands for
1754 the purposes of regulation under s. 373.414. This methodology
1755 shall not become effective until ratified by the Legislature.
1756 Subsequent to legislative ratification, the wetland definition
1757 in s. 373.019(27) and the adopted wetland methodology shall be
1758 binding on the department, the water management districts, local
1759 governments, and any other governmental entities. Upon
1760 ratification of such wetland methodology, the Legislature
1761 preempts the authority of any water management district, state
1762 or regional agency, or local government to define wetlands or
1763 develop a delineation methodology to implement the definition
1764 and determines that the exclusive definition and delineation
1765 methodology for wetlands shall be that established pursuant to
1766 s. 373.019(27) and this section. Upon such legislative
1767 ratification, any existing wetlands definition or wetland
1768 delineation methodology shall be superseded by the wetland
1769 definition and delineation methodology established pursuant to

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1770 this chapter. Subsequent to legislative ratification, a
1771 delineation of the extent of a surface water or wetland by the
1772 department or a water management district, pursuant to a formal
1773 determination under subsection (2), or pursuant to a permit
1774 issued under this part in which the delineation was field-
1775 verified by the permitting agency and specifically approved in
1776 the permit, shall be binding on all other governmental entities
1777 for the duration of the formal determination or permit. All
1778 existing rules and methodologies of the department, the water
1779 management districts, and local governments, regarding surface
1780 water or wetland definition and delineation shall remain in full
1781 force and effect until the common methodology rule becomes
1782 effective. However, this shall not be construed to limit any
1783 power of the department, the water management districts, and
1784 local governments to amend or adopt a surface water or wetland
1785 definition or delineation methodology until the common
1786 methodology rule becomes effective.

1787 (7)

1788 (b) Wetlands contiguous to surface waters of the state as
1789 defined in s. 403.031(13), Florida Statutes (1991), shall be
1790 delineated pursuant to the department's rules as such rules
1791 existed prior to January 24, 1984, while wetlands not contiguous
1792 to surface waters of the state as defined in s. 403.031(13),
1793 Florida Statutes (1991), shall be delineated pursuant to the
1794 applicable methodology ratified by s. 373.4211 for any
1795 development which obtains an individual permit from the United
1796 States Army Corps of Engineers under 33 U.S.C. s. 1344:

1797 1. Where a jurisdictional determination validated by the
1798 department pursuant to rule 17-301.400(8), Florida

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1799 Administrative Code, as it existed in rule 17-4.022, Florida
1800 Administrative Code, on April 1, 1985, is revalidated pursuant
1801 to s. 373.414(13) and the affected lands are part of a project
1802 for which a vested rights determination has been issued pursuant
1803 to s. 380.06, or

1804 2. Where the lands affected were grandfathered pursuant to
1805 s. 403.913(6), Florida Statutes (1991), and proof of prior
1806 notification pursuant to s. 403.913(6), Florida Statutes (1991),
1807 is submitted to the department within 180 days of the
1808 publication of a notice by the department of the existence of
1809 this provision. Failure to timely submit the proof of prior
1810 notification to the department serves as a waiver of the
1811 benefits conferred by this subsection.

1812 3. This subsection shall not be applicable to lands:

1813 a. Within the geographical area to which an individual or
1814 general permit issued prior to June 1, 1994, under rules adopted
1815 pursuant to this part applies; or

1816 b. Within the geographical area to which a conceptual
1817 permit issued prior to June 1, 1994, under rules adopted
1818 pursuant to this part applies if wetland delineations were
1819 identified and approved by the conceptual permit as set forth in
1820 s. 373.414(12)(b)1. or 2.; or

1821 c. Where no development activity as defined in s. 380.01(1)
1822 or (2)(a)-(d) and (f) has occurred within the project boundaries
1823 since October 1, 1986; or

1824 d. Of a project which is not in compliance with this part
1825 or the rules adopted pursuant to ss. 403.91-403.929, 1984
1826 Supplement to the Florida Statutes 1983, as amended.

1827 4. The wetland delineation methodology required in this

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1828 subsection shall only apply within the geographical area of an
1829 individual permit issued by the United States Army Corps of
1830 Engineers under 33 U.S.C. s. 1344. The requirement to obtain
1831 such individual permit to secure the benefit of this subsection
1832 shall not apply to any activities exempt or not subject to
1833 regulation under 33 U.S.C. s. 1344.

1834 5. Notwithstanding subsection (1), the wetland delineation
1835 methodology required in this subsection and any wetland
1836 delineation pursuant thereto, shall only apply to agency action
1837 under this part and shall not be binding on local governments
1838 except in their implementation of this part.

1839 Section 23. Paragraph (b) of subsection (23) of section
1840 403.031, Florida Statutes, is amended to read:

1841 403.031 Definitions.—In construing this chapter, or rules
1842 and regulations adopted pursuant hereto, the following words,
1843 phrases, or terms, unless the context otherwise indicates, have
1844 the following meanings:

1845 (23) "Waters" include, but are not limited to, rivers,
1846 lakes, streams, springs, impoundments, wetlands, and all other
1847 waters or bodies of water, including fresh, brackish, saline,
1848 tidal, surface, or underground waters. Waters owned entirely by
1849 one person other than the state are included only in regard to
1850 possible discharge on other property or water. Underground
1851 waters include, but are not limited to, all underground waters
1852 passing through pores of rock or soils or flowing through in
1853 channels, whether manmade or natural. Solely for purposes of s.
1854 403.0885, waters of the state also include navigable waters or
1855 waters of the contiguous zone as used in s. 502 of the Clean
1856 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in

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1857 existence on January 1, 1993, except for those navigable waters
1858 seaward of the boundaries of the state set forth in s. 1, Art.
1859 II of the State Constitution. Solely for purposes of this
1860 chapter, waters of the state also include the area bounded by
1861 the following:

1862 (b) The area bounded by the line described in paragraph (a)
1863 generally includes those waters to be known as waters of the
1864 state. The landward extent of these waters shall be determined
1865 by the delineation methodology ratified in s. 373.4211. Any
1866 waters which are outside the general boundary line described in
1867 paragraph (a) but which are contiguous thereto by virtue of the
1868 presence of a wetland, watercourse, or other surface water, as
1869 determined by the delineation methodology ratified in s.
1870 373.4211, shall be a part of this waterbody. Any areas within
1871 the line described in paragraph (a) which are neither a wetland
1872 nor surface water, as determined by the delineation methodology
1873 ratified in s. 373.4211, shall be excluded therefrom. ~~If the~~
1874 ~~Florida Environmental Regulation Commission designates the~~
1875 ~~waters within the boundaries an Outstanding Florida Water,~~
1876 ~~waters outside the boundaries may not be included as part of~~
1877 ~~such designation unless a hearing is held pursuant to notice in~~
1878 ~~each appropriate county and the boundaries of such lands are~~
1879 ~~specifically considered and described for such designation.~~

1880 Section 24. Subsections (7) and (32) of section 403.061,
1881 Florida Statutes, are amended to read:

1882 403.061 Department; powers and duties.—The department shall
1883 have the power and the duty to control and prohibit pollution of
1884 air and water in accordance with the law and rules adopted and
1885 promulgated by it and, for this purpose, to:

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1886 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1887 implement this act. Any rule adopted pursuant to this act must
1888 be consistent with the provisions of federal law, if any,
1889 relating to control of emissions from motor vehicles, effluent
1890 limitations, pretreatment requirements, or standards of
1891 performance. A county, municipality, or political subdivision
1892 may not adopt or enforce any local ordinance, special law, or
1893 local regulation requiring the installation of Stage II vapor
1894 recovery systems, as currently defined by department rule,
1895 unless such county, municipality, or political subdivision is or
1896 has been in the past designated by federal regulation as a
1897 moderate, serious, or severe ozone nonattainment area. Rules
1898 adopted pursuant to this act may not require dischargers of
1899 waste into waters of the state to improve natural background
1900 conditions. The department shall adopt rules to reasonably
1901 limit, reduce, and eliminate domestic wastewater collection and
1902 transmission system pipe leakages and inflow and infiltration.
1903 Discharges from steam electric generating plants existing or
1904 licensed under this chapter on July 1, 1984, may not be required
1905 to be treated to a greater extent than may be necessary to
1906 assure that the quality of nonthermal components of discharges
1907 from nonrecirculated cooling water systems is as high as the
1908 quality of the makeup waters; that the quality of nonthermal
1909 components of discharges from recirculated cooling water systems
1910 is no lower than is allowed for blowdown from such systems; or
1911 that the quality of noncooling system discharges which receive
1912 makeup water from a receiving body of water which does not meet
1913 applicable department water quality standards is as high as the
1914 quality of the receiving body of water. ~~The department may not~~

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1915 ~~adopt standards more stringent than federal regulations, except~~
1916 ~~as provided in s. 403.804.~~

1917 (32) Adopt rules necessary to obtain approval from the
1918 United States Environmental Protection Agency to administer the
1919 Federal National Pollution Discharge Elimination System (NPDES)
1920 permitting program in Florida under ss. 318, 402, and 405 of the
1921 federal Clean Water Act, Pub. L. No. 92-500, as amended. This
1922 authority shall be implemented consistent with the provisions of
1923 part II, which shall be applicable to facilities certified
1924 thereunder. The department shall establish all rules, standards,
1925 and requirements that regulate the discharge of pollutants into
1926 waters of the United States as defined by and in a manner
1927 consistent with federal regulations; provided, however, that the
1928 department may adopt a standard that is stricter or more
1929 stringent than one set by the United States Environmental
1930 Protection Agency ~~if approved by the Governor and Cabinet in~~
1931 ~~accordance with the procedures of s. 403.804(2).~~

1932
1933 The department shall implement such programs in conjunction with
1934 its other powers and duties and shall place special emphasis on
1935 reducing and eliminating contamination that presents a threat to
1936 humans, animals or plants, or to the environment.

1937 Section 25. Subsection (9) of section 403.704, Florida
1938 Statutes, is amended to read:

1939 403.704 Powers and duties of the department.—The department
1940 shall have responsibility for the implementation and enforcement
1941 of this act. In addition to other powers and duties, the
1942 department shall:

1943 (9) Adopt rules pursuant to ss. 120.536(1) and 120.54 to

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1944 implement and enforce this act, including requirements for the
1945 classification, construction, operation, maintenance, and
1946 closure of solid waste management facilities and requirements
1947 for, and conditions on, solid waste disposal in this state,
1948 whether such solid waste is generated within this state or
1949 outside this state as long as such requirements and conditions
1950 are not based on the out-of-state origin of the waste and are
1951 consistent with applicable law. When classifying solid waste
1952 management facilities, the department shall consider the
1953 hydrogeology of the site for the facility, the types of wastes
1954 to be handled by the facility, and methods used to control the
1955 types of waste to be handled by the facility and shall seek to
1956 minimize the adverse effects of solid waste management on the
1957 environment. ~~Whenever the department adopts any rule stricter or~~
1958 ~~more stringent than one that has been set by the United States~~
1959 ~~Environmental Protection Agency, the procedures set forth in s.~~
1960 ~~403.804(2) shall be followed.~~ The department may ~~shall~~ not,
1961 ~~however,~~ adopt hazardous waste rules for solid waste for which
1962 special studies were required before ~~prior to~~ October 1, 1988,
1963 under s. 8002 of the Resource Conservation and Recovery Act, 42
1964 U.S.C. s. 6982, as amended, until the studies are completed by
1965 the United States Environmental Protection Agency and the
1966 information is available to the department for consideration in
1967 adopting its own rule.

1968 Section 26. Paragraph (d) of subsection (3) and paragraph
1969 (h) of subsection (9) of section 403.707, Florida Statutes, are
1970 amended to read:

1971 403.707 Permits.—

1972 (3)

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1973 (d) The department may adopt rules to administer this
1974 subsection. ~~However, the department is not required to submit~~
1975 ~~such rules to the Environmental Regulation Commission for~~
1976 ~~approval.~~ Notwithstanding the limitations of s. 403.087(7)(a),
1977 permit fee caps for solid waste management facilities must ~~shall~~
1978 be prorated to reflect the extended permit term authorized by
1979 this subsection.

1980 (9) The department shall establish a separate category for
1981 solid waste management facilities that accept only construction
1982 and demolition debris for disposal or recycling. The department
1983 shall establish a reasonable schedule for existing facilities to
1984 comply with this section to avoid undue hardship to such
1985 facilities. However, a permitted solid waste disposal unit that
1986 receives a significant amount of waste prior to the compliance
1987 deadline established in this schedule shall not be required to
1988 be retrofitted with liners or leachate control systems.

1989 (h) The department shall ensure that the requirements of
1990 this section are applied and interpreted consistently throughout
1991 this the state. ~~In accordance with s. 20.255,~~ The Division of
1992 Waste Management shall direct the district offices and bureaus
1993 on matters relating to the interpretation and applicability of
1994 this section.

1995 Section 27. Subsection (3) of section 403.7222, Florida
1996 Statutes, is amended to read:

1997 403.7222 Prohibition of hazardous waste landfills.—

1998 (3) This section does not prohibit the department from
1999 banning the disposal of hazardous waste in other types of waste
2000 management units in a manner consistent with federal
2001 requirements, ~~except as provided under s. 403.804(2).~~

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2002 Section 28. Subsection (4) of section 403.7234, Florida
2003 Statutes, is amended to read:

2004 403.7234 Small quantity generator notification and
2005 verification program.—

2006 (4) Within 30 days of receipt of a notification, which
2007 includes a survey form, a small quantity generator shall
2008 disclose its management practices and the types and quantities
2009 of waste to the county government. Annually, each county shall
2010 verify the management practices of at least 20 percent of its
2011 small quantity generators. The procedure for verification used
2012 by the county must ~~shall~~ be developed as part of the guidance
2013 established by the department under s. 403.7226. The department
2014 may also regulate the waste management practices of small
2015 quantity generators in order to ensure proper management of
2016 hazardous waste in a manner consistent with federal
2017 requirements, ~~except as provided under s. 403.804(2).~~

2018 Section 29. Section 403.803, Florida Statutes, is amended
2019 to read:

2020 403.803 Definitions.—When used in this part ~~act~~, the term,
2021 phrase, or word:

2022 (1) "Branch office" means a geographical area, the
2023 boundaries of which may be established as a part of a district.

2024 (2) "Canal" is a manmade trench, the bottom of which is
2025 normally covered by water with the upper edges of its sides
2026 normally above water.

2027 (3) "Channel" is a trench, the bottom of which is normally
2028 covered entirely by water, with the upper edges of its sides
2029 normally below water.

2030 (4) ~~"Commission" means the Environmental Regulation~~

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2031 ~~Commission.~~

2032 ~~(5)~~ "Department" means the Department of Environmental
2033 Protection.

2034 (5)~~(6)~~ "District" or "environmental district" means one of
2035 the geographical areas, the boundaries of which are established
2036 pursuant to this act.

2037 (6)~~(7)~~ "Drainage ditch" or "irrigation ditch" is a manmade
2038 trench dug for the purpose of draining water from the land or
2039 for transporting water for use on the land and is not built for
2040 navigational purposes.

2041 (7)~~(8)~~ "Environmental district center" means the facilities
2042 and personnel which are centralized in each district for the
2043 purposes of carrying out the provisions of this act.

2044 (8)~~(9)~~ "Headquarters" means the physical location of the
2045 offices of the secretary and the division directors of the
2046 department.

2047 (9)~~(10)~~ "Insect control impoundment dikes" means artificial
2048 structures, including earthen berms, constructed and used to
2049 impound waters for the purpose of insect control.

2050 (10)~~(11)~~ "Manager" means the head of an environmental
2051 district or branch office who shall supervise all environmental
2052 functions of the department within such environmental district
2053 or branch office.

2054 (11)~~(12)~~ "Secretary" means the Secretary of Environmental
2055 Protection.

2056 (12)~~(13)~~ "Standard" means any rule of the Department of
2057 Environmental Protection relating to air and water quality,
2058 noise, solid-waste management, and electric and magnetic fields
2059 associated with electrical transmission and distribution lines

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2060 and substation facilities. The term "standard" does not include
2061 rules of the department which relate exclusively to the internal
2062 management of the department, the procedural processing of
2063 applications, the administration of rulemaking or adjudicatory
2064 proceedings, the publication of notices, the conduct of
2065 hearings, or other procedural matters.

2066 (13)~~(14)~~ "Swale" means a manmade trench which:

2067 (a) Has a top width-to-depth ratio of the cross-section
2068 equal to or greater than 6:1, or side slopes equal to or greater
2069 than 3 feet horizontal to 1 foot vertical;

2070 (b) Contains contiguous areas of standing or flowing water
2071 only following a rainfall event;

2072 (c) Is planted with or has stabilized vegetation suitable
2073 for soil stabilization, stormwater treatment, and nutrient
2074 uptake; and

2075 (d) Is designed to take into account the soil erodibility,
2076 soil percolation, slope, slope length, and drainage area so as
2077 to prevent erosion and reduce pollutant concentration of any
2078 discharge.

2079 Section 30. Subsections (1) and (3) of section 403.805,
2080 Florida Statutes, are amended to read:

2081 403.805 Secretary; powers and duties; review of specified
2082 rules.-

2083 (1) The secretary shall have the powers and duties of heads
2084 of departments set forth in chapter 20, including the authority
2085 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
2086 implement this chapter and the provisions of chapters 161, 253,
2087 258, 260, 369, 373, 376, 377, 378, and 380 ~~253, 373, and 376 and~~
2088 ~~this chapter. The secretary shall have rulemaking responsibility~~

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2089 ~~under chapter 120, but shall submit any proposed rule containing~~
2090 ~~standards to the Environmental Regulation Commission for~~
2091 ~~approval, modification, or disapproval pursuant to s. 403.804,~~
2092 ~~except for total maximum daily load calculations and allocations~~
2093 ~~developed pursuant to s. 403.067(6).~~ The secretary shall have
2094 responsibility for final agency action regarding total maximum
2095 daily load calculations and allocations developed pursuant to s.
2096 403.067(6). The secretary shall employ legal counsel to
2097 represent the department in matters affecting the department.
2098 Except for appeals on permits specifically assigned by this act
2099 to the Governor and Cabinet, and unless otherwise prohibited by
2100 law, the secretary may delegate the authority assigned to the
2101 department by this act to the assistant secretary, division
2102 directors, and district and branch office managers and to the
2103 water management districts.

2104 (3) After adoption of proposed rule 62-302.531(9), Florida
2105 Administrative Code, a nonseverability and effective date
2106 provision approved by the commission on December 8, 2011, ~~in~~
2107 ~~accordance with the commission's legislative authority under s.~~
2108 ~~403.804,~~ notice of which was published by the department on
2109 December 22, 2011, in the Florida Administrative Register, Vol.
2110 37, No. 51, page 4446, any subsequent rule or amendment altering
2111 the effect of such rule must ~~shall~~ be submitted to the President
2112 of the Senate and the Speaker of the House of Representatives no
2113 later than 30 days before the next regular legislative session,
2114 and such amendment may not take effect until it is ratified by
2115 the Legislature.

2116 Section 31. Section 403.8055, Florida Statutes, is amended
2117 to read:

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2118 403.8055 Department adoption of federal standards.—
2119 Notwithstanding s. 120.54 ~~ss. 120.54 and 403.804~~, the secretary
2120 is empowered to adopt rules substantively identical to
2121 regulations adopted in the Federal Register by the United States
2122 Environmental Protection Agency pursuant to federal law, in
2123 accordance with the following procedures:

2124 (1) The secretary shall publish notice of intent to adopt a
2125 rule pursuant to this section in the Florida Administrative
2126 Register at least 21 days before ~~prior to~~ filing the rule with
2127 the Department of State. The secretary shall mail a copy of the
2128 notice of intent to adopt a rule to the Administrative
2129 Procedures Committee at least 21 days before ~~prior to~~ the date
2130 of filing with the Department of State. Before ~~Prior to~~ filing
2131 the rule with the Department of State, the secretary shall
2132 consider any written comments received within 21 days after the
2133 date of publication of the notice of intent to adopt a rule. The
2134 rule must ~~shall~~ be adopted upon filing with the Department of
2135 State. Substantive changes from the rules as noticed ~~shall~~
2136 require republishing of notice as required in this section.

2137 (2) Any rule adopted pursuant to this section becomes ~~shall~~
2138 ~~become~~ effective upon the date designated in the rule by the
2139 secretary; however, ~~no~~ such a rule may not ~~shall~~ become
2140 effective earlier than the effective date of the substantively
2141 identical United States Environmental Protection Agency
2142 regulation.

2143 (3) The secretary shall stay any terms or conditions of a
2144 permit implementing department rules adopted pursuant to this
2145 section if the substantively identical provisions of a United
2146 States Environmental Protection Agency regulation have been

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2147 stayed under federal judicial review. A stay issued pursuant to
2148 this subsection shall terminate upon completion of federal
2149 judicial review.

2150 (4) Any domestic for-profit or nonprofit corporation or
2151 association formed, in whole or in part:

2152 (a) To promote conservation or natural beauty;

2153 (b) To protect the environment, personal health, or other
2154 biological values;

2155 (c) To preserve historical sites;

2156 (d) To promote consumer interests;

2157 (e) To represent labor, commercial, or industrial groups;

2158 or

2159 (f) To promote orderly development;

2160

2161 and any other substantially affected person may, within 14 days
2162 after the date of publication of the notice of intent to adopt a
2163 rule, file an objection to rulemaking with the department
2164 ~~Environmental Regulation Commission~~. The objection shall specify
2165 the portions of the proposed rule to which the person objects
2166 and the reasons for the objection. The secretary shall not have
2167 the authority under this section to adopt those portions of a
2168 proposed rule specified in such objection. Objections which are
2169 frivolous shall not be considered sufficient to prohibit the
2170 secretary from adopting rules under this section.

2171 (5) Whenever all or part of any rule proposed for adoption
2172 by the department is substantively identical to a regulation
2173 adopted in the Federal Register by the United States
2174 Environmental Protection Agency pursuant to federal law, such
2175 rule shall be written in a manner so that the rule specifically

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2176 references such regulation whenever possible.

2177 Section 32. Subsection (1) of section 403.814, Florida
2178 Statutes, is amended to read:

2179 403.814 General permits; delegation.—

2180 (1) The secretary is authorized to adopt rules establishing
2181 and providing for a program of general permits under this
2182 chapter and chapter 253 ~~and this chapter~~ for projects, or
2183 categories of projects, which have, either singly or
2184 cumulatively, a minimal adverse environmental effect. Such rules
2185 must ~~shall~~ specify design or performance criteria that ~~which~~, if
2186 applied, would result in compliance with appropriate standards
2187 ~~adopted by the commission~~. Except as provided for in subsection
2188 (3), any person complying with the requirements of a general
2189 permit may use the permit 30 days after giving notice to the
2190 department without any agency action by the department.

2191 Section 33. Paragraph (a) of subsection (1) of section
2192 376.302, Florida Statutes, is amended to read:

2193 376.302 Prohibited acts; penalties.—

2194 (1) It shall be a violation of this chapter and it shall be
2195 prohibited for any reason:

2196 (a) To discharge pollutants or hazardous substances into or
2197 upon the surface or ground waters of the state or lands, which
2198 discharge violates any departmental "standard" as defined in s.
2199 403.803 ~~s. 403.803(13)~~.

2200 Section 34. Paragraph (b) of subsection (1) of section
2201 380.5105, Florida Statutes, is amended to read:

2202 380.5105 The Stan Mayfield Working Waterfronts; Florida
2203 Forever program.—

2204 (1) Notwithstanding any other provision of this chapter, it

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2205 is the intent of the Legislature that the trust shall administer
2206 the working waterfronts land acquisition program as set forth in
2207 this section.

2208 (b) For projects that will require more than the grant
2209 amount awarded for completion, the applicant must identify in
2210 their project application funding sources that will provide the
2211 difference between the grant award and the estimated project
2212 completion cost. Such rules may be incorporated into those
2213 developed pursuant to s. 380.507(12) ~~s. 380.507(11)~~.

2214 Section 35. For the purpose of incorporating the amendment
2215 made by this act to section 381.0065, Florida Statutes, in a
2216 reference thereto, paragraph (k) of subsection (2) of section
2217 381.0066, Florida Statutes, is reenacted to read:

2218 381.0066 Onsite sewage treatment and disposal systems;
2219 fees.—

2220 (2) The minimum fees in the following fee schedule apply
2221 until changed by rule by the department within the following
2222 limits:

2223 (k) Research: An additional \$5 fee shall be added to each
2224 new system construction permit issued to be used to fund onsite
2225 sewage treatment and disposal system research, demonstration,
2226 and training projects. Five dollars from any repair permit fee
2227 collected under this section shall be used for funding the
2228 hands-on training centers described in s. 381.0065(3)(j).

2229
2230 The funds collected pursuant to this subsection for the
2231 implementation of onsite sewage treatment and disposal system
2232 regulation and for the purposes of ss. 381.00655 and 381.0067,
2233 subsequent to any phased transfer of implementation from the

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2234 Department of Health to the department within any county
2235 pursuant to s. 381.0065, must be deposited in the Florida Permit
2236 Fee Trust Fund under s. 403.0871, to be administered by the
2237 department.

2238 Section 36. For the purpose of incorporating the amendment
2239 made by this act to section 403.067, Florida Statutes, in a
2240 reference thereto, section 373.4595, Florida Statutes, is
2241 reenacted to read:

2242 373.4595 Northern Everglades and Estuaries Protection
2243 Program.—

2244 (1) FINDINGS AND INTENT.—

2245 (a) The Legislature finds that the Lake Okeechobee
2246 watershed, the Caloosahatchee River watershed, and the St. Lucie
2247 River watershed are critical water resources of the state,
2248 providing many economic, natural habitat, and biodiversity
2249 functions benefiting the public interest, including
2250 agricultural, public, and environmental water supply; flood
2251 control; fishing; navigation and recreation; and habitat to
2252 endangered and threatened species and other flora and fauna.

2253 (b) The Legislature finds that changes in land uses, the
2254 construction of the Central and Southern Florida Project, and
2255 the loss of surface water storage have resulted in adverse
2256 changes to the hydrology and water quality of Lake Okeechobee
2257 and the Caloosahatchee and St. Lucie Rivers and their estuaries.

2258 (c) The Legislature finds that improvement to the
2259 hydrology, water quality, and associated aquatic habitats within
2260 the Lake Okeechobee watershed, the Caloosahatchee River
2261 watershed, and the St. Lucie River watershed, is essential to
2262 the protection of the greater Everglades ecosystem.

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2263 (d) The Legislature also finds that it is imperative for
2264 the state, local governments, and agricultural and environmental
2265 communities to commit to restoring and protecting the surface
2266 water resources of the Lake Okeechobee watershed, the
2267 Caloosahatchee River watershed, and the St. Lucie River
2268 watershed, and that a watershed-based approach to address these
2269 issues must be developed and implemented immediately.

2270 (e) The Legislature finds that phosphorus loads from the
2271 Lake Okeechobee watershed have contributed to excessive
2272 phosphorus levels throughout the Lake Okeechobee watershed and
2273 downstream receiving waters and that a reduction in levels of
2274 phosphorus will benefit the ecology of these systems. The
2275 excessive levels of phosphorus have also resulted in an
2276 accumulation of phosphorus in the sediments of Lake Okeechobee.
2277 If not removed, internal phosphorus loads from the sediments are
2278 expected to delay responses of the lake to external phosphorus
2279 reductions.

2280 (f) The Legislature finds that the Lake Okeechobee
2281 phosphorus loads set forth in the total maximum daily loads
2282 established in accordance with s. 403.067 represent an
2283 appropriate basis for restoration of the Lake Okeechobee
2284 watershed.

2285 (g) The Legislature finds that, in addition to phosphorus,
2286 other pollutants are contributing to water quality problems in
2287 the Lake Okeechobee watershed, the Caloosahatchee River
2288 watershed, and the St. Lucie River watershed, and that the total
2289 maximum daily load requirements of s. 403.067 provide a means of
2290 identifying and addressing these problems.

2291 (h) The Legislature finds that the expeditious

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2292 implementation of the Lake Okeechobee Watershed Protection
2293 Program, the Caloosahatchee River Watershed Protection Program,
2294 and the St. Lucie River Watershed Protection Program is needed
2295 to improve the quality, quantity, timing, and distribution of
2296 water in the northern Everglades ecosystem and that this
2297 section, in conjunction with s. 403.067, including the
2298 implementation of the plans developed and approved pursuant to
2299 subsections (3) and (4), and any related basin management action
2300 plan developed and implemented pursuant to s. 403.067(7)(a),
2301 provide a reasonable means of achieving the total maximum daily
2302 load requirements and achieving and maintaining compliance with
2303 state water quality standards.

2304 (i) The Legislature finds that the implementation of the
2305 programs contained in this section is for the benefit of the
2306 public health, safety, and welfare and is in the public
2307 interest.

2308 (j) The Legislature finds that sufficient research has been
2309 conducted and sufficient plans developed to immediately expand
2310 and accelerate programs to address the hydrology and water
2311 quality in the Lake Okeechobee watershed, the Caloosahatchee
2312 River watershed, and the St. Lucie River watershed.

2313 (k) The Legislature finds that a continuing source of
2314 funding is needed to effectively implement the programs
2315 developed and approved under this section which are needed to
2316 address the hydrology and water quality problems within the Lake
2317 Okeechobee watershed, the Caloosahatchee River watershed, and
2318 the St. Lucie River watershed.

2319 (l) It is the intent of the Legislature to protect and
2320 restore surface water resources and achieve and maintain

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2321 compliance with water quality standards in the Lake Okeechobee
2322 watershed, the Caloosahatchee River watershed, and the St. Lucie
2323 River watershed, and downstream receiving waters, through the
2324 phased, comprehensive, and innovative protection program set
2325 forth in this section which includes long-term solutions based
2326 upon the total maximum daily loads established in accordance
2327 with s. 403.067. This program shall be watershed-based, shall
2328 provide for consideration of all water quality issues needed to
2329 meet the total maximum daily load, and shall include research
2330 and monitoring, development and implementation of best
2331 management practices, refinement of existing regulations, and
2332 structural and nonstructural projects, including public works.

2333 (m) It is the intent of the Legislature that this section
2334 be implemented in coordination with the Comprehensive Everglades
2335 Restoration Plan project components and other federal programs
2336 in order to maximize opportunities for the most efficient and
2337 timely expenditures of public funds.

2338 (n) It is the intent of the Legislature that the
2339 coordinating agencies encourage and support the development of
2340 creative public-private partnerships and programs, including
2341 opportunities for water storage and quality improvement on
2342 private lands and water quality credit trading, to facilitate or
2343 further the restoration of the surface water resources of the
2344 Lake Okeechobee watershed, the Caloosahatchee River watershed,
2345 and the St. Lucie River watershed, consistent with s. 403.067.

2346 (2) DEFINITIONS.—As used in this section, the term:

2347 (a) "Best management practice" means a practice or
2348 combination of practices determined by the coordinating
2349 agencies, based on research, field-testing, and expert review,

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2350 to be the most effective and practicable on-location means,
2351 including economic and technological considerations, for
2352 improving water quality in agricultural and urban discharges.
2353 Best management practices for agricultural discharges shall
2354 reflect a balance between water quality improvements and
2355 agricultural productivity.

2356 (b) "Biosolids" means the solid, semisolid, or liquid
2357 residue generated during the treatment of domestic wastewater in
2358 a domestic wastewater treatment facility, formerly known as
2359 "domestic wastewater residuals" or "residuals," and includes
2360 products and treated material from biosolids treatment
2361 facilities and septage management facilities regulated by the
2362 department. The term does not include the treated effluent or
2363 reclaimed water from a domestic wastewater treatment facility,
2364 solids removed from pump stations and lift stations, screenings
2365 and grit removed from the preliminary treatment components of
2366 domestic wastewater treatment facilities, or ash generated
2367 during the incineration of biosolids.

2368 (c) "Caloosahatchee River watershed" means the
2369 Caloosahatchee River, its tributaries, its estuary, and the area
2370 within Charlotte, Glades, Hendry, and Lee Counties from which
2371 surface water flow is directed or drains, naturally or by
2372 constructed works, to the river, its tributaries, or its
2373 estuary.

2374 (d) "Coordinating agencies" means the Department of
2375 Agriculture and Consumer Services, the Department of
2376 Environmental Protection, and the South Florida Water Management
2377 District.

2378 (e) "Corps of Engineers" means the United States Army Corps

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2379 of Engineers.

2380 (f) "Department" means the Department of Environmental
2381 Protection.

2382 (g) "District" means the South Florida Water Management
2383 District.

2384 (h) "Lake Okeechobee Watershed Construction Project" means
2385 the construction project developed pursuant to this section.

2386 (i) "Lake Okeechobee Watershed Protection Plan" means the
2387 Lake Okeechobee Watershed Construction Project and the Lake
2388 Okeechobee Watershed Research and Water Quality Monitoring
2389 Program.

2390 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
2391 tributaries, and the area within which surface water flow is
2392 directed or drains, naturally or by constructed works, to the
2393 lake or its tributaries.

2394 (k) "Northern Everglades" means the Lake Okeechobee
2395 watershed, the Caloosahatchee River watershed, and the St. Lucie
2396 River watershed.

2397 (l) "Project component" means any structural or operational
2398 change, resulting from the Restudy, to the Central and Southern
2399 Florida Project as it existed and was operated as of January 1,
2400 1999.

2401 (m) "Restudy" means the Comprehensive Review Study of the
2402 Central and Southern Florida Project, for which federal
2403 participation was authorized by the Federal Water Resources
2404 Development Acts of 1992 and 1996 together with related
2405 congressional resolutions and for which participation by the
2406 South Florida Water Management District is authorized by s.
2407 373.1501. The term includes all actions undertaken pursuant to

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2408 the aforementioned authorizations which will result in
2409 recommendations for modifications or additions to the Central
2410 and Southern Florida Project.

2411 (n) "River Watershed Protection Plans" means the
2412 Caloosahatchee River Watershed Protection Plan and the St. Lucie
2413 River Watershed Protection Plan developed pursuant to this
2414 section.

2415 (o) "Soil amendment" means any substance or mixture of
2416 substances sold or offered for sale for soil enriching or
2417 corrective purposes, intended or claimed to be effective in
2418 promoting or stimulating plant growth, increasing soil or plant
2419 productivity, improving the quality of crops, or producing any
2420 chemical or physical change in the soil, except amendments,
2421 conditioners, additives, and related products that are derived
2422 solely from inorganic sources and that contain no recognized
2423 plant nutrients.

2424 (p) "St. Lucie River watershed" means the St. Lucie River,
2425 its tributaries, its estuary, and the area within Martin,
2426 Okeechobee, and St. Lucie Counties from which surface water flow
2427 is directed or drains, naturally or by constructed works, to the
2428 river, its tributaries, or its estuary.

2429 (q) "Total maximum daily load" means the sum of the
2430 individual wasteload allocations for point sources and the load
2431 allocations for nonpoint sources and natural background adopted
2432 pursuant to s. 403.067. Before determining individual wasteload
2433 allocations and load allocations, the maximum amount of a
2434 pollutant that a water body or water segment can assimilate from
2435 all sources without exceeding water quality standards must first
2436 be calculated.

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2437 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
2438 Okeechobee Watershed Protection Program shall consist of the
2439 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
2440 Basin Management Action Plan adopted pursuant to s. 403.067, the
2441 Lake Okeechobee Exotic Species Control Program, and the Lake
2442 Okeechobee Internal Phosphorus Management Program. The Lake
2443 Okeechobee Basin Management Action Plan adopted pursuant to s.
2444 403.067 shall be the component of the Lake Okeechobee Watershed
2445 Protection Program that achieves phosphorus load reductions for
2446 Lake Okeechobee. The Lake Okeechobee Watershed Protection
2447 Program shall address the reduction of phosphorus loading to the
2448 lake from both internal and external sources. Phosphorus load
2449 reductions shall be achieved through a phased program of
2450 implementation. In the development and administration of the
2451 Lake Okeechobee Watershed Protection Program, the coordinating
2452 agencies shall maximize opportunities provided by federal cost-
2453 sharing programs and opportunities for partnerships with the
2454 private sector.

2455 (a) *Lake Okeechobee Watershed Protection Plan.*—To protect
2456 and restore surface water resources, the district, in
2457 cooperation with the other coordinating agencies, shall complete
2458 a Lake Okeechobee Watershed Protection Plan in accordance with
2459 this section and ss. 373.451-373.459. Beginning March 1, 2020,
2460 and every 5 years thereafter, the district shall update the Lake
2461 Okeechobee Watershed Protection Plan to ensure that it is
2462 consistent with the Lake Okeechobee Basin Management Action Plan
2463 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
2464 Protection Plan shall identify the geographic extent of the
2465 watershed, be coordinated with the plans developed pursuant to

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2466 paragraphs (4) (a) and (c), and include the Lake Okeechobee
2467 Watershed Construction Project and the Lake Okeechobee Watershed
2468 Research and Water Quality Monitoring Program. The plan shall
2469 consider and build upon a review and analysis of the performance
2470 of projects constructed during Phase I and Phase II of the Lake
2471 Okeechobee Watershed Construction Project, pursuant to
2472 subparagraph 1.; relevant information resulting from the Lake
2473 Okeechobee Basin Management Action Plan, pursuant to paragraph
2474 (b); relevant information resulting from the Lake Okeechobee
2475 Watershed Research and Water Quality Monitoring Program,
2476 pursuant to subparagraph 2.; relevant information resulting from
2477 the Lake Okeechobee Exotic Species Control Program, pursuant to
2478 paragraph (c); and relevant information resulting from the Lake
2479 Okeechobee Internal Phosphorus Management Program, pursuant to
2480 paragraph (d).

2481 1. Lake Okeechobee Watershed Construction Project.—To
2482 improve the hydrology and water quality of Lake Okeechobee and
2483 downstream receiving waters, including the Caloosahatchee and
2484 St. Lucie Rivers and their estuaries, the district, in
2485 cooperation with the other coordinating agencies, shall design
2486 and construct the Lake Okeechobee Watershed Construction
2487 Project. The project shall include:

2488 a. Phase I.—Phase I of the Lake Okeechobee Watershed
2489 Construction Project shall consist of a series of project
2490 features consistent with the recommendations of the South
2491 Florida Ecosystem Restoration Working Group's Lake Okeechobee
2492 Action Plan. Priority basins for such projects include S-191, S-
2493 154, and Pools D and E in the Lower Kissimmee River. To obtain
2494 phosphorus load reductions to Lake Okeechobee as soon as

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2495 possible, the following actions shall be implemented:

2496 (I) The district shall serve as a full partner with the
2497 Corps of Engineers in the design and construction of the Grassy
2498 Island Ranch and New Palm Dairy stormwater treatment facilities
2499 as components of the Lake Okeechobee Water Retention/Phosphorus
2500 Removal Critical Project. The Corps of Engineers shall have the
2501 lead in design and construction of these facilities. Should
2502 delays be encountered in the implementation of either of these
2503 facilities, the district shall notify the department and
2504 recommend corrective actions.

2505 (II) The district shall obtain permits and complete
2506 construction of two of the isolated wetland restoration projects
2507 that are part of the Lake Okeechobee Water Retention/Phosphorus
2508 Removal Critical Project. The additional isolated wetland
2509 projects included in this critical project shall further reduce
2510 phosphorus loading to Lake Okeechobee.

2511 (III) The district shall work with the Corps of Engineers
2512 to expedite initiation of the design process for the Taylor
2513 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
2514 Area, a project component of the Comprehensive Everglades
2515 Restoration Plan. The district shall propose to the Corps of
2516 Engineers that the district take the lead in the design and
2517 construction of the Reservoir Assisted Stormwater Treatment Area
2518 and receive credit towards the local share of the total cost of
2519 the Comprehensive Everglades Restoration Plan.

2520 b. Phase II technical plan and construction.—The district,
2521 in cooperation with the other coordinating agencies, shall
2522 develop a detailed technical plan for Phase II of the Lake
2523 Okeechobee Watershed Construction Project which provides the

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2524 basis for the Lake Okeechobee Basin Management Action Plan
2525 adopted by the department pursuant to s. 403.067. The detailed
2526 technical plan shall include measures for the improvement of the
2527 quality, quantity, timing, and distribution of water in the
2528 northern Everglades ecosystem, including the Lake Okeechobee
2529 watershed and the estuaries, and for facilitating the
2530 achievement of water quality standards. Use of cost-effective
2531 biologically based, hybrid wetland/chemical and other innovative
2532 nutrient control technologies shall be incorporated in the plan
2533 where appropriate. The detailed technical plan shall also
2534 include a Process Development and Engineering component to
2535 finalize the detail and design of Phase II projects and identify
2536 additional measures needed to increase the certainty that the
2537 overall objectives for improving water quality and quantity can
2538 be met. Based on information and recommendations from the
2539 Process Development and Engineering component, the Phase II
2540 detailed technical plan shall be periodically updated. Phase II
2541 shall include construction of additional facilities in the
2542 priority basins identified in sub-subparagraph a., as well as
2543 facilities for other basins in the Lake Okeechobee watershed.
2544 The technical plan shall:

2545 (I) Identify Lake Okeechobee Watershed Construction Project
2546 facilities designed to contribute to achieving all applicable
2547 total maximum daily loads established pursuant to s. 403.067
2548 within the Lake Okeechobee watershed.

2549 (II) Identify the size and location of all such Lake
2550 Okeechobee Watershed Construction Project facilities.

2551 (III) Provide a construction schedule for all such Lake
2552 Okeechobee Watershed Construction Project facilities, including

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2553 the sequencing and specific timeframe for construction of each
2554 Lake Okeechobee Watershed Construction Project facility.

2555 (IV) Provide a schedule for the acquisition of lands or
2556 sufficient interests necessary to achieve the construction
2557 schedule.

2558 (V) Provide a detailed schedule of costs associated with
2559 the construction schedule.

2560 (VI) Identify, to the maximum extent practicable, impacts
2561 on wetlands and state-listed species expected to be associated
2562 with construction of such facilities, including potential
2563 alternatives to minimize and mitigate such impacts, as
2564 appropriate.

2565 (VII) Provide for additional measures, including voluntary
2566 water storage and quality improvements on private land, to
2567 increase water storage and reduce excess water levels in Lake
2568 Okeechobee and to reduce excess discharges to the estuaries.

2569 (VIII) Develop the appropriate water quantity storage goal
2570 to achieve the desired Lake Okeechobee range of lake levels and
2571 inflow volumes to the Caloosahatchee and St. Lucie estuaries
2572 while meeting the other water-related needs of the region,
2573 including water supply and flood protection.

2574 (IX) Provide for additional source controls needed to
2575 enhance performance of the Lake Okeechobee Watershed
2576 Construction Project facilities. Such additional source controls
2577 shall be incorporated into the Lake Okeechobee Basin Management
2578 Action Plan pursuant to paragraph (b).

2579 c. Evaluation.—Within 5 years after the adoption of the
2580 Lake Okeechobee Basin Management Action Plan pursuant to s.
2581 403.067 and every 5 years thereafter, the department, in

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2582 cooperation with the other coordinating agencies, shall conduct
2583 an evaluation of the Lake Okeechobee Watershed Construction
2584 Project and identify any further load reductions necessary to
2585 achieve compliance with the Lake Okeechobee total maximum daily
2586 loads established pursuant to s. 403.067. The district shall
2587 identify modifications to facilities of the Lake Okeechobee
2588 Watershed Construction Project as appropriate to meet the total
2589 maximum daily loads. Modifications to the Lake Okeechobee
2590 Watershed Construction Project resulting from this evaluation
2591 shall be incorporated into the Lake Okeechobee Basin Management
2592 Action Plan and included in the applicable annual progress
2593 report submitted pursuant to subsection (6).

2594 d. Coordination and review.—To ensure the timely
2595 implementation of the Lake Okeechobee Watershed Construction
2596 Project, the design of project facilities shall be coordinated
2597 with the department and other interested parties, including
2598 affected local governments, to the maximum extent practicable.
2599 Lake Okeechobee Watershed Construction Project facilities shall
2600 be reviewed and commented upon by the department before the
2601 execution of a construction contract by the district for that
2602 facility.

2603 2. Lake Okeechobee Watershed Research and Water Quality
2604 Monitoring Program.—The coordinating agencies shall implement a
2605 Lake Okeechobee Watershed Research and Water Quality Monitoring
2606 Program. Results from the program shall be used by the
2607 department, in cooperation with the other coordinating agencies,
2608 to make modifications to the Lake Okeechobee Basin Management
2609 Action Plan adopted pursuant to s. 403.067, as appropriate. The
2610 program shall:

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2611 a. Evaluate all available existing water quality data
2612 concerning total phosphorus in the Lake Okeechobee watershed,
2613 develop a water quality baseline to represent existing
2614 conditions for total phosphorus, monitor long-term ecological
2615 changes, including water quality for total phosphorus, and
2616 measure compliance with water quality standards for total
2617 phosphorus, including any applicable total maximum daily load
2618 for the Lake Okeechobee watershed as established pursuant to s.
2619 403.067. Beginning March 1, 2020, and every 5 years thereafter,
2620 the department shall reevaluate water quality and quantity data
2621 to ensure that the appropriate projects are being designated and
2622 incorporated into the Lake Okeechobee Basin Management Action
2623 Plan adopted pursuant to s. 403.067. The district shall
2624 implement a total phosphorus monitoring program at appropriate
2625 structures owned or operated by the district and within the Lake
2626 Okeechobee watershed.

2627 b. Develop a Lake Okeechobee water quality model that
2628 reasonably represents the phosphorus dynamics of Lake Okeechobee
2629 and incorporates an uncertainty analysis associated with model
2630 predictions.

2631 c. Determine the relative contribution of phosphorus from
2632 all identifiable sources and all primary and secondary land
2633 uses.

2634 d. Conduct an assessment of the sources of phosphorus from
2635 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
2636 relative contribution to the water quality of Lake Okeechobee.
2637 The results of this assessment shall be used by the coordinating
2638 agencies as part of the Lake Okeechobee Basin Management Action
2639 Plan adopted pursuant to s. 403.067 to develop interim measures,

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2640 best management practices, or regulations, as applicable.

2641 e. Assess current water management practices within the
2642 Lake Okeechobee watershed and develop recommendations for
2643 structural and operational improvements. Such recommendations
2644 shall balance water supply, flood control, estuarine salinity,
2645 maintenance of a healthy lake littoral zone, and water quality
2646 considerations.

2647 f. Evaluate the feasibility of alternative nutrient
2648 reduction technologies, including sediment traps, canal and
2649 ditch maintenance, fish production or other aquaculture,
2650 bioenergy conversion processes, and algal or other biological
2651 treatment technologies and include any alternative nutrient
2652 reduction technologies determined to be feasible in the Lake
2653 Okeechobee Basin Management Action Plan adopted pursuant to s.
2654 403.067.

2655 g. Conduct an assessment of the water volumes and timing
2656 from the Lake Okeechobee watershed and their relative
2657 contribution to the water level changes in Lake Okeechobee and
2658 to the timing and volume of water delivered to the estuaries.

2659 (b) *Lake Okeechobee Basin Management Action Plan.*—The Lake
2660 Okeechobee Basin Management Action Plan adopted pursuant to s.
2661 403.067 shall be the watershed phosphorus control component for
2662 Lake Okeechobee. The Lake Okeechobee Basin Management Action
2663 Plan shall be a multifaceted approach designed to achieve the
2664 total maximum daily load by improving the management of
2665 phosphorus sources within the Lake Okeechobee watershed through
2666 implementation of regulations and best management practices,
2667 continued development and continued implementation of improved
2668 best management practices, improvement and restoration of the

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2669 hydrologic function of natural and managed systems, and use of
2670 alternative technologies for nutrient reduction. As provided in
2671 s. 403.067(7)(a)6., the Lake Okeechobee Basin Management Action
2672 Plan must include milestones for implementation and water
2673 quality improvement, and an associated water quality monitoring
2674 component sufficient to evaluate whether reasonable progress in
2675 pollutant load reductions is being achieved over time. An
2676 assessment of progress toward these milestones shall be
2677 conducted every 5 years and shall be provided to the Governor,
2678 the President of the Senate, and the Speaker of the House of
2679 Representatives. Revisions to the plan shall be made, as
2680 appropriate, as a result of each 5-year review. Revisions to the
2681 basin management action plan shall be made by the department in
2682 cooperation with the basin stakeholders. Revisions to best
2683 management practices or other measures must follow the
2684 procedures set forth in s. 403.067(7)(c)4. Revised basin
2685 management action plans must be adopted pursuant to s.
2686 403.067(7)(a)5. The department shall develop an implementation
2687 schedule establishing 5-year, 10-year, and 15-year measurable
2688 milestones and targets to achieve the total maximum daily load
2689 no more than 20 years after adoption of the plan. The initial
2690 implementation schedule shall be used to provide guidance for
2691 planning and funding purposes and is exempt from chapter 120.
2692 Upon the first 5-year review, the implementation schedule shall
2693 be adopted as part of the plan. If achieving the total maximum
2694 daily load within 20 years is not practicable, the
2695 implementation schedule must contain an explanation of the
2696 constraints that prevent achievement of the total maximum daily
2697 load within 20 years, an estimate of the time needed to achieve

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2698 the total maximum daily load, and additional 5-year measurable
2699 milestones, as necessary. The coordinating agencies shall
2700 develop an interagency agreement pursuant to ss. 373.046 and
2701 373.406(5) which is consistent with the department taking the
2702 lead on water quality protection measures through the Lake
2703 Okeechobee Basin Management Action Plan adopted pursuant to s.
2704 403.067; the district taking the lead on hydrologic improvements
2705 pursuant to paragraph (a); and the Department of Agriculture and
2706 Consumer Services taking the lead on agricultural interim
2707 measures, best management practices, and other measures adopted
2708 pursuant to s. 403.067. The interagency agreement must specify
2709 how best management practices for nonagricultural nonpoint
2710 sources are developed and how all best management practices are
2711 implemented and verified consistent with s. 403.067 and this
2712 section and must address measures to be taken by the
2713 coordinating agencies during any best management practice
2714 reevaluation performed pursuant to subparagraphs 5. and 10. The
2715 department shall use best professional judgment in making the
2716 initial determination of best management practice effectiveness.
2717 The coordinating agencies may develop an intergovernmental
2718 agreement with local governments to implement nonagricultural
2719 nonpoint source best management practices within their
2720 respective geographic boundaries. The coordinating agencies
2721 shall facilitate the application of federal programs that offer
2722 opportunities for water quality treatment, including
2723 preservation, restoration, or creation of wetlands on
2724 agricultural lands.

2725 1. Agricultural nonpoint source best management practices,
2726 developed in accordance with s. 403.067 and designed to achieve

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2727 the objectives of the Lake Okeechobee Watershed Protection
2728 Program as part of a phased approach of management strategies
2729 within the Lake Okeechobee Basin Management Action Plan, shall
2730 be implemented on an expedited basis.

2731 2. As provided in s. 403.067, the Department of Agriculture
2732 and Consumer Services, in consultation with the department, the
2733 district, and affected parties, shall initiate rule development
2734 for interim measures, best management practices, conservation
2735 plans, nutrient management plans, or other measures necessary
2736 for Lake Okeechobee watershed total maximum daily load
2737 reduction. The rule shall include thresholds for requiring
2738 conservation and nutrient management plans and criteria for the
2739 contents of such plans. Development of agricultural nonpoint
2740 source best management practices shall initially focus on those
2741 priority basins listed in sub-subparagraph (a)1.a. The
2742 Department of Agriculture and Consumer Services, in consultation
2743 with the department, the district, and affected parties, shall
2744 conduct an ongoing program for improvement of existing and
2745 development of new agricultural nonpoint source interim measures
2746 and best management practices. The Department of Agriculture and
2747 Consumer Services shall adopt such practices by rule. The
2748 Department of Agriculture and Consumer Services shall work with
2749 the University of Florida Institute of Food and Agriculture
2750 Sciences to review and, where appropriate, develop revised
2751 nutrient application rates for all agricultural soil amendments
2752 in the watershed.

2753 3. As provided in s. 403.067, where agricultural nonpoint
2754 source best management practices or interim measures have been
2755 adopted by rule of the Department of Agriculture and Consumer

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2756 Services, the owner or operator of an agricultural nonpoint
2757 source addressed by such rule shall either implement interim
2758 measures or best management practices or demonstrate compliance
2759 with state water quality standards addressed by the Lake
2760 Okeechobee Basin Management Action Plan adopted pursuant to s.
2761 403.067 by conducting monitoring prescribed by the department or
2762 the district. Owners or operators of agricultural nonpoint
2763 sources who implement interim measures or best management
2764 practices adopted by rule of the Department of Agriculture and
2765 Consumer Services shall be subject to s. 403.067.

2766 4. The district or department shall conduct monitoring at
2767 representative sites to verify the effectiveness of agricultural
2768 nonpoint source best management practices.

2769 5. Where water quality problems are detected for
2770 agricultural nonpoint sources despite the appropriate
2771 implementation of adopted best management practices, a
2772 reevaluation of the best management practices shall be conducted
2773 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
2774 that the best management practices or other measures require
2775 modification, the rule shall be revised to require
2776 implementation of the modified practice within a reasonable
2777 period as specified in the rule.

2778 6. As provided in s. 403.067, nonagricultural nonpoint
2779 source best management practices, developed in accordance with
2780 s. 403.067 and designed to achieve the objectives of the Lake
2781 Okeechobee Watershed Protection Program as part of a phased
2782 approach of management strategies within the Lake Okeechobee
2783 Basin Management Action Plan, shall be implemented on an
2784 expedited basis.

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2785 7. The department and the district are directed to work
2786 with the University of Florida Institute of Food and
2787 Agricultural Sciences to develop appropriate nutrient
2788 application rates for all nonagricultural soil amendments in the
2789 watershed. As provided in s. 403.067, the department, in
2790 consultation with the district and affected parties, shall
2791 develop nonagricultural nonpoint source interim measures, best
2792 management practices, or other measures necessary for Lake
2793 Okeechobee watershed total maximum daily load reduction.
2794 Development of nonagricultural nonpoint source best management
2795 practices shall initially focus on those priority basins listed
2796 in sub-subparagraph (a)1.a. The department, the district, and
2797 affected parties shall conduct an ongoing program for
2798 improvement of existing and development of new interim measures
2799 and best management practices. The department or the district
2800 shall adopt such practices by rule.

2801 8. Where nonagricultural nonpoint source best management
2802 practices or interim measures have been developed by the
2803 department and adopted by the district, the owner or operator of
2804 a nonagricultural nonpoint source shall implement interim
2805 measures or best management practices and be subject to s.
2806 403.067.

2807 9. As provided in s. 403.067, the district or the
2808 department shall conduct monitoring at representative sites to
2809 verify the effectiveness of nonagricultural nonpoint source best
2810 management practices.

2811 10. Where water quality problems are detected for
2812 nonagricultural nonpoint sources despite the appropriate
2813 implementation of adopted best management practices, a

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2814 reevaluation of the best management practices shall be conducted
2815 pursuant to s. 403.067(7)(c)4. If the reevaluation determines
2816 that the best management practices or other measures require
2817 modification, the rule shall be revised to require
2818 implementation of the modified practice within a reasonable time
2819 period as specified in the rule.

2820 11. Subparagraphs 2. and 7. do not preclude the department
2821 or the district from requiring compliance with water quality
2822 standards or with current best management practices requirements
2823 set forth in any applicable regulatory program authorized by law
2824 for the purpose of protecting water quality. Subparagraphs 2.
2825 and 7. are applicable only to the extent that they do not
2826 conflict with any rules adopted by the department that are
2827 necessary to maintain a federally delegated or approved program.

2828 12. The program of agricultural best management practices
2829 set forth in the Everglades Program of the district meets the
2830 requirements of this paragraph and s. 403.067(7) for the Lake
2831 Okeechobee watershed. An entity in compliance with the best
2832 management practices set forth in the Everglades Program of the
2833 district may elect to use that permit in lieu of the
2834 requirements of this paragraph. The provisions of subparagraph
2835 5. apply to this subparagraph. This subparagraph does not alter
2836 any requirement of s. 373.4592.

2837 13. The Department of Agriculture and Consumer Services, in
2838 cooperation with the department and the district, shall provide
2839 technical and financial assistance for implementation of
2840 agricultural best management practices, subject to the
2841 availability of funds. The department and district shall provide
2842 technical and financial assistance for implementation of

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2843 nonagricultural nonpoint source best management practices,
2844 subject to the availability of funds.

2845 14. Projects that reduce the phosphorus load originating
2846 from domestic wastewater systems within the Lake Okeechobee
2847 watershed shall be given funding priority in the department's
2848 revolving loan program under s. 403.1835. The department shall
2849 coordinate and provide assistance to those local governments
2850 seeking financial assistance for such priority projects.

2851 15. Projects that make use of private lands, or lands held
2852 in trust for Indian tribes, to reduce nutrient loadings or
2853 concentrations within a basin by one or more of the following
2854 methods: restoring the natural hydrology of the basin, restoring
2855 wildlife habitat or impacted wetlands, reducing peak flows after
2856 storm events, increasing aquifer recharge, or protecting range
2857 and timberland from conversion to development, are eligible for
2858 grants available under this section from the coordinating
2859 agencies. For projects of otherwise equal priority, special
2860 funding priority will be given to those projects that make best
2861 use of the methods outlined above that involve public-private
2862 partnerships or that obtain federal match money. Preference
2863 ranking above the special funding priority will be given to
2864 projects located in a rural area of opportunity designated by
2865 the Governor. Grant applications may be submitted by any person
2866 or tribal entity, and eligible projects may include, but are not
2867 limited to, the purchase of conservation and flowage easements,
2868 hydrologic restoration of wetlands, creating treatment wetlands,
2869 development of a management plan for natural resources, and
2870 financial support to implement a management plan.

2871 16. The department shall require all entities disposing of

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2872 domestic wastewater biosolids within the Lake Okeechobee
2873 watershed and the remaining areas of Okeechobee, Glades, and
2874 Hendry Counties to develop and submit to the department an
2875 agricultural use plan that limits applications based upon
2876 phosphorus loading consistent with the Lake Okeechobee Basin
2877 Management Action Plan adopted pursuant to s. 403.067. The
2878 department may not authorize the disposal of domestic wastewater
2879 biosolids within the Lake Okeechobee watershed unless the
2880 applicant can affirmatively demonstrate that the phosphorus in
2881 the biosolids will not add to phosphorus loadings in Lake
2882 Okeechobee or its tributaries. This demonstration shall be based
2883 on achieving a net balance between phosphorus imports relative
2884 to exports on the permitted application site. Exports shall
2885 include only phosphorus removed from the Lake Okeechobee
2886 watershed through products generated on the permitted
2887 application site. This prohibition does not apply to Class AA
2888 biosolids that are marketed and distributed as fertilizer
2889 products in accordance with department rule.

2890 17. Private and government-owned utilities within Monroe,
2891 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
2892 River, Okeechobee, Highlands, Hendry, and Glades Counties that
2893 dispose of wastewater biosolids sludge from utility operations
2894 and septic removal by land spreading in the Lake Okeechobee
2895 watershed may use a line item on local sewer rates to cover
2896 wastewater biosolids treatment and disposal if such disposal and
2897 treatment is done by approved alternative treatment methodology
2898 at a facility located within the areas designated by the
2899 Governor as rural areas of opportunity pursuant to s. 288.0656.
2900 This additional line item is an environmental protection

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2901 disposal fee above the present sewer rate and may not be
2902 considered a part of the present sewer rate to customers,
2903 notwithstanding provisions to the contrary in chapter 367. The
2904 fee shall be established by the county commission or its
2905 designated assignee in the county in which the alternative
2906 method treatment facility is located. The fee shall be
2907 calculated to be no higher than that necessary to recover the
2908 facility's prudent cost of providing the service. Upon request
2909 by an affected county commission, the Florida Public Service
2910 Commission will provide assistance in establishing the fee.
2911 Further, for utilities and utility authorities that use the
2912 additional line item environmental protection disposal fee, such
2913 fee may not be considered a rate increase under the rules of the
2914 Public Service Commission and shall be exempt from such rules.
2915 Utilities using this section may immediately include in their
2916 sewer invoicing the new environmental protection disposal fee.
2917 Proceeds from this environmental protection disposal fee shall
2918 be used for treatment and disposal of wastewater biosolids,
2919 including any treatment technology that helps reduce the volume
2920 of biosolids that require final disposal, but such proceeds may
2921 not be used for transportation or shipment costs for disposal or
2922 any costs relating to the land application of biosolids in the
2923 Lake Okeechobee watershed.

2924 18. No less frequently than once every 3 years, the Florida
2925 Public Service Commission or the county commission through the
2926 services of an independent auditor shall perform a financial
2927 audit of all facilities receiving compensation from an
2928 environmental protection disposal fee. The Florida Public
2929 Service Commission or the county commission through the services

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2930 of an independent auditor shall also perform an audit of the
2931 methodology used in establishing the environmental protection
2932 disposal fee. The Florida Public Service Commission or the
2933 county commission shall, within 120 days after completion of an
2934 audit, file the audit report with the President of the Senate
2935 and the Speaker of the House of Representatives and shall
2936 provide copies to the county commissions of the counties set
2937 forth in subparagraph 17. The books and records of any
2938 facilities receiving compensation from an environmental
2939 protection disposal fee shall be open to the Florida Public
2940 Service Commission and the Auditor General for review upon
2941 request.

2942 19. The Department of Health shall require all entities
2943 disposing of septage within the Lake Okeechobee watershed to
2944 develop and submit to that agency an agricultural use plan that
2945 limits applications based upon phosphorus loading consistent
2946 with the Lake Okeechobee Basin Management Action Plan adopted
2947 pursuant to s. 403.067.

2948 20. The Department of Agriculture and Consumer Services
2949 shall initiate rulemaking requiring entities within the Lake
2950 Okeechobee watershed which land-apply animal manure to develop
2951 resource management system level conservation plans, according
2952 to United States Department of Agriculture criteria, which limit
2953 such application. Such rules must include criteria and
2954 thresholds for the requirement to develop a conservation or
2955 nutrient management plan, requirements for plan approval, site
2956 inspection requirements, and recordkeeping requirements.

2957 21. The district shall revise chapter 40E-61, Florida
2958 Administrative Code, to be consistent with this section and s.

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2959 403.067; provide for a monitoring program for nonpoint source
2960 dischargers required to monitor water quality by s. 403.067; and
2961 provide for the results of such monitoring to be reported to the
2962 coordinating agencies.

2963 (c) *Lake Okeechobee Exotic Species Control Program.*—The
2964 coordinating agencies shall identify the exotic species that
2965 threaten the native flora and fauna within the Lake Okeechobee
2966 watershed and develop and implement measures to protect the
2967 native flora and fauna.

2968 (d) *Lake Okeechobee Internal Phosphorus Management*
2969 *Program.*—The district, in cooperation with the other
2970 coordinating agencies and interested parties, shall evaluate the
2971 feasibility of Lake Okeechobee internal phosphorus load removal
2972 projects. The evaluation shall be based on technical
2973 feasibility, as well as economic considerations, and shall
2974 consider all reasonable methods of phosphorus removal. If
2975 projects are found to be feasible, the district shall
2976 immediately pursue the design, funding, and permitting for
2977 implementing such projects.

2978 (e) *Lake Okeechobee Watershed Protection Program*
2979 *implementation.*—The coordinating agencies shall be jointly
2980 responsible for implementing the Lake Okeechobee Watershed
2981 Protection Program, consistent with the statutory authority and
2982 responsibility of each agency. Annual funding priorities shall
2983 be jointly established, and the highest priority shall be
2984 assigned to programs and projects that address sources that have
2985 the highest relative contribution to loading and the greatest
2986 potential for reductions needed to meet the total maximum daily
2987 loads. In determining funding priorities, the coordinating

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2988 agencies shall also consider the need for regulatory compliance,
2989 the extent to which the program or project is ready to proceed,
2990 and the availability of federal matching funds or other nonstate
2991 funding, including public-private partnerships. Federal and
2992 other nonstate funding shall be maximized to the greatest extent
2993 practicable.

2994 (f) *Priorities and implementation schedules.*—The
2995 coordinating agencies are authorized and directed to establish
2996 priorities and implementation schedules for the achievement of
2997 total maximum daily loads, compliance with the requirements of
2998 s. 403.067, and compliance with applicable water quality
2999 standards within the waters and watersheds subject to this
3000 section.

3001 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
3002 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
3003 program shall be developed and implemented as specified in this
3004 subsection. To protect and restore surface water resources, the
3005 program shall address the reduction of pollutant loadings,
3006 restoration of natural hydrology, and compliance with applicable
3007 state water quality standards. The program shall be achieved
3008 through a phased program of implementation. In addition,
3009 pollutant load reductions based upon adopted total maximum daily
3010 loads established in accordance with s. 403.067 shall serve as a
3011 program objective. In the development and administration of the
3012 program, the coordinating agencies shall maximize opportunities
3013 provided by federal and local government cost-sharing programs
3014 and opportunities for partnerships with the private sector and
3015 local government. The program shall include a goal for salinity
3016 envelopes and freshwater inflow targets for the estuaries based

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3017 upon existing research and documentation. The goal may be
3018 revised as new information is available. This goal shall seek to
3019 reduce the frequency and duration of undesirable salinity ranges
3020 while meeting the other water-related needs of the region,
3021 including water supply and flood protection, while recognizing
3022 the extent to which water inflows are within the control and
3023 jurisdiction of the district.

3024 (a) *Caloosahatchee River Watershed Protection Plan.*—The
3025 district, in cooperation with the other coordinating agencies,
3026 Lee County, and affected counties and municipalities, shall
3027 complete a River Watershed Protection Plan in accordance with
3028 this subsection. The Caloosahatchee River Watershed Protection
3029 Plan shall identify the geographic extent of the watershed, be
3030 coordinated as needed with the plans developed pursuant to
3031 paragraph (3) (a) and paragraph (c) of this subsection, and
3032 include the Caloosahatchee River Watershed Construction Project
3033 and the Caloosahatchee River Watershed Research and Water
3034 Quality Monitoring Program.

3035 1. Caloosahatchee River Watershed Construction Project.—To
3036 improve the hydrology, water quality, and aquatic habitats
3037 within the watershed, the district shall, no later than January
3038 1, 2012, plan, design, and construct the initial phase of the
3039 Watershed Construction Project. In doing so, the district shall:

3040 a. Develop and designate the facilities to be constructed
3041 to achieve stated goals and objectives of the Caloosahatchee
3042 River Watershed Protection Plan.

3043 b. Conduct scientific studies that are necessary to support
3044 the design of the Caloosahatchee River Watershed Construction
3045 Project facilities.

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- 3046 c. Identify the size and location of all such facilities.
- 3047 d. Provide a construction schedule for all such facilities,
3048 including the sequencing and specific timeframe for construction
3049 of each facility.
- 3050 e. Provide a schedule for the acquisition of lands or
3051 sufficient interests necessary to achieve the construction
3052 schedule.
- 3053 f. Provide a schedule of costs and benefits associated with
3054 each construction project and identify funding sources.
- 3055 g. To ensure timely implementation, coordinate the design,
3056 scheduling, and sequencing of project facilities with the
3057 coordinating agencies, Lee County, other affected counties and
3058 municipalities, and other affected parties.
- 3059 2. Caloosahatchee River Watershed Research and Water
3060 Quality Monitoring Program.—The district, in cooperation with
3061 the other coordinating agencies and local governments, shall
3062 implement a Caloosahatchee River Watershed Research and Water
3063 Quality Monitoring Program that builds upon the district's
3064 existing research program and that is sufficient to carry out,
3065 comply with, or assess the plans, programs, and other
3066 responsibilities created by this subsection. The program shall
3067 also conduct an assessment of the water volumes and timing from
3068 Lake Okeechobee and the Caloosahatchee River watershed and their
3069 relative contributions to the timing and volume of water
3070 delivered to the estuary.
- 3071 (b) *Caloosahatchee River Watershed Basin Management Action*
3072 *Plans*.—The basin management action plans adopted pursuant to s.
3073 403.067 for the Caloosahatchee River watershed shall be the
3074 Caloosahatchee River Watershed Pollutant Control Program. The

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3075 plans shall be designed to be a multifaceted approach to
3076 reducing pollutant loads by improving the management of
3077 pollutant sources within the Caloosahatchee River watershed
3078 through implementation of regulations and best management
3079 practices, development and implementation of improved best
3080 management practices, improvement and restoration of the
3081 hydrologic function of natural and managed systems, and
3082 utilization of alternative technologies for pollutant reduction,
3083 such as cost-effective biologically based, hybrid
3084 wetland/chemical and other innovative nutrient control
3085 technologies. As provided in s. 403.067(7)(a)6., the
3086 Caloosahatchee River Watershed Basin Management Action Plans
3087 must include milestones for implementation and water quality
3088 improvement, and an associated water quality monitoring
3089 component sufficient to evaluate whether reasonable progress in
3090 pollutant load reductions is being achieved over time. An
3091 assessment of progress toward these milestones shall be
3092 conducted every 5 years and shall be provided to the Governor,
3093 the President of the Senate, and the Speaker of the House of
3094 Representatives. Revisions to the plans shall be made, as
3095 appropriate, as a result of each 5-year review. Revisions to the
3096 basin management action plans shall be made by the department in
3097 cooperation with the basin stakeholders. Revisions to best
3098 management practices or other measures must follow the
3099 procedures set forth in s. 403.067(7)(c)4. Revised basin
3100 management action plans must be adopted pursuant to s.
3101 403.067(7)(a)5. The department shall develop an implementation
3102 schedule establishing 5-year, 10-year, and 15-year measurable
3103 milestones and targets to achieve the total maximum daily load

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3104 no more than 20 years after adoption of the plan. The initial
3105 implementation schedule shall be used to provide guidance for
3106 planning and funding purposes and is exempt from chapter 120.
3107 Upon the first 5-year review, the implementation schedule shall
3108 be adopted as part of the plans. If achieving the total maximum
3109 daily load within 20 years is not practicable, the
3110 implementation schedule must contain an explanation of the
3111 constraints that prevent achievement of the total maximum daily
3112 load within 20 years, an estimate of the time needed to achieve
3113 the total maximum daily load, and additional 5-year measurable
3114 milestones, as necessary. The coordinating agencies shall
3115 facilitate the use of federal programs that offer opportunities
3116 for water quality treatment, including preservation,
3117 restoration, or creation of wetlands on agricultural lands.

3118 1. Nonpoint source best management practices consistent
3119 with s. 403.067, designed to achieve the objectives of the
3120 Caloosahatchee River Watershed Protection Program, shall be
3121 implemented on an expedited basis. The coordinating agencies may
3122 develop an intergovernmental agreement with local governments to
3123 implement the nonagricultural, nonpoint source best management
3124 practices within their respective geographic boundaries.

3125 2. This subsection does not preclude the department or the
3126 district from requiring compliance with water quality standards,
3127 adopted total maximum daily loads, or current best management
3128 practices requirements set forth in any applicable regulatory
3129 program authorized by law for the purpose of protecting water
3130 quality. This subsection applies only to the extent that it does
3131 not conflict with any rules adopted by the department or
3132 district which are necessary to maintain a federally delegated

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3133 or approved program.

3134 3. Projects that make use of private lands, or lands held
3135 in trust for Indian tribes, to reduce pollutant loadings or
3136 concentrations within a basin, or that reduce the volume of
3137 harmful discharges by one or more of the following methods:
3138 restoring the natural hydrology of the basin, restoring wildlife
3139 habitat or impacted wetlands, reducing peak flows after storm
3140 events, or increasing aquifer recharge, are eligible for grants
3141 available under this section from the coordinating agencies.

3142 4. The Caloosahatchee River Watershed Basin Management
3143 Action Plans shall require assessment of current water
3144 management practices within the watershed and shall require
3145 development of recommendations for structural, nonstructural,
3146 and operational improvements. Such recommendations shall
3147 consider and balance water supply, flood control, estuarine
3148 salinity, aquatic habitat, and water quality considerations.

3149 5. The department may not authorize the disposal of
3150 domestic wastewater biosolids within the Caloosahatchee River
3151 watershed unless the applicant can affirmatively demonstrate
3152 that the nutrients in the biosolids will not add to nutrient
3153 loadings in the watershed. This demonstration shall be based on
3154 achieving a net balance between nutrient imports relative to
3155 exports on the permitted application site. Exports shall include
3156 only nutrients removed from the watershed through products
3157 generated on the permitted application site. This prohibition
3158 does not apply to Class AA biosolids that are marketed and
3159 distributed as fertilizer products in accordance with department
3160 rule.

3161 6. The Department of Health shall require all entities

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3162 disposing of septage within the Caloosahatchee River watershed
3163 to develop and submit to that agency an agricultural use plan
3164 that limits applications based upon nutrient loading consistent
3165 with any basin management action plan adopted pursuant to s.
3166 403.067.

3167 7. The Department of Agriculture and Consumer Services
3168 shall require entities within the Caloosahatchee River watershed
3169 which land-apply animal manure to develop a resource management
3170 system level conservation plan, according to United States
3171 Department of Agriculture criteria, which limit such
3172 application. Such rules shall include criteria and thresholds
3173 for the requirement to develop a conservation or nutrient
3174 management plan, requirements for plan approval, site inspection
3175 requirements, and recordkeeping requirements.

3176 8. The district shall initiate rulemaking to provide for a
3177 monitoring program for nonpoint source dischargers required to
3178 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
3179 The results of such monitoring must be reported to the
3180 coordinating agencies.

3181 (c) *St. Lucie River Watershed Protection Plan.*—The
3182 district, in cooperation with the other coordinating agencies,
3183 Martin County, and affected counties and municipalities shall
3184 complete a plan in accordance with this subsection. The St.
3185 Lucie River Watershed Protection Plan shall identify the
3186 geographic extent of the watershed, be coordinated as needed
3187 with the plans developed pursuant to paragraph (3)(a) and
3188 paragraph (a) of this subsection, and include the St. Lucie
3189 River Watershed Construction Project and St. Lucie River
3190 Watershed Research and Water Quality Monitoring Program.

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3191 1. St. Lucie River Watershed Construction Project.—To
3192 improve the hydrology, water quality, and aquatic habitats
3193 within the watershed, the district shall, no later than January
3194 1, 2012, plan, design, and construct the initial phase of the
3195 Watershed Construction Project. In doing so, the district shall:

3196 a. Develop and designate the facilities to be constructed
3197 to achieve stated goals and objectives of the St. Lucie River
3198 Watershed Protection Plan.

3199 b. Identify the size and location of all such facilities.

3200 c. Provide a construction schedule for all such facilities,
3201 including the sequencing and specific timeframe for construction
3202 of each facility.

3203 d. Provide a schedule for the acquisition of lands or
3204 sufficient interests necessary to achieve the construction
3205 schedule.

3206 e. Provide a schedule of costs and benefits associated with
3207 each construction project and identify funding sources.

3208 f. To ensure timely implementation, coordinate the design,
3209 scheduling, and sequencing of project facilities with the
3210 coordinating agencies, Martin County, St. Lucie County, other
3211 interested parties, and other affected local governments.

3212 2. St. Lucie River Watershed Research and Water Quality
3213 Monitoring Program.—The district, in cooperation with the other
3214 coordinating agencies and local governments, shall establish a
3215 St. Lucie River Watershed Research and Water Quality Monitoring
3216 Program that builds upon the district's existing research
3217 program and that is sufficient to carry out, comply with, or
3218 assess the plans, programs, and other responsibilities created
3219 by this subsection. The district shall also conduct an

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3220 assessment of the water volumes and timing from Lake Okeechobee
3221 and the St. Lucie River watershed and their relative
3222 contributions to the timing and volume of water delivered to the
3223 estuary.

3224 (d) *St. Lucie River Watershed Basin Management Action*
3225 *Plan.*—The basin management action plan for the St. Lucie River
3226 watershed adopted pursuant to s. 403.067 shall be the St. Lucie
3227 River Watershed Pollutant Control Program and shall be designed
3228 to be a multifaceted approach to reducing pollutant loads by
3229 improving the management of pollutant sources within the St.
3230 Lucie River watershed through implementation of regulations and
3231 best management practices, development and implementation of
3232 improved best management practices, improvement and restoration
3233 of the hydrologic function of natural and managed systems, and
3234 use of alternative technologies for pollutant reduction, such as
3235 cost-effective biologically based, hybrid wetland/chemical and
3236 other innovative nutrient control technologies. As provided in
3237 s. 403.067(7)(a)6., the St. Lucie River Watershed Basin
3238 Management Action Plan must include milestones for
3239 implementation and water quality improvement, and an associated
3240 water quality monitoring component sufficient to evaluate
3241 whether reasonable progress in pollutant load reductions is
3242 being achieved over time. An assessment of progress toward these
3243 milestones shall be conducted every 5 years and shall be
3244 provided to the Governor, the President of the Senate, and the
3245 Speaker of the House of Representatives. Revisions to the plan
3246 shall be made, as appropriate, as a result of each 5-year
3247 review. Revisions to the basin management action plan shall be
3248 made by the department in cooperation with the basin

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3249 stakeholders. Revisions to best management practices or other
3250 measures must follow the procedures set forth in s.
3251 403.067(7)(c)4. Revised basin management action plans must be
3252 adopted pursuant to s. 403.067(7)(a)5. The department shall
3253 develop an implementation schedule establishing 5-year, 10-year,
3254 and 15-year measurable milestones and targets to achieve the
3255 total maximum daily load no more than 20 years after adoption of
3256 the plan. The initial implementation schedule shall be used to
3257 provide guidance for planning and funding purposes and is exempt
3258 from chapter 120. Upon the first 5-year review, the
3259 implementation schedule shall be adopted as part of the plan. If
3260 achieving the total maximum daily load within 20 years is not
3261 practicable, the implementation schedule must contain an
3262 explanation of the constraints that prevent achievement of the
3263 total maximum daily load within 20 years, an estimate of the
3264 time needed to achieve the total maximum daily load, and
3265 additional 5-year measurable milestones, as necessary. The
3266 coordinating agencies shall facilitate the use of federal
3267 programs that offer opportunities for water quality treatment,
3268 including preservation, restoration, or creation of wetlands on
3269 agricultural lands.

3270 1. Nonpoint source best management practices consistent
3271 with s. 403.067, designed to achieve the objectives of the St.
3272 Lucie River Watershed Protection Program, shall be implemented
3273 on an expedited basis. The coordinating agencies may develop an
3274 intergovernmental agreement with local governments to implement
3275 the nonagricultural nonpoint source best management practices
3276 within their respective geographic boundaries.

3277 2. This subsection does not preclude the department or the

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3278 district from requiring compliance with water quality standards,
3279 adopted total maximum daily loads, or current best management
3280 practices requirements set forth in any applicable regulatory
3281 program authorized by law for the purpose of protecting water
3282 quality. This subsection applies only to the extent that it does
3283 not conflict with any rules adopted by the department or
3284 district which are necessary to maintain a federally delegated
3285 or approved program.

3286 3. Projects that make use of private lands, or lands held
3287 in trust for Indian tribes, to reduce pollutant loadings or
3288 concentrations within a basin, or that reduce the volume of
3289 harmful discharges by one or more of the following methods:
3290 restoring the natural hydrology of the basin, restoring wildlife
3291 habitat or impacted wetlands, reducing peak flows after storm
3292 events, or increasing aquifer recharge, are eligible for grants
3293 available under this section from the coordinating agencies.

3294 4. The St. Lucie River Watershed Basin Management Action
3295 Plan shall require assessment of current water management
3296 practices within the watershed and shall require development of
3297 recommendations for structural, nonstructural, and operational
3298 improvements. Such recommendations shall consider and balance
3299 water supply, flood control, estuarine salinity, aquatic
3300 habitat, and water quality considerations.

3301 5. The department may not authorize the disposal of
3302 domestic wastewater biosolids within the St. Lucie River
3303 watershed unless the applicant can affirmatively demonstrate
3304 that the nutrients in the biosolids will not add to nutrient
3305 loadings in the watershed. This demonstration shall be based on
3306 achieving a net balance between nutrient imports relative to

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3307 exports on the permitted application site. Exports shall include
3308 only nutrients removed from the St. Lucie River watershed
3309 through products generated on the permitted application site.
3310 This prohibition does not apply to Class AA biosolids that are
3311 marketed and distributed as fertilizer products in accordance
3312 with department rule.

3313 6. The Department of Health shall require all entities
3314 disposing of septage within the St. Lucie River watershed to
3315 develop and submit to that agency an agricultural use plan that
3316 limits applications based upon nutrient loading consistent with
3317 any basin management action plan adopted pursuant to s. 403.067.

3318 7. The Department of Agriculture and Consumer Services
3319 shall initiate rulemaking requiring entities within the St.
3320 Lucie River watershed which land-apply animal manure to develop
3321 a resource management system level conservation plan, according
3322 to United States Department of Agriculture criteria, which limit
3323 such application. Such rules shall include criteria and
3324 thresholds for the requirement to develop a conservation or
3325 nutrient management plan, requirements for plan approval, site
3326 inspection requirements, and recordkeeping requirements.

3327 8. The district shall initiate rulemaking to provide for a
3328 monitoring program for nonpoint source dischargers required to
3329 monitor water quality pursuant to s. 403.067(7)(b)2.g. or (c)3.
3330 The results of such monitoring must be reported to the
3331 coordinating agencies.

3332 (e) *River Watershed Protection Plan implementation.*—The
3333 coordinating agencies shall be jointly responsible for
3334 implementing the River Watershed Protection Plans, consistent
3335 with the statutory authority and responsibility of each agency.

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3336 Annual funding priorities shall be jointly established, and the
3337 highest priority shall be assigned to programs and projects that
3338 have the greatest potential for achieving the goals and
3339 objectives of the plans. In determining funding priorities, the
3340 coordinating agencies shall also consider the need for
3341 regulatory compliance, the extent to which the program or
3342 project is ready to proceed, and the availability of federal or
3343 local government matching funds. Federal and other nonstate
3344 funding shall be maximized to the greatest extent practicable.

3345 (f) *Evaluation.*—Beginning March 1, 2020, and every 5 years
3346 thereafter, concurrent with the updates of the basin management
3347 action plans adopted pursuant to s. 403.067, the department, in
3348 cooperation with the other coordinating agencies, shall conduct
3349 an evaluation of any pollutant load reduction goals, as well as
3350 any other specific objectives and goals, as stated in the River
3351 Watershed Protection Programs. The district shall identify
3352 modifications to facilities of the River Watershed Construction
3353 Projects, as appropriate, or any other elements of the River
3354 Watershed Protection Programs. The evaluation shall be included
3355 in the annual progress report submitted pursuant to this
3356 section.

3357 (g) *Priorities and implementation schedules.*—The
3358 coordinating agencies are authorized and directed to establish
3359 priorities and implementation schedules for the achievement of
3360 total maximum daily loads, the requirements of s. 403.067, and
3361 compliance with applicable water quality standards within the
3362 waters and watersheds subject to this section.

3363 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
3364 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The

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3365 department is directed to expedite development and adoption of
3366 total maximum daily loads for the Caloosahatchee River and
3367 estuary. The department is further directed to propose for final
3368 agency action total maximum daily loads for nutrients in the
3369 tidal portions of the Caloosahatchee River and estuary. The
3370 department shall initiate development of basin management action
3371 plans for Lake Okeechobee, the Caloosahatchee River watershed
3372 and estuary, and the St. Lucie River watershed and estuary as
3373 provided in s. 403.067 as follows:

3374 (a) Basin management action plans shall be developed as
3375 soon as practicable as determined necessary by the department to
3376 achieve the total maximum daily loads established for the Lake
3377 Okeechobee watershed and the estuaries.

3378 (b) The Phase II technical plan development pursuant to
3379 paragraph (3) (a), and the River Watershed Protection Plans
3380 developed pursuant to paragraphs (4) (a) and (c), shall provide
3381 the basis for basin management action plans developed by the
3382 department.

3383 (c) As determined necessary by the department to achieve
3384 the total maximum daily loads, additional or modified projects
3385 or programs that complement those in the legislatively ratified
3386 plans may be included during the development of the basin
3387 management action plan.

3388 (d) As provided in s. 403.067, management strategies and
3389 pollution reduction requirements set forth in a basin management
3390 action plan subject to permitting by the department under
3391 subsection (7) must be completed pursuant to the schedule set
3392 forth in the basin management action plan, as amended. The
3393 implementation schedule may extend beyond the 5-year permit

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3394 term.

3395 (e) As provided in s. 403.067, management strategies and
3396 pollution reduction requirements set forth in a basin management
3397 action plan for a specific pollutant of concern are not subject
3398 to challenge under chapter 120 at the time they are
3399 incorporated, in an identical form, into a department or
3400 district issued permit or a permit modification issued in
3401 accordance with subsection (7).

3402 (6) ANNUAL PROGRESS REPORT.—Each March 1, the district, in
3403 cooperation with the other coordinating agencies, shall report
3404 on implementation of this section as part of the consolidated
3405 annual report required in s. 373.036(7). The annual report shall
3406 include a summary of the conditions of the hydrology, water
3407 quality, and aquatic habitat in the northern Everglades based on
3408 the results of the Research and Water Quality Monitoring
3409 Programs, the status of the Lake Okeechobee Watershed
3410 Construction Project, the status of the Caloosahatchee River
3411 Watershed Construction Project, and the status of the St. Lucie
3412 River Watershed Construction Project. In addition, the report
3413 shall contain an annual accounting of the expenditure of funds
3414 from the Save Our Everglades Trust Fund. At a minimum, the
3415 annual report shall provide detail by program and plan,
3416 including specific information concerning the amount and use of
3417 funds from federal, state, or local government sources. In
3418 detailing the use of these funds, the district shall indicate
3419 those designated to meet requirements for matching funds. The
3420 district shall prepare the report in cooperation with the other
3421 coordinating agencies and affected local governments. The
3422 department shall report on the status of the Lake Okeechobee

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3423 Basin Management Action Plan, the Caloosahatchee River Watershed
3424 Basin Management Action Plan, and the St. Lucie River Watershed
3425 Basin Management Action Plan. The Department of Agriculture and
3426 Consumer Services shall report on the status of the
3427 implementation of the agricultural nonpoint source best
3428 management practices, including an implementation assurance
3429 report summarizing survey responses and response rates, site
3430 inspections, and other methods used to verify implementation of
3431 and compliance with best management practices in the Lake
3432 Okeechobee, Caloosahatchee River, and St. Lucie River
3433 watersheds.

3434 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

3435 (a) The Legislature finds that the Lake Okeechobee
3436 Watershed Protection Program will benefit Lake Okeechobee and
3437 downstream receiving waters and is in the public interest. The
3438 Lake Okeechobee Watershed Construction Project and structures
3439 discharging into or from Lake Okeechobee shall be constructed,
3440 operated, and maintained in accordance with this section.

3441 (b) Permits obtained pursuant to this section are in lieu
3442 of all other permits under this chapter or chapter 403, except
3443 those issued under s. 403.0885, if applicable. Additional
3444 permits are not required for the Lake Okeechobee Watershed
3445 Construction Project, or structures discharging into or from
3446 Lake Okeechobee, if such project or structures are permitted
3447 under this section. Construction activities related to
3448 implementation of the Lake Okeechobee Watershed Construction
3449 Project may be initiated before final agency action, or notice
3450 of intended agency action, on any permit from the department
3451 under this section.

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3452 (c)1. Owners or operators of existing structures which
3453 discharge into or from Lake Okeechobee that were subject to
3454 Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707,
3455 and RT50-205564 and that are subject to s. 373.4592(4) (a) do not
3456 require a permit under this section and shall be governed by
3457 permits issued under ss. 373.413 and 373.416 and the Lake
3458 Okeechobee Basin Management Action Plan adopted pursuant to s.
3459 403.067.

3460 2. For the purposes of this paragraph, owners and operators
3461 of existing structures which are subject to s. 373.4592(4) (a)
3462 and which discharge into or from Lake Okeechobee shall be deemed
3463 in compliance with this paragraph if they are in full compliance
3464 with the conditions of permits under chapter 40E-63, Florida
3465 Administrative Code.

3466 3. By January 1, 2017, the district shall submit to the
3467 department a complete application for a permit modification to
3468 the Lake Okeechobee structure permits to incorporate proposed
3469 changes necessary to ensure that discharges through the
3470 structures covered by this permit are consistent with the basin
3471 management action plan adopted pursuant to s. 403.067.

3472 (d) The department shall require permits for district
3473 regional projects that are part of the Lake Okeechobee Watershed
3474 Construction Project. However, projects that qualify as exempt
3475 pursuant to s. 373.406 do not require permits under this
3476 section. Such permits shall be issued for a term of 5 years upon
3477 the demonstration of reasonable assurances that:

3478 1. District regional projects that are part of the Lake
3479 Okeechobee Watershed Construction Project shall achieve the
3480 design objectives for phosphorus required in subparagraph

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3481 (3) (a) 1.;

3482 2. For water quality standards other than phosphorus, the
3483 quality of water discharged from the facility is of equal or
3484 better quality than the inflows;

3485 3. Discharges from the facility do not pose a serious
3486 danger to public health, safety, or welfare; and

3487 4. Any impacts on wetlands or state-listed species
3488 resulting from implementation of that facility of the Lake
3489 Okeechobee Construction Project are minimized and mitigated, as
3490 appropriate.

3491 (e) At least 60 days before the expiration of any permit
3492 issued under this section, the permittee may apply for a renewal
3493 thereof for a period of 5 years.

3494 (f) Permits issued under this section may include any
3495 standard conditions provided by department rule which are
3496 appropriate and consistent with this section.

3497 (g) Permits issued under this section may be modified, as
3498 appropriate, upon review and approval by the department.

3499 (8) RESTRICTIONS ON WATER DIVERSIONS.—The South Florida
3500 Water Management District shall not divert waters to the St.
3501 Lucie River, the Indian River estuary, the Caloosahatchee River
3502 or its estuary, or the Everglades National Park, in such a way
3503 that the state water quality standards are violated, that the
3504 nutrients in such diverted waters adversely affect indigenous
3505 vegetation communities or wildlife, or that fresh waters
3506 diverted to the St. Lucie River or the Caloosahatchee or Indian
3507 River estuaries adversely affect the estuarine vegetation or
3508 wildlife, unless the receiving waters will biologically benefit
3509 by the diversion. However, diversion is permitted when an

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3510 emergency is declared by the water management district, if the
3511 Secretary of Environmental Protection concurs.

3512 (9) PRESERVATION OF PROVISIONS RELATING TO THE EVERGLADES.—
3513 Nothing in this section shall be construed to modify any
3514 provision of s. 373.4592.

3515 (10) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this
3516 section is intended to diminish or alter the governmental
3517 authority and powers of the Seminole Tribe of Florida, or
3518 diminish or alter the rights of that tribe, including, but not
3519 limited to, rights under the water rights compact among the
3520 Seminole Tribe of Florida, the state, and the South Florida
3521 Water Management District as enacted by Pub. L. No. 100-228, 101
3522 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in
3523 s. 285.165, and rights under any other agreement between the
3524 Seminole Tribe of Florida and the state or its agencies. No land
3525 of the Seminole Tribe of Florida shall be used for water storage
3526 or stormwater treatment without the consent of the tribe.

3527 (11) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—Nothing
3528 in this section shall be construed to modify any existing state
3529 water quality standard or to modify the provisions of s.
3530 403.067(6) and (7)(a).

3531 (12) RULES.—The governing board of the district is
3532 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
3533 to implement the provisions of this section.

3534 (13) PRESERVATION OF AUTHORITY.—Nothing in this section
3535 shall be construed to restrict the authority otherwise granted
3536 to agencies pursuant to this chapter and chapter 403, and
3537 provisions of this section shall be deemed supplemental to the
3538 authority granted to agencies pursuant to this chapter and

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3539 chapter 403.

3540 Section 37. For the purpose of incorporating the amendment
3541 made by this act to section 403.0872, Florida Statutes, in a
3542 reference thereto, section 403.0873, Florida Statutes, is
3543 reenacted to read:

3544 403.0873 Florida Air-Operation License Fee Account.—The
3545 “Florida Air-Operation License Fee Account” is established as a
3546 nonlapsing account within the Department of Environmental
3547 Protection’s Air Pollution Control Trust Fund. All license fees
3548 paid pursuant to s. 403.0872(11) shall be deposited in such
3549 account and must be used solely by the department and approved
3550 local programs under the advice and consent of the Legislature
3551 to pay the direct and indirect costs required to develop and
3552 administer the major stationary source air-operation permit
3553 program. Any approved local pollution control program that
3554 accepts funds from the department as reimbursement for services
3555 it performs in the implementation of the major source air-
3556 operation permit program, receives delegation from the
3557 department or the United States Environmental Protection Agency
3558 for implementation of the major source air-operation permit
3559 program, or performs functions, duties, or activities
3560 substantially similar to or duplicative of the services
3561 performed by the department or the United States Environmental
3562 Protection Agency in the implementation of the major source air-
3563 operation permit program is prohibited from collecting
3564 additional fees attributable to such services from any source
3565 permitted under s. 403.0872.

3566 Section 38. For the purpose of incorporating the amendment
3567 made by this act to section 403.1838, Florida Statutes, in a

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3568 reference thereto, paragraph (d) of subsection (3) of section
3569 403.1835, Florida Statutes, is reenacted to read:

3570 403.1835 Water pollution control financial assistance.—

3571 (3) The department may provide financial assistance through
3572 any program authorized under 33 U.S.C. s. 1383, as amended,
3573 including, but not limited to, making grants and loans,
3574 providing loan guarantees, purchasing loan insurance or other
3575 credit enhancements, and buying or refinancing local debt. This
3576 financial assistance must be administered in accordance with
3577 this section and applicable federal authorities.

3578 (d) The department may make grants to financially
3579 disadvantaged small communities, as defined in s. 403.1838,
3580 using funds made available from grant allocations on loans
3581 authorized under subsection (4). The grants must be administered
3582 in accordance with s. 403.1838.

3583 Section 39. This act shall take effect July 1, 2026.