

1                                    A bill to be entitled  
 2                    An act relating to environmental protection; amending  
 3                    s. 163.3177, F.S.; revising the required components of  
 4                    a local government comprehensive plan capital  
 5                    improvements element and general sanitary sewer, solid  
 6                    waste, drainage, potable water, and natural  
 7                    groundwater aquifer recharge element; making technical  
 8                    changes; requiring the update of comprehensive plans  
 9                    by a specified date; providing applicability; amending  
 10                    s. 253.025, F.S.; revising the real property purchase  
 11                    agreements that must be submitted to and approved by  
 12                    the Board of Trustees of the Internal Improvement  
 13                    Trust Fund; increasing the estimated threshold that a  
 14                    parcel to be acquired must meet before additional  
 15                    appraisals are required; amending s. 259.032, F.S.;  
 16                    authorizing the board to acquire interests in lands  
 17                    that complete certain linkages within the Florida  
 18                    wildlife corridor; conforming a provision to changes  
 19                    made by the act; making technical changes; creating s.  
 20                    373.469, F.S.; providing legislative findings and  
 21                    intent; defining terms; providing the components of  
 22                    the Indian River Lagoon Protection Program; requiring  
 23                    the department to evaluate and update the basin  
 24                    management action plans within the program at  
 25                    specified intervals; requiring the department, in

26 coordination with specified entities, to identify and  
27 prioritize strategies and projects to achieve certain  
28 water quality standards and total maximum daily loads;  
29 requiring the department, in coordination with  
30 specified entities, to implement the Indian River  
31 Lagoon Watershed Research and Water Quality Monitoring  
32 Program for specified purposes; prohibiting the  
33 installation of new onsite sewage treatment and  
34 disposal systems beginning on a specified date under  
35 certain circumstances; requiring that commercial or  
36 residential properties with existing onsite sewage  
37 treatment and disposal systems be connected to central  
38 sewer or be upgraded to a certain system by a  
39 specified date; providing construction; authorizing  
40 the department and the governing boards of the St.  
41 Johns River Water Management District and the South  
42 Florida Water Management District to adopt rules;  
43 amending s. 373.501, F.S.; requiring, rather than  
44 authorizing, the department to transfer appropriated  
45 funds to the water management districts for specified  
46 purposes; requiring the districts to annually report  
47 to the department on the use of such funds; amending  
48 s. 373.802, F.S.; defining the term "enhanced  
49 nutrient-reducing onsite sewage treatment and disposal  
50 system"; amending s. 373.807, F.S.; conforming a

51 cross-reference; revising requirements for onsite  
 52 sewage treatment and disposal system remediation plans  
 53 for springs; amending s. 373.811, F.S.; prohibiting  
 54 new onsite sewage treatment and disposal systems  
 55 within basin management action plans in effect for  
 56 Outstanding Florida Springs under certain  
 57 circumstances; authorizing the installation of  
 58 enhanced or alternative systems for certain lots;  
 59 amending s. 381.0065, F.S.; defining the term  
 60 "enhanced nutrient-reducing onsite sewage treatment  
 61 and disposal system"; amending s. 381.00655, F.S.;  
 62 encouraging local governmental agencies that receive  
 63 funding for connecting onsite sewage treatment and  
 64 disposal systems to central sewer facilities to  
 65 provide notice of the funding availability to certain  
 66 owners of onsite sewage treatment and disposal systems  
 67 and to maintain a website with certain information  
 68 regarding the funding; reordering and amending s.  
 69 403.031, F.S.; defining and revising terms; amending  
 70 s. 403.067, F.S.; revising requirements for new or  
 71 revised basin management action plans; requiring that  
 72 basin management action plans include 5-year  
 73 milestones for implementation; requiring certain  
 74 entities to identify projects or strategies to meet  
 75 such milestones; prohibiting the installation of new

76 onsite sewage treatment and disposal systems within  
 77 specified areas under certain circumstances; requiring  
 78 the installation of enhanced or alternative systems  
 79 for certain lots; revising requirements for a basin  
 80 management action plan's cooperative agricultural  
 81 regional water quality improvement element; amending  
 82 s. 403.0673, F.S.; renaming the wastewater grant  
 83 program as the water quality improvement grant  
 84 program; revising the purposes of the grant program;  
 85 specifying the projects for which the department may  
 86 provide grants under the program; requiring the  
 87 department to prioritize certain projects; requiring  
 88 the department to coordinate with each water  
 89 management district to annually identify projects;  
 90 requiring the department to coordinate with specified  
 91 entities to identify projects; revising reporting  
 92 requirements; amending s. 403.086, F.S.; revising the  
 93 waters that sewage disposal facilities are prohibited  
 94 from disposing wastes into; amending ss. 201.15,  
 95 259.105, 373.019, 373.4132, 373.414, 373.4142,  
 96 373.430, 373.4592, 403.890, 403.892, 403.9301, and  
 97 403.9302, F.S.; conforming cross-references and  
 98 provisions to changes made by the act; reenacting s.  
 99 259.045(6), F.S., relating to the purchase of lands in  
 100 areas of critical state concern, to incorporate the

101 amendment made to s. 259.032, F.S., in a reference  
 102 thereto; providing a declaration of important state  
 103 interest; providing an effective date.

104

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

106

107 Section 1. Paragraph (a) of subsection (3) and paragraph  
 108 (c) of subsection (6) of section 163.3177, Florida Statutes, are  
 109 amended to read:

110 163.3177 Required and optional elements of comprehensive  
 111 plan; studies and surveys.—

112 (3)(a) The comprehensive plan must ~~shall~~ contain a capital  
 113 improvements element designed to consider the need for and the  
 114 location of public facilities in order to encourage the  
 115 efficient use of such facilities and set forth all of the  
 116 following:

117 1. A component that outlines principles for construction,  
 118 extension, or increase in capacity of public facilities, as well  
 119 as a component that outlines principles for correcting existing  
 120 public facility deficiencies, which are necessary to implement  
 121 the comprehensive plan. The components must ~~shall~~ cover at least  
 122 a 5-year period.

123 2. Estimated public facility costs, including a  
 124 delineation of when facilities will be needed, the general  
 125 location of the facilities, and projected revenue sources to

126 | fund the facilities.

127 |         3. Standards to ensure the availability of public  
128 | facilities and the adequacy of those facilities to meet  
129 | established acceptable levels of service.

130 |         4. A schedule of capital improvements which includes any  
131 | publicly funded projects of federal, state, or local government,  
132 | and which may include privately funded projects for which the  
133 | local government has no fiscal responsibility. Projects  
134 | necessary to ensure that any adopted level-of-service standards  
135 | are achieved and maintained for the 5-year period must be  
136 | identified as either funded or unfunded and given a level of  
137 | priority for funding.

138 |         ~~5.~~ The schedule must:

139 |         a. Include transportation improvements included in the  
140 | applicable metropolitan planning organization's transportation  
141 | improvement program adopted pursuant to s. 339.175(8) to the  
142 | extent that such improvements are relied upon to ensure  
143 | concurrency and financial feasibility;~~:-~~

144 |         b. Where applicable, include a list of projects necessary  
145 | to achieve the pollutant load reductions attributable to the  
146 | local government, as established in a basin management action  
147 | plan pursuant to s. 403.067(7); and

148 |         ~~c.~~ ~~The schedule must~~ Be coordinated with the applicable  
149 | metropolitan planning organization's long-range transportation  
150 | plan adopted pursuant to s. 339.175(7).

151 (6) In addition to the requirements of subsections (1) -  
 152 (5), the comprehensive plan shall include the following  
 153 elements:

154 (c) A general sanitary sewer, solid waste, drainage,  
 155 potable water, and natural groundwater aquifer recharge element  
 156 correlated to principles and guidelines for future land use,  
 157 indicating ways to provide for future potable water, drainage,  
 158 sanitary sewer, solid waste, and aquifer recharge protection  
 159 requirements for the area. The element may be a detailed  
 160 engineering plan including a topographic map depicting areas of  
 161 prime groundwater recharge.

162 1. Each local government shall address in the data and  
 163 analyses required by this section those facilities that provide  
 164 service within the local government's jurisdiction. Local  
 165 governments that provide facilities to serve areas within other  
 166 local government jurisdictions shall also address those  
 167 facilities in the data and analyses required by this section,  
 168 using data from the comprehensive plan for those areas for the  
 169 purpose of projecting facility needs as required in this  
 170 subsection. For shared facilities, each local government shall  
 171 indicate the proportional capacity of the systems allocated to  
 172 serve its jurisdiction.

173 2. The element must ~~shall~~ describe the problems and needs  
 174 and the general facilities that will be required for solution of  
 175 the problems and needs, including correcting existing facility

176 deficiencies. The element must ~~shall~~ address coordinating the  
177 extension of, ~~or~~ increase in the capacity of, or upgrade in  
178 treatment of facilities to meet future needs; prioritizing  
179 advanced waste treatment while maximizing the use of existing  
180 facilities and discouraging urban sprawl; conserving potable  
181 water resources; and protecting the functions of natural  
182 groundwater recharge areas and natural drainage features.

183 3. Within the local government's jurisdiction, for any  
184 development of more than 50 residential lots, whether built or  
185 unbuilt, with more than one onsite sewage treatment and disposal  
186 system per 1 acre, the element must consider the feasibility of  
187 providing sanitary sewer services within a 10-year planning  
188 horizon and must identify the name and location of the  
189 wastewater facility that could receive sanitary sewer flows  
190 after connection; the capacity of the facility and any  
191 associated transmission facilities; the projected wastewater  
192 flow at that facility for the next 20 years, including expected  
193 future new construction and connections of onsite sewage  
194 treatment and disposal systems to sanitary sewer; and a timeline  
195 for the construction of the sanitary sewer system. An onsite  
196 sewage treatment and disposal system is presumed to exist on a  
197 parcel if sanitary sewer services are not available at or  
198 adjacent to the parcel boundary. Each comprehensive plan must be  
199 updated to include this element by July 1, 2024, and as needed  
200 thereafter to account for future applicable developments. This



201 subparagraph does not apply to a local government designated as  
 202 a rural area of opportunity under s. 288.0656.

203 4. Within 18 months after the governing board approves an  
 204 updated regional water supply plan, the element must incorporate  
 205 the alternative water supply project or projects selected by the  
 206 local government from those identified in the regional water  
 207 supply plan pursuant to s. 373.709(2) (a) or proposed by the  
 208 local government under s. 373.709(8) (b). If a local government  
 209 is located within two water management districts, the local  
 210 government must ~~shall~~ adopt its comprehensive plan amendment  
 211 within 18 months after the later updated regional water supply  
 212 plan. The element must identify such alternative water supply  
 213 projects and traditional water supply projects and conservation  
 214 and reuse necessary to meet the water needs identified in s.  
 215 373.709(2) (a) within the local government's jurisdiction and  
 216 include a work plan, covering at least a 10-year planning  
 217 period, for building public, private, and regional water supply  
 218 facilities, including development of alternative water supplies,  
 219 which are identified in the element as necessary to serve  
 220 existing and new development. The work plan must ~~shall~~ be  
 221 updated, at a minimum, every 5 years within 18 months after the  
 222 governing board of a water management district approves an  
 223 updated regional water supply plan. Local governments, public  
 224 and private utilities, regional water supply authorities,  
 225 special districts, and water management districts are encouraged

226 | to cooperatively plan for the development of multijurisdictional  
 227 | water supply facilities that are sufficient to meet projected  
 228 | demands for established planning periods, including the  
 229 | development of alternative water sources to supplement  
 230 | traditional sources of groundwater and surface water supplies.

231 | 5.4. A local government that does not own, operate, or  
 232 | maintain its own water supply facilities, including, but not  
 233 | limited to, wells, treatment facilities, and distribution  
 234 | infrastructure, and is served by a public water utility with a  
 235 | permitted allocation of greater than 300 million gallons per day  
 236 | is not required to amend its comprehensive plan in response to  
 237 | an updated regional water supply plan or to maintain a work plan  
 238 | if any such local government's usage of water constitutes less  
 239 | than 1 percent of the public water utility's total permitted  
 240 | allocation. However, any such local government shall ~~is required~~  
 241 | ~~to~~ cooperate with, and provide relevant data to, any local  
 242 | government or utility provider that provides service within its  
 243 | jurisdiction, and shall ~~to~~ keep its general sanitary sewer,  
 244 | solid waste, potable water, and natural groundwater aquifer  
 245 | recharge element updated in accordance with s. 163.3191.

246 | Section 2. Subsection (4) and paragraph (b) of subsection  
 247 | (8) of section 253.025, Florida Statutes, are amended to read:

248 | 253.025 Acquisition of state lands.—

249 | (4) An agreement to acquire real property for the purposes  
 250 | described in this chapter, chapter 259, chapter 260, or chapter

251 375, title to which will vest in the board of trustees, may not  
 252 bind the state before the agreement is reviewed and approved by  
 253 the Department of Environmental Protection as complying with  
 254 this section and any rules adopted pursuant to this section. If  
 255 any of the following conditions exist, the agreement must ~~shall~~  
 256 be submitted to and approved by the board of trustees:

257 (a) The purchase price agreed to by the seller exceeds the  
 258 value as established pursuant to the rules of the board of  
 259 trustees.~~‡~~

260 (b) The contract price agreed to by the seller and the  
 261 acquiring agency exceeds \$5 ~~\$1~~ million.~~‡~~

262 (c) ~~The acquisition is the initial purchase in a Florida~~  
 263 ~~Forever project; or~~

264 ~~(d)~~ Other conditions that the board of trustees may adopt  
 265 by rule. Such conditions may include, but are not limited to,  
 266 Florida Forever projects when title to the property being  
 267 acquired is considered nonmarketable or is encumbered in such a  
 268 way as to significantly affect its management.

269  
 270 If approval of the board of trustees is required pursuant to  
 271 this subsection, the acquiring agency must provide a  
 272 justification as to why it is in the public's interest to  
 273 acquire the parcel or Florida Forever project. Approval of the  
 274 board of trustees is also required for Florida Forever projects  
 275 the department recommends acquiring pursuant to subsections (11)

276 and (22). Review and approval of agreements for acquisitions for  
 277 Florida Greenways and Trails Program properties pursuant to  
 278 chapter 260 may be waived by the department in any contract with  
 279 nonprofit corporations that have agreed to assist the department  
 280 with this program. If the contribution of the acquiring agency  
 281 exceeds \$100 million in any one fiscal year, the agreement must  
 282 ~~shall~~ be submitted to and approved by the Legislative Budget  
 283 Commission.

284 (8) Before approval by the board of trustees, or, when  
 285 applicable, the Department of Environmental Protection, of any  
 286 agreement to purchase land pursuant to this chapter, chapter  
 287 259, chapter 260, or chapter 375, and before negotiations with  
 288 the parcel owner to purchase any other land, title to which will  
 289 vest in the board of trustees, an appraisal of the parcel shall  
 290 be required as follows:

291 (b) Each parcel to be acquired must ~~shall~~ have at least  
 292 one appraisal. Two appraisals are required when the estimated  
 293 value of the parcel exceeds \$5 ~~\$1~~ million. However, if both  
 294 appraisals exceed \$5 ~~\$1~~ million and differ significantly, a  
 295 third appraisal may be obtained. If a parcel is estimated to be  
 296 worth \$100,000 or less and the director of the Division of State  
 297 Lands finds that the cost of an outside appraisal is not  
 298 justified, a comparable sales analysis, an appraisal prepared by  
 299 the division, or other reasonably prudent procedures may be used  
 300 by the division to estimate the value of the parcel, provided

301 the public's interest is reasonably protected. The state is not  
 302 required to appraise the value of lands and appurtenances that  
 303 are being donated to the state.

304  
 305 Notwithstanding this subsection, on behalf of the board of  
 306 trustees and before the appraisal of parcels approved for  
 307 purchase under this chapter or chapter 259, the Secretary of  
 308 Environmental Protection or the director of the Division of  
 309 State Lands may enter into option contracts to buy such parcels.  
 310 Any such option contract shall state that the final purchase  
 311 price is subject to approval by the board of trustees or, if  
 312 applicable, the Secretary of Environmental Protection, and that  
 313 the final purchase price may not exceed the maximum offer  
 314 allowed by law. Any such option contract presented to the board  
 315 of trustees for final purchase price approval shall explicitly  
 316 state that payment of the final purchase price is subject to an  
 317 appropriation from the Legislature. The consideration for such  
 318 an option may not exceed \$1,000 or 0.01 percent of the estimate  
 319 by the department of the value of the parcel, whichever amount  
 320 is greater.

321 Section 3. Subsections (2) and (7), paragraph (b) of  
 322 subsection (8), and paragraph (d) of subsection (9) of section  
 323 259.032, Florida Statutes, are amended to read:

324 259.032 Conservation and recreation lands.—

325 (2) The Governor and Cabinet, sitting as the Board of

326 Trustees of the Internal Improvement Trust Fund, may expend  
 327 moneys appropriated by the Legislature to acquire the fee or any  
 328 lesser interest in lands for any of the following public  
 329 purposes:

330 (a) To conserve and protect environmentally unique and  
 331 irreplaceable lands that contain native, relatively unaltered  
 332 flora and fauna representing a natural area unique to, or scarce  
 333 within, a region of this state or a larger geographic area.†

334 (b) To conserve and protect lands within designated areas  
 335 of critical state concern, if the proposed acquisition relates  
 336 to the natural resource protection purposes of the designation.†

337 (c) To conserve and protect native species habitat or  
 338 endangered or threatened species, emphasizing long-term  
 339 protection for endangered or threatened species designated G-1  
 340 or G-2 by the Florida Natural Areas Inventory, and especially  
 341 those areas that are special locations for breeding and  
 342 reproduction.†

343 (d) To conserve, protect, manage, or restore important  
 344 ecosystems, landscapes, and forests, if the protection and  
 345 conservation of such lands is necessary to enhance or protect  
 346 significant surface water, groundwater, coastal, recreational,  
 347 timber, or fish or wildlife resources which cannot otherwise be  
 348 accomplished through local and state regulatory programs.†

349 (e) To promote water resource development that benefits  
 350 natural systems and citizens of the state.†

351 (f) To facilitate the restoration and subsequent health  
 352 and vitality of the Florida Everglades.~~†~~

353 (g) To provide areas, including recreational trails, for  
 354 natural resource-based recreation and other outdoor recreation  
 355 on any part of any site compatible with conservation purposes.~~†~~

356 (h) To preserve significant archaeological or historic  
 357 sites.~~†~~

358 (i) To conserve urban open spaces suitable for greenways  
 359 or outdoor recreation which are compatible with conservation  
 360 purposes.~~†~~~~or~~

361 (j) To preserve agricultural lands under threat of  
 362 conversion to development through less-than-fee acquisitions.

363 (k) To complete critical linkages that will help preserve  
 364 and protect this state's green infrastructure and vital habitat  
 365 for wide-ranging wildlife, such as the Florida panther, within  
 366 the Florida wildlife corridor.

367 (7)(a) All lands managed under this chapter and s. 253.034  
 368 must ~~shall~~ be:

369 1.~~(a)~~ Managed in a manner that will provide the greatest  
 370 combination of benefits to the public and to the resources.

371 2.~~(b)~~ Managed for public outdoor recreation which is  
 372 compatible with the conservation and protection of public lands.  
 373 Such management may include, but not be limited to, the  
 374 following public recreational uses: fishing, hunting, camping,  
 375 bicycling, hiking, nature study, swimming, boating, canoeing,

376 horseback riding, diving, model hobbyist activities, birding,  
 377 sailing, jogging, and other related outdoor activities.

378 (b)~~(e)~~ Concurrent with its adoption of the annual list of  
 379 acquisition projects pursuant to s. 259.035, the board shall  
 380 adopt a management prospectus for each project. The management  
 381 prospectus shall delineate:

- 382 1. The management goals for the property;
- 383 2. The conditions that will affect the intensity of  
 384 management;
- 385 3. An estimate of the revenue-generating potential of the  
 386 property, if appropriate;
- 387 4. A timetable for implementing the various stages of  
 388 management and for providing access to the public, if  
 389 applicable;
- 390 5. A description of potential multiple-use activities as  
 391 described in this section and s. 253.034;
- 392 6. Provisions for protecting existing infrastructure and  
 393 for ensuring the security of the project upon acquisition;
- 394 7. The anticipated costs of management and projected  
 395 sources of revenue, including legislative appropriations, to  
 396 fund management needs; and
- 397 8. Recommendations as to how many employees will be needed  
 398 to manage the property, and recommendations as to whether local  
 399 governments, volunteer groups, the former landowner, or other  
 400 interested parties can be involved in the management.



401        ~~(c)-(d)~~ Concurrent with the approval of the acquisition  
 402 contract pursuant to s. 253.025(4) ~~s. 253.025(4)(e)~~ For any  
 403 interest in lands except those lands acquired pursuant to s.  
 404 259.1052, the board shall designate an agency or agencies to  
 405 manage such lands. The board shall evaluate and amend, as  
 406 appropriate, the management policy statement for the project as  
 407 provided by s. 259.035 to ensure that the policy statement is  
 408 compatible with conservation, recreation, or both. For any fee  
 409 simple acquisition of a parcel which is or will be leased back  
 410 for agricultural purposes, or any acquisition of a less than fee  
 411 interest in land that is or will be used for agricultural  
 412 purposes, the board shall first consider having a soil and water  
 413 conservation district, created pursuant to chapter 582, manage  
 414 and monitor such interests.

415        ~~(d)-(e)~~ State agencies designated to manage lands acquired  
 416 under this chapter or with funds deposited into the Land  
 417 Acquisition Trust Fund, except those lands acquired under s.  
 418 259.1052, may contract with local governments and soil and water  
 419 conservation districts to assist in management activities,  
 420 including the responsibility of being the lead land manager.  
 421 Such land management contracts may include a provision for the  
 422 transfer of management funding to the local government or soil  
 423 and water conservation district from the land acquisition trust  
 424 fund of the lead land managing agency in an amount adequate for  
 425 the local government or soil and water conservation district to

426 perform its contractual land management responsibilities and  
 427 proportionate to its responsibilities, and which otherwise would  
 428 have been expended by the state agency to manage the property.

429 (e)~~(f)~~ Immediately following the acquisition of any  
 430 interest in conservation and recreation lands, the department,  
 431 acting on behalf of the board, may issue to the lead managing  
 432 entity an interim assignment letter to be effective until the  
 433 execution of a formal lease.

434 (8)

435 (b) Individual management plans required by s. 253.034(5),  
 436 for parcels over 160 acres, shall be developed with input from  
 437 an advisory group. Members of this advisory group shall include,  
 438 at a minimum, representatives of the lead land managing agency,  
 439 comanaging entities, local private property owners, the  
 440 appropriate soil and water conservation district, a local  
 441 conservation organization, and a local elected official. If  
 442 habitat or potentially restorable habitat for imperiled species  
 443 is located on state lands, the Fish and Wildlife Conservation  
 444 Commission and the Department of Agriculture and Consumer  
 445 Services shall be included on any advisory group required under  
 446 chapter 253, and the short-term and long-term management goals  
 447 required under chapter 253 must advance the goals and objectives  
 448 of imperiled species management without restricting other uses  
 449 identified in the management plan. The advisory group shall  
 450 conduct at least one public hearing within the county in which

451 the parcel or project is located. For those parcels or projects  
 452 that are within more than one county, at least one areawide  
 453 public hearing shall be acceptable and the lead managing agency  
 454 shall invite a local elected official from each county. The  
 455 areawide public hearing shall be held in the county in which the  
 456 core parcels are located. Notice of such public hearing shall be  
 457 posted on the parcel or project designated for management,  
 458 advertised in a paper of general circulation, and announced at a  
 459 scheduled meeting of the local governing body before the actual  
 460 public hearing. The management prospectus required pursuant to  
 461 paragraph (7) (b) ~~(7) (c)~~ shall be available to the public for a  
 462 period of 30 days before the public hearing.

463  
 464 By July 1 of each year, each governmental agency and each  
 465 private entity designated to manage lands shall report to the  
 466 Secretary of Environmental Protection on the progress of  
 467 funding, staffing, and resource management of every project for  
 468 which the agency or entity is responsible.

469 (9)

470 (d) Up to one-fifth of the funds appropriated for the  
 471 purposes identified in paragraph (b) shall be reserved by the  
 472 board for interim management of acquisitions and for associated  
 473 contractual services, to ensure the conservation and protection  
 474 of natural resources on project sites and to allow limited  
 475 public recreational use of lands. Interim management activities

476 may include, but not be limited to, resource assessments,  
 477 control of invasive, nonnative species, habitat restoration,  
 478 fencing, law enforcement, controlled burning, and public access  
 479 consistent with preliminary determinations made pursuant to  
 480 paragraph (7) (e) ~~(7) (f)~~. The board shall make these interim  
 481 funds available immediately upon purchase.

482 Section 4. Section 373.469, Florida Statutes, is created  
 483 to read:

484 373.469 Indian River Lagoon Protection Program.—

485 (1) FINDINGS AND INTENT.—

486 (a) The Legislature finds that:

487 1. The Indian River Lagoon is a critical water resource of  
 488 this state which provides many economic, natural habitat, and  
 489 biodiversity functions that benefit the public interest,  
 490 including fishing, navigation, recreation, and habitat to  
 491 endangered and threatened species and other flora and fauna.

492 2. Among other causes, land use changes, onsite sewage  
 493 treatment and disposal systems, aging infrastructure, stormwater  
 494 runoff, agriculture, and residential fertilizer have resulted in  
 495 excess nutrients entering the Indian River Lagoon and adversely  
 496 impacting the lagoon's water quality.

497 3. Improvement to the hydrology, water quality, and  
 498 associated aquatic habitats within the Indian River Lagoon is  
 499 essential to the protection of the resource.

500 4. It is imperative for the state, local governments, and

501 agricultural and environmental communities to commit to  
 502 restoring and protecting the surface water resources of the  
 503 Indian River Lagoon, and a holistic approach to address these  
 504 issues must be developed and implemented immediately.

505 5. The expeditious implementation of the Banana River  
 506 Lagoon Basin Management Action Plan, Central Indian River Lagoon  
 507 Basin Management Action Plan, North Indian River Lagoon Basin  
 508 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
 509 Plan are necessary to improve the quality of water in the Indian  
 510 River Lagoon ecosystem and to provide a reasonable means of  
 511 achieving the total maximum daily load requirements and  
 512 achieving and maintaining compliance with state water quality  
 513 standards.

514 6. The implementation of the programs contained in this  
 515 section will benefit the public health, safety, and welfare and  
 516 is in the public interest.

517 (b) The Legislature intends for this state to protect and  
 518 restore surface water resources and achieve and maintain  
 519 compliance with water quality standards in the Indian River  
 520 Lagoon through the phased, comprehensive, and innovative  
 521 protection program set forth in this section, including long-  
 522 term solutions based upon the total maximum daily loads  
 523 established in accordance with s. 403.067. This program is  
 524 watershed-based, provides for the consideration of all water  
 525 quality issues needed to meet the total maximum daily load, and

526 includes research and monitoring, development and implementation  
527 of best management practices, refinement of existing  
528 regulations, and structural and nonstructural projects,  
529 including public works.

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

531 (a) "Best management practice" means a practice or  
532 combination of practices determined by the coordinating  
533 agencies, based on research, field-testing, and expert review,  
534 to be the most effective and practicable on-location means,  
535 including economic and technological considerations, for  
536 improving water quality in agricultural and urban discharges.  
537 Best management practices for agricultural discharges must  
538 reflect a balance between water quality improvements and  
539 agricultural productivity.

540 (b) "Enhanced nutrient-reducing onsite sewage treatment  
541 and disposal system" means an onsite sewage treatment and  
542 disposal system approved by the department as capable of meeting  
543 or exceeding a 50 percent total nitrogen reduction before  
544 disposal of wastewater in the drainfield, or at least 65 percent  
545 total nitrogen reduction combined from onsite sewage tank or  
546 tanks and drainfield.

547 (c) "Total maximum daily load" means the sum of the  
548 individual wasteload allocations for point sources and the load  
549 allocations for nonpoint sources and natural background adopted  
550 pursuant to s. 403.067. Before determining individual wasteload

551 allocations and load allocations, the maximum amount of a  
552 pollutant that a waterbody or water segment can assimilate from  
553 all sources without exceeding water quality standards must first  
554 be calculated.

555 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian  
556 River Lagoon Protection Program consists of the Banana River  
557 Lagoon Basin Management Action Plan, Central Indian River Lagoon  
558 Basin Management Action Plan, North Indian River Lagoon Basin  
559 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
560 Plan, and such plans are the components of the Indian River  
561 Lagoon Protection Program which achieve phosphorous and nitrogen  
562 load reductions for the Indian River Lagoon.

563 (a) Evaluation.—Every 5 years, the department shall  
564 evaluate and update the Banana River Lagoon Basin Management  
565 Action Plan, Central Indian River Lagoon Basin Management Action  
566 Plan, and North Indian River Lagoon Basin Management Action Plan  
567 and identify any further load reductions necessary to achieve  
568 compliance with the relevant total maximum daily loads  
569 established pursuant to s. 403.067. As provided in s.  
570 403.067(7)(a)6., such plans must include 5-year milestones for  
571 implementation and water quality improvement and a water quality  
572 monitoring component sufficient to evaluate whether reasonable  
573 progress in pollutant load reductions is being achieved over  
574 time.

575 (b) Water quality standards and total maximum daily

576 loads.—The department, in coordination with the St. Johns River  
577 Water Management District, South Florida Water Management  
578 District, local governments, the Indian River Lagoon National  
579 Estuary Program, and other stakeholders, shall identify and  
580 prioritize strategies and projects necessary to achieve water  
581 quality standards within the Indian River Lagoon watershed and  
582 meet the total maximum daily loads. Projects identified from  
583 this evaluation must be incorporated into the Banana River  
584 Lagoon Basin Management Action Plan, Central Indian River Lagoon  
585 Basin Management Action Plan, North Indian River Lagoon Basin  
586 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
587 Plan, as appropriate.

588 (c) *Indian River Lagoon Watershed Research and Water*  
589 *Quality Monitoring Program.*—The department, in coordination with  
590 the St. Johns River Water Management District, the South Florida  
591 Water Management District, and the Indian River Lagoon National  
592 Estuary Program, shall implement the Indian River Lagoon  
593 Watershed Research and Water Quality Monitoring Program to  
594 establish a comprehensive water quality monitoring network  
595 throughout the Indian River Lagoon and fund research pertaining  
596 to water quality, ecosystem restoration, and seagrass impacts  
597 and restoration. The department shall use the results from the  
598 program to prioritize projects and to make modifications to the  
599 Banana River Lagoon Basin Management Action Plan, Central Indian  
600 River Lagoon Basin Management Action Plan, North Indian River



601 Lagoon Basin Management Action Plan, and Mosquito Lagoon  
 602 Reasonable Assurance Plan, as appropriate.  
 603 (d) Onsite sewage treatment and disposal systems.—  
 604 1. Beginning on January 1, 2024, unless previously  
 605 permitted, the installation of new onsite sewage treatment and  
 606 disposal systems is prohibited within the Banana River Lagoon  
 607 Basin Management Action Plan, Central Indian River Lagoon Basin  
 608 Management Action Plan, North Indian River Lagoon Basin  
 609 Management Action Plan, and Mosquito Lagoon Reasonable Assurance  
 610 Plan areas where a publicly owned or investor-owned sewerage  
 611 system is available as defined in s. 381.0065(2) (a). Where  
 612 central sewerage is not available, only enhanced nutrient-  
 613 reducing onsite sewage treatment and disposal systems or other  
 614 wastewater treatment systems that achieve at least 50 percent  
 615 nutrient reduction compared to a standard onsite sewage  
 616 treatment and disposal system are authorized.  
 617 2. By July 1, 2030, any commercial or residential property  
 618 with an existing onsite sewage treatment and disposal system  
 619 located within the Banana River Lagoon Basin Management Action  
 620 Plan, Central Indian River Lagoon Basin Management Action Plan,  
 621 North Indian River Lagoon Basin Management Action Plan, and  
 622 Mosquito Lagoon Reasonable Assurance Plan areas must connect to  
 623 central sewer if available or upgrade to an enhanced nutrient-  
 624 reducing onsite sewage treatment and disposal system or other  
 625 wastewater treatment system that achieves at least 50 percent

626 nutrient reduction compared to a standard onsite sewage  
 627 treatment and disposal system.

628 (4) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—This  
 629 section may not be construed to modify any existing state water  
 630 quality standard or to modify s. 403.067(6) and (7) (a).

631 (5) PRESERVATION OF AUTHORITY.—This section may not be  
 632 construed to restrict the authority otherwise granted to  
 633 agencies pursuant to this chapter and chapter 403, and this  
 634 section is supplemental to the authority granted to agencies  
 635 pursuant to this chapter and chapter 403.

636 (6) RULES.—The department and governing boards of the St.  
 637 Johns River Water Management District and South Florida Water  
 638 Management District may adopt rules pursuant to ss. 120.536(1)  
 639 and 120.54 to implement this section.

640 Section 5. Subsection (1) of section 373.501, Florida  
 641 Statutes, is amended to read:

642 373.501 Appropriation of funds to water management  
 643 districts.—

644 (1) The department shall transfer ~~may allocate~~ to the  
 645 water management districts, ~~from~~ funds appropriated to the  
 646 districts through the department in, such sums as ~~may be~~ deemed  
 647 necessary to defray the costs of the administrative, regulatory,  
 648 and other operational activities of the districts. The governing  
 649 boards shall submit annual budget requests for such purposes to  
 650 the department, and the department shall consider such budgets

651 in preparing its budget request for the Legislature. The  
 652 districts shall annually report to the department on the use of  
 653 the funds.

654 Section 6. Present subsections (2) through (8) of section  
 655 373.802, Florida Statutes, are redesignated as subsections (3)  
 656 through (9), respectively, and a new subsection (2) is added to  
 657 that section, to read:

658 373.802 Definitions.—As used in this part, the term:

659 (2) "Enhanced nutrient-reducing onsite sewage treatment  
 660 and disposal system" means an onsite sewage treatment and  
 661 disposal system approved by the department as capable of meeting  
 662 or exceeding a 50 percent total nitrogen reduction before  
 663 disposal of wastewater in the drainfield, or at least 65 percent  
 664 total nitrogen reduction combined from onsite sewage tank or  
 665 tanks and drainfield.

666 Section 7. Subsections (2) and (3) of section 373.807,  
 667 Florida Statutes, are amended to read:

668 373.807 Protection of water quality in Outstanding Florida  
 669 Springs.—By July 1, 2016, the department shall initiate  
 670 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
 671 Springs or spring systems for which an impairment determination  
 672 has not been made under the numeric nutrient standards in effect  
 673 for spring vents. Assessments must be completed by July 1, 2018.

674 (2) By July 1, 2017, each local government, as defined in  
 675 s. 373.802(3) ~~s. 373.802(2)~~, that has not adopted an ordinance

676 | pursuant to s. 403.9337, shall develop, enact, and implement an  
 677 | ordinance pursuant to that section. It is the intent of the  
 678 | Legislature that ordinances required to be adopted under this  
 679 | subsection reflect the latest scientific information,  
 680 | advancements, and technological improvements in the industry.

681 |         (3) As part of a basin management action plan that  
 682 | includes an Outstanding Florida Spring, the department, relevant  
 683 | local governments, and relevant local public and private  
 684 | wastewater utilities shall develop an onsite sewage treatment  
 685 | and disposal system remediation plan for a spring if the  
 686 | department determines onsite sewage treatment and disposal  
 687 | systems within a basin management action plan ~~priority focus~~  
 688 | ~~area~~ contribute at least 20 percent of nonpoint source nitrogen  
 689 | pollution or if the department determines remediation is  
 690 | necessary to achieve the total maximum daily load. The plan must  
 691 | ~~shall~~ identify cost-effective and financially feasible projects  
 692 | necessary to reduce the nutrient impacts from onsite sewage  
 693 | treatment and disposal systems and shall be completed and  
 694 | adopted as part of the basin management action plan no later  
 695 | than the first 5-year milestone required by subparagraph  
 696 | (1)(b)8. The department is the lead agency in coordinating the  
 697 | preparation of and the adoption of the plan. The department  
 698 | shall:

699 |         (a) Collect and evaluate credible scientific information  
 700 | on the effect of nutrients, particularly forms of nitrogen, on

701 | springs and springs systems; and  
 702 |       (b) Develop a public education plan to provide area  
 703 | residents with reliable, understandable information about onsite  
 704 | sewage treatment and disposal systems and springs.  
 705 |  
 706 | In addition to the requirements in s. 403.067, the plan must  
 707 | ~~shall~~ include options for repair, upgrade, replacement,  
 708 | drainfield modification, addition of effective nitrogen reducing  
 709 | features, connection to a central sewerage system, or other  
 710 | action for an onsite sewage treatment and disposal system or  
 711 | group of systems within a basin management action plan ~~priority~~  
 712 | ~~focus area~~ that contribute at least 20 percent of nonpoint  
 713 | source nitrogen pollution or if the department determines  
 714 | remediation is necessary to achieve a total maximum daily load.  
 715 | For these systems, the department shall include in the plan a  
 716 | priority ranking for each system or group of systems that  
 717 | requires remediation and shall award funds to implement the  
 718 | remediation projects contingent on an appropriation in the  
 719 | General Appropriations Act, which may include all or part of the  
 720 | costs necessary for repair, upgrade, replacement, drainfield  
 721 | modification, addition of effective nitrogen reducing features,  
 722 | initial connection to a central sewerage system, or other  
 723 | action. In awarding funds, the department may consider expected  
 724 | nutrient reduction benefit per unit cost, size and scope of  
 725 | project, relative local financial contribution to the project,

726 and the financial impact on property owners and the community.  
 727 The department may waive matching funding requirements for  
 728 proposed projects within an area designated as a rural area of  
 729 opportunity under s. 288.0656.

730 Section 8. Section 373.811, Florida Statutes, is amended  
 731 to read:

732 373.811 Prohibited activities within a basin management  
 733 action plan ~~priority focus area~~.—The following activities are  
 734 prohibited within a basin management action plan ~~priority focus~~  
 735 ~~area~~ in effect for an Outstanding Florida Spring:

736 (1) New domestic wastewater disposal facilities, including  
 737 rapid infiltration basins, with permitted capacities of 100,000  
 738 gallons per day or more, except for those facilities that meet  
 739 an advanced wastewater treatment standard of no more than 3 mg/l  
 740 total nitrogen, expressed as N, on an annual permitted basis, or  
 741 a more stringent treatment standard if the department determines  
 742 the more stringent standard is necessary to attain a total  
 743 maximum daily load for the Outstanding Florida Spring.

744 (2) New onsite sewage treatment and disposal systems where  
 745 connection to a publicly owned or investor-owned sewerage system  
 746 is available as defined in s. 381.0065(2)(a). On lots of 1 acre  
 747 or less, if a publicly owned or investor-owned sewerage system  
 748 is not available, only the installation of enhanced nutrient-  
 749 reducing onsite sewage treatment and disposal systems or other  
 750 wastewater treatment systems that achieve at least 50 percent

751 nutrient reduction compared to a standard onsite sewage  
 752 treatment and disposal system are authorized ~~on lots of less~~  
 753 ~~than 1 acre, if the addition of the specific systems conflicts~~  
 754 ~~with an onsite treatment and disposal system remediation plan~~  
 755 ~~incorporated into a basin management action plan in accordance~~  
 756 ~~with s. 373.807(3).~~

757 (3) New facilities for the disposal of hazardous waste.

758 (4) The land application of Class A or Class B domestic  
 759 wastewater biosolids not in accordance with a department  
 760 approved nutrient management plan establishing the rate at which  
 761 all biosolids, soil amendments, and sources of nutrients at the  
 762 land application site can be applied to the land for crop  
 763 production while minimizing the amount of pollutants and  
 764 nutrients discharged to groundwater or waters of the state.

765 (5) New agriculture operations that do not implement best  
 766 management practices, measures necessary to achieve pollution  
 767 reduction levels established by the department, or groundwater  
 768 monitoring plans approved by a water management district or the  
 769 department.

770 Section 9. Present paragraphs (f) through (r) of  
 771 subsection (2) of section 381.0065, Florida Statutes, are  
 772 redesignated as paragraphs (g) through (s), respectively, a new  
 773 paragraph (f) is added to that subsection, and paragraph (n) of  
 774 subsection (4) of that section is amended, to read:

775 381.0065 Onsite sewage treatment and disposal systems;

776 regulation.—

777 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
778 term:

779 (f) "Enhanced nutrient-reducing onsite sewage treatment  
780 and disposal system" means an onsite sewage treatment and  
781 disposal system approved by the department as capable of meeting  
782 or exceeding a 50 percent total nitrogen reduction before  
783 disposal of wastewater in the drainfield, or at least 65 percent  
784 total nitrogen reduction combined from onsite sewage tank or  
785 tanks and drainfield.

786 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not  
787 construct, repair, modify, abandon, or operate an onsite sewage  
788 treatment and disposal system without first obtaining a permit  
789 approved by the department. The department may issue permits to  
790 carry out this section, except that the issuance of a permit for  
791 work seaward of the coastal construction control line  
792 established under s. 161.053 is ~~shall be~~ contingent upon receipt  
793 of any required coastal construction control line permit from  
794 the department. A construction permit is valid for 18 months  
795 after the date of issuance and may be extended by the department  
796 for one 90-day period under rules adopted by the department. A  
797 repair permit is valid for 90 days after the date of issuance.  
798 An operating permit must be obtained before the use of any  
799 aerobic treatment unit or if the establishment generates  
800 commercial waste. Buildings or establishments that use an



801 aerobic treatment unit or generate commercial waste shall be  
802 inspected by the department at least annually to assure  
803 compliance with the terms of the operating permit. The operating  
804 permit for a commercial wastewater system is valid for 1 year  
805 after the date of issuance and must be renewed annually. The  
806 operating permit for an aerobic treatment unit is valid for 2  
807 years after the date of issuance and must be renewed every 2  
808 years. If all information pertaining to the siting, location,  
809 and installation conditions or repair of an onsite sewage  
810 treatment and disposal system remains the same, a construction  
811 or repair permit for the onsite sewage treatment and disposal  
812 system may be transferred to another person, if the transferee  
813 files, within 60 days after the transfer of ownership, an  
814 amended application providing all corrected information and  
815 proof of ownership of the property. A fee is not associated with  
816 the processing of this supplemental information. A person may  
817 not contract to construct, modify, alter, repair, service,  
818 abandon, or maintain any portion of an onsite sewage treatment  
819 and disposal system without being registered under part III of  
820 chapter 489. A property owner who personally performs  
821 construction, maintenance, or repairs to a system serving his or  
822 her own owner-occupied single-family residence is exempt from  
823 registration requirements for performing such construction,  
824 maintenance, or repairs on that residence, but is subject to all  
825 permitting requirements. A municipality or political subdivision

826 of the state may not issue a building or plumbing permit for any  
827 building that requires the use of an onsite sewage treatment and  
828 disposal system unless the owner or builder has received a  
829 construction permit for such system from the department. A  
830 building or structure may not be occupied and a municipality,  
831 political subdivision, or any state or federal agency may not  
832 authorize occupancy until the department approves the final  
833 installation of the onsite sewage treatment and disposal system.  
834 A municipality or political subdivision of the state may not  
835 approve any change in occupancy or tenancy of a building that  
836 uses an onsite sewage treatment and disposal system until the  
837 department has reviewed the use of the system with the proposed  
838 change, approved the change, and amended the operating permit.

839 (n) Evaluations for determining the seasonal high-water  
840 table elevations or the suitability of soils for the use of a  
841 new onsite sewage treatment and disposal system shall be  
842 performed by department personnel, professional engineers  
843 registered in the state, or such other persons with expertise,  
844 as defined by rule, in making such evaluations. Evaluations for  
845 determining mean annual flood lines shall be performed by those  
846 persons identified in paragraph (2) (1) ~~(2) (k)~~. The department  
847 shall accept evaluations submitted by professional engineers and  
848 such other persons as meet the expertise established by this  
849 section or by rule unless the department has a reasonable  
850 scientific basis for questioning the accuracy or completeness of

851 the evaluation.

852 Section 10. Subsection (3) is added to section 381.00655,  
853 Florida Statutes, to read:

854 381.00655 Connection of existing onsite sewage treatment  
855 and disposal systems to central sewerage system; requirements.—

856 (3) Local governmental agencies, as defined in s.  
857 403.1835(2), that receive grants or loans from the department to  
858 offset the cost of connecting onsite sewage treatment and  
859 disposal systems to publicly owned or investor-owned sewerage  
860 systems are encouraged to do all of the following while such  
861 funds remain available:

862 (a) Identify the owners of onsite sewage treatment and  
863 disposal systems within the jurisdiction of the respective local  
864 governmental agency who are eligible to apply for the grant or  
865 loan funds and notify such owners of the funding availability.

866 (b) Maintain a publicly available website with information  
867 relating to the availability of the grant or loan funds,  
868 including the amount of funds available and information on how  
869 the owner of an onsite sewage treatment and disposal system may  
870 apply for such funds.

871 Section 11. Section 403.031, Florida Statutes, is  
872 reordered and amended to read:

873 403.031 Definitions.—In construing this chapter, or rules  
874 and regulations adopted pursuant hereto, the following words,  
875 phrases, or terms, unless the context otherwise indicates, have

876 | the following meanings:

877 |       (1) "Contaminant" is any substance which is harmful to  
878 | plant, animal, or human life.

879 |       (2) "Department" means the Department of Environmental  
880 | Protection.

881 |       (3) "Effluent limitations" means any restriction  
882 | established by the department on quantities, rates, or  
883 | concentrations of chemical, physical, biological, or other  
884 | constituents which are discharged from sources into waters of  
885 | the state.

886 |       (5) "Enhanced nutrient-reducing onsite sewage treatment  
887 | and disposal system" means an onsite sewage treatment and  
888 | disposal system approved by the department as capable of meeting  
889 | or exceeding a 50 percent total nitrogen reduction before  
890 | disposal of wastewater in the drainfield, or at least 65 percent  
891 | total nitrogen reduction combined from onsite sewage tank or  
892 | tanks and drainfield.

893 |       (6)~~(4)~~ "Installation" means ~~is~~ any structure, equipment,  
894 | or facility, or appurtenances thereto, or operation which may  
895 | emit air or water contaminants in quantities prohibited by rules  
896 | of the department.

897 |       (7) "Nutrient or nutrient-related standards" means water  
898 | quality standards and criteria established for total nitrogen  
899 | and total phosphorous, or their organic or inorganic forms;  
900 | biological variables, such as chlorophyll-a, biomass, or the

901 structure of the phytoplankton, periphyton, or vascular plant  
 902 community, that respond to nutrient load or concentration in a  
 903 predictable and measurable manner; or dissolved oxygen if it is  
 904 demonstrated for the waterbody that dissolved oxygen conditions  
 905 result in a biological imbalance and the dissolved oxygen  
 906 responds to a nutrient load or concentration in a predictable  
 907 and measurable manner.

908 (8) "Onsite sewage treatment and disposal system" means a  
 909 system that contains a standard subsurface, filled, or mound  
 910 drainfield system; an aerobic treatment unit; a graywater system  
 911 tank; a laundry wastewater system tank; a septic tank; a grease  
 912 interceptor; a pump tank; a solids or effluent pump; a  
 913 waterless, incinerating, or organic waste-composting toilet; or  
 914 a sanitary pit privy that is installed or proposed to be  
 915 installed beyond the building sewer on land of the owner or on  
 916 other land to which the owner has the legal right to install a  
 917 system. The term includes any item placed within, or intended to  
 918 be used as a part of or in conjunction with, the system. The  
 919 term does not include package sewage treatment facilities and  
 920 other treatment works regulated under chapter 403.

921 (9)-(5) "Person" means the state or any agency or  
 922 institution thereof, the United States or any agency or  
 923 institution thereof, or any municipality, political subdivision,  
 924 public or private corporation, individual, partnership,  
 925 association, or other entity and includes any officer or

926 governing or managing body of the state, the United States, any  
 927 agency, any municipality, political subdivision, or public or  
 928 private corporation.

929 (10)~~(6)~~ "Plant" is any unit operation, complex, area, or  
 930 multiple of unit operations that produce, process, or cause to  
 931 be processed any materials, the processing of which can, or may,  
 932 cause air or water pollution.

933 (11)~~(7)~~ "Pollution" is the presence in the outdoor  
 934 atmosphere or waters of the state of any substances,  
 935 contaminants, noise, or manmade or human-induced impairment of  
 936 air or waters or alteration of the chemical, physical,  
 937 biological, or radiological integrity of air or water in  
 938 quantities or at levels which are or may be potentially harmful  
 939 or injurious to human health or welfare, animal or plant life,  
 940 or property or which unreasonably interfere with the enjoyment  
 941 of life or property, including outdoor recreation unless  
 942 authorized by applicable law.

943 (12)~~(8)~~ "Pollution prevention" means the steps taken by a  
 944 potential generator of contamination or pollution to eliminate  
 945 or reduce the contamination or pollution before it is discharged  
 946 into the environment. The term includes nonmandatory steps taken  
 947 to use alternative forms of energy, conserve or reduce the use  
 948 of energy, substitute nontoxic materials for toxic materials,  
 949 conserve or reduce the use of toxic materials and raw materials,  
 950 reformulate products, modify manufacturing or other processes,

951 improve in-plant maintenance and operations, implement  
 952 environmental planning before expanding a facility, and recycle  
 953 toxic or other raw materials.

954 (14)~~(9)~~ "Sewerage system" means pipelines or conduits,  
 955 pumping stations, and force mains and all other structures,  
 956 devices, appurtenances, and facilities used for collecting or  
 957 conducting wastes to an ultimate point for treatment or  
 958 disposal.

959 (15)~~(10)~~ "Source" means ~~is~~ any and all points of origin of  
 960 a contaminant ~~the item defined in subsection (1)~~, whether  
 961 privately or publicly owned or operated.

962 (21)~~(11)~~ "Treatment works" and "disposal systems" mean any  
 963 plant or other works used for the purpose of treating,  
 964 stabilizing, or holding wastes.

965 (22)~~(12)~~ "Wastes" means sewage, industrial wastes, and all  
 966 other liquid, gaseous, solid, radioactive, or other substances  
 967 which may pollute or tend to pollute any waters of the state.

968 (23)~~(13)~~ "Waters" include, but are not limited to, rivers,  
 969 lakes, streams, springs, impoundments, wetlands, and all other  
 970 waters or bodies of water, including fresh, brackish, saline,  
 971 tidal, surface, or underground waters. Waters owned entirely by  
 972 one person other than the state are included only in regard to  
 973 possible discharge on other property or water. Underground  
 974 waters include, but are not limited to, all underground waters  
 975 passing through pores of rock or soils or flowing through in

976 channels, whether manmade or natural. Solely for purposes of s.  
 977 403.0885, waters of the state also include navigable waters or  
 978 waters of the contiguous zone as used in s. 502 of the Clean  
 979 Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in  
 980 existence on January 1, 1993, except for those navigable waters  
 981 seaward of the boundaries of the state set forth in s. 1, Art.  
 982 II of the State Constitution. Solely for purposes of this  
 983 chapter, waters of the state also include the area bounded by  
 984 the following:

985 (a) Commence at the intersection of State Road (SRD) 5  
 986 (U.S. 1) and the county line dividing Miami-Dade and Monroe  
 987 Counties, said point also being the mean high-water line of  
 988 Florida Bay, located in section 4, township 60 south, range 39  
 989 east of the Tallahassee Meridian for the point of beginning.  
 990 From said point of beginning, thence run northwesterly along  
 991 said SRD 5 to an intersection with the north line of section 18,  
 992 township 58 south, range 39 east; thence run westerly to a point  
 993 marking the southeast corner of section 12, township 58 south,  
 994 range 37 east, said point also lying on the east boundary of the  
 995 Everglades National Park; thence run north along the east  
 996 boundary of the aforementioned Everglades National Park to a  
 997 point marking the northeast corner of section 1, township 58  
 998 south, range 37 east; thence run west along said park to a point  
 999 marking the northwest corner of said section 1; thence run  
 1000 northerly along said park to a point marking the northwest



1001 corner of section 24, township 57 south, range 37 east; thence  
 1002 run westerly along the south lines of sections 14, 15, and 16 to  
 1003 the southwest corner of section 16; thence leaving the  
 1004 Everglades National Park boundary run northerly along the west  
 1005 line of section 16 to the northwest corner of section 16; thence  
 1006 east along the northerly line of section 16 to a point at the  
 1007 intersection of the east one-half and west one-half of section  
 1008 9; thence northerly along the line separating the east one-half  
 1009 and the west one-half of sections 9, 4, 33, and 28; thence run  
 1010 easterly along the north line of section 28 to the northeast  
 1011 corner of section 28; thence run northerly along the west line  
 1012 of section 22 to the northwest corner of section 22; thence  
 1013 easterly along the north line of section 22 to a point at the  
 1014 intersection of the east one-half and west one-half of section  
 1015 15; thence run northerly along said line to the point of  
 1016 intersection with the north line of section 15; thence easterly  
 1017 along the north line of section 15 to the northeast corner of  
 1018 section 15; thence run northerly along the west lines of  
 1019 sections 11 and 2 to the northwest corner of section 2; thence  
 1020 run easterly along the north lines of sections 2 and 1 to the  
 1021 northeast corner of section 1, township 56 south, range 37 east;  
 1022 thence run north along the east line of section 36, township 55  
 1023 south, range 37 east to the northeast corner of section 36;  
 1024 thence run west along the north line of section 36 to the  
 1025 northwest corner of section 36; thence run north along the west

1026 | line of section 25 to the northwest corner of section 25; thence  
 1027 | run west along the north line of section 26 to the northwest  
 1028 | corner of section 26; thence run north along the west line of  
 1029 | section 23 to the northwest corner of section 23; thence run  
 1030 | easterly along the north line of section 23 to the northeast  
 1031 | corner of section 23; thence run north along the west line of  
 1032 | section 13 to the northwest corner of section 13; thence run  
 1033 | east along the north line of section 13 to a point of  
 1034 | intersection with the west line of the southeast one-quarter of  
 1035 | section 12; thence run north along the west line of the  
 1036 | southeast one-quarter of section 12 to the northwest corner of  
 1037 | the southeast one-quarter of section 12; thence run east along  
 1038 | the north line of the southeast one-quarter of section 12 to the  
 1039 | point of intersection with the east line of section 12; thence  
 1040 | run east along the south line of the northwest one-quarter of  
 1041 | section 7 to the southeast corner of the northwest one-quarter  
 1042 | of section 7; thence run north along the east line of the  
 1043 | northwest one-quarter of section 7 to the point of intersection  
 1044 | with the north line of section 7; thence run northerly along the  
 1045 | west line of the southeast one-quarter of section 6 to the  
 1046 | northwest corner of the southeast one-quarter of section 6;  
 1047 | thence run east along the north lines of the southeast one-  
 1048 | quarter of section 6 and the southwest one-quarter of section 5  
 1049 | to the northeast corner of the southwest one-quarter of section  
 1050 | 5; thence run northerly along the east line of the northwest

1051 one-quarter of section 5 to the point of intersection with the  
 1052 north line of section 5; thence run northerly along the line  
 1053 dividing the east one-half and the west one-half of Lot 5 to a  
 1054 point intersecting the north line of Lot 5; thence run east  
 1055 along the north line of Lot 5 to the northeast corner of Lot 5,  
 1056 township 54 1/2 south, range 38 east; thence run north along the  
 1057 west line of section 33, township 54 south, range 38 east to a  
 1058 point intersecting the northwest corner of the southwest one-  
 1059 quarter of section 33; thence run easterly along the north line  
 1060 of the southwest one-quarter of section 33 to the northeast  
 1061 corner of the southwest one-quarter of section 33; thence run  
 1062 north along the west line of the northeast one-quarter of  
 1063 section 33 to a point intersecting the north line of section 33;  
 1064 thence run easterly along the north line of section 33 to the  
 1065 northeast corner of section 33; thence run northerly along the  
 1066 west line of section 27 to a point intersecting the northwest  
 1067 corner of the southwest one-quarter of section 27; thence run  
 1068 easterly to the northeast corner of the southwest one-quarter of  
 1069 section 27; thence run northerly along the west line of the  
 1070 northeast one-quarter of section 27 to a point intersecting the  
 1071 north line of section 27; thence run west along the north line  
 1072 of section 27 to the northwest corner of section 27; thence run  
 1073 north along the west lines of sections 22 and 15 to the  
 1074 northwest corner of section 15; thence run easterly along the  
 1075 north lines of sections 15 and 14 to the point of intersection

1076 with the L-31N Levee, said intersection located near the  
 1077 southeast corner of section 11, township 54 south, range 38  
 1078 east; thence run northerly along Levee L-31N crossing SRD 90  
 1079 (U.S. 41 Tamiami Trail) to an intersection common to Levees L-  
 1080 31N, L-29, and L-30, said intersection located near the  
 1081 southeast corner of section 2, township 54 south, range 38 east;  
 1082 thence run northeasterly, northerly, and northeasterly along  
 1083 Levee L-30 to a point of intersection with the Miami-  
 1084 Dade/Broward Levee, said intersection located near the northeast  
 1085 corner of section 17, township 52 south, range 39 east; thence  
 1086 run due east to a point of intersection with SRD 27 (Krome  
 1087 Ave.); thence run northeasterly along SRD 27 to an intersection  
 1088 with SRD 25 (U.S. 27), said intersection located in section 3,  
 1089 township 52 south, range 39 east; thence run northerly along  
 1090 said SRD 25, entering into Broward County, to an intersection  
 1091 with SRD 84 at Andytown; thence run southeasterly along the  
 1092 aforementioned SRD 84 to an intersection with the southwesterly  
 1093 prolongation of Levee L-35A, said intersection being located in  
 1094 the northeast one-quarter of section 5, township 50 south, range  
 1095 40 east; thence run northeasterly along Levee L-35A to an  
 1096 intersection of Levee L-36, said intersection located near the  
 1097 southeast corner of section 12, township 49 south, range 40  
 1098 east; thence run northerly along Levee L-36, entering into Palm  
 1099 Beach County, to an intersection common to said Levees L-36, L-  
 1100 39, and L-40, said intersection located near the west quarter

1101 corner of section 19, township 47 south, range 41 east; thence  
 1102 run northeasterly, easterly, and northerly along Levee L-40,  
 1103 said Levee L-40 being the easterly boundary of the Loxahatchee  
 1104 National Wildlife Refuge, to an intersection with SRD 80 (U.S.  
 1105 441), said intersection located near the southeast corner of  
 1106 section 32, township 43 south, range 40 east; thence run  
 1107 westerly along the aforementioned SRD 80 to a point marking the  
 1108 intersection of said road and the northeasterly prolongation of  
 1109 Levee L-7, said Levee L-7 being the westerly boundary of the  
 1110 Loxahatchee National Wildlife Refuge; thence run southwesterly  
 1111 and southerly along said Levee L-7 to an intersection common to  
 1112 Levees L-7, L-15 (Hillsborough Canal), and L-6; thence run  
 1113 southwesterly along Levee L-6 to an intersection common to Levee  
 1114 L-6, SRD 25 (U.S. 27), and Levee L-5, said intersection being  
 1115 located near the northwest corner of section 27, township 47  
 1116 south, range 38 east; thence run westerly along the  
 1117 aforementioned Levee L-5 to a point intersecting the east line  
 1118 of range 36 east; thence run northerly along said range line to  
 1119 a point marking the northeast corner of section 1, township 47  
 1120 south, range 36 east; thence run westerly along the north line  
 1121 of township 47 south, to an intersection with Levee L-23/24  
 1122 (Miami Canal); thence run northwesterly along the Miami Canal  
 1123 Levee to a point intersecting the north line of section 22,  
 1124 township 46 south, range 35 east; thence run westerly to a point  
 1125 marking the northwest corner of section 21, township 46 south,

1126 range 35 east; thence run southerly to the southwest corner of  
 1127 said section 21; thence run westerly to a point marking the  
 1128 northwest corner of section 30, township 46 south, range 35  
 1129 east, said point also being on the line dividing Palm Beach and  
 1130 Hendry Counties; from said point, thence run southerly along  
 1131 said county line to a point marking the intersection of Broward,  
 1132 Hendry, and Collier Counties, said point also being the  
 1133 northeast corner of section 1, township 49 south, range 34 east;  
 1134 thence run westerly along the line dividing Hendry and Collier  
 1135 Counties and continuing along the prolongation thereof to a  
 1136 point marking the southwest corner of section 36, township 48  
 1137 south, range 29 east; thence run southerly to a point marking  
 1138 the southwest corner of section 12, township 49 south, range 29  
 1139 east; thence run westerly to a point marking the southwest  
 1140 corner of section 10, township 49 south, range 29 east; thence  
 1141 run southerly to a point marking the southwest corner of section  
 1142 15, township 49 south, range 29 east; thence run westerly to a  
 1143 point marking the northwest corner of section 24, township 49  
 1144 south, range 28 east, said point lying on the west boundary of  
 1145 the Big Cypress Area of Critical State Concern as described in  
 1146 rule 28-25.001, Florida Administrative Code; thence run  
 1147 southerly along said boundary crossing SRD 84 (Alligator Alley)  
 1148 to a point marking the southwest corner of section 24, township  
 1149 50 south, range 28 east; thence leaving the aforementioned west  
 1150 boundary of the Big Cypress Area of Critical State Concern run

1151 easterly to a point marking the northeast corner of section 25,  
 1152 township 50 south, range 28 east; thence run southerly along the  
 1153 east line of range 28 east to a point lying approximately 0.15  
 1154 miles south of the northeast corner of section 1, township 52  
 1155 south, range 28 east; thence run southwesterly 2.4 miles more or  
 1156 less to an intersection with SRD 90 (U.S. 41 Tamiami Trail),  
 1157 said intersection lying 1.1 miles more or less west of the east  
 1158 line of range 28 east; thence run northwesterly and westerly  
 1159 along SRD 90 to an intersection with the west line of section  
 1160 10, township 52 south, range 28 east; thence leaving SRD 90 run  
 1161 southerly to a point marking the southwest corner of section 15,  
 1162 township 52 south, range 28 east; thence run westerly crossing  
 1163 the Faka Union Canal 0.6 miles more or less to a point; thence  
 1164 run southerly and parallel to the Faka Union Canal to a point  
 1165 located on the mean high-water line of Faka Union Bay; thence  
 1166 run southeasterly along the mean high-water line of the various  
 1167 bays, rivers, inlets, and streams to the point of beginning.

1168 (b) The area bounded by the line described in paragraph  
 1169 (a) generally includes those waters to be known as waters of the  
 1170 state. The landward extent of these waters shall be determined  
 1171 by the delineation methodology ratified in s. 373.4211. Any  
 1172 waters which are outside the general boundary line described in  
 1173 paragraph (a) but which are contiguous thereto by virtue of the  
 1174 presence of a wetland, watercourse, or other surface water, as  
 1175 determined by the delineation methodology ratified in s.

1176 373.4211, shall be a part of this waterbody ~~water body~~. Any  
 1177 areas within the line described in paragraph (a) which are  
 1178 neither a wetland nor surface water, as determined by the  
 1179 delineation methodology ratified in s. 373.4211, shall be  
 1180 excluded therefrom. If the Florida Environmental Regulation  
 1181 Commission designates the waters within the boundaries an  
 1182 Outstanding Florida Water, waters outside the boundaries may  
 1183 ~~shall~~ not be included as part of such designation unless a  
 1184 hearing is held pursuant to notice in each appropriate county  
 1185 and the boundaries of such lands are specifically considered and  
 1186 described for such designation.

1187 (16) ~~(14)~~ "State water resource implementation rule" means  
 1188 the rule authorized by s. 373.036, which sets forth goals,  
 1189 objectives, and guidance for the development and review of  
 1190 programs, rules, and plans relating to water resources, based on  
 1191 statutory policies and directives. The waters of the state are  
 1192 among its most basic resources. Such waters should be managed to  
 1193 conserve and protect water resources and to realize the full  
 1194 beneficial use of these resources.

1195 (17) ~~(15)~~ "Stormwater management program" means the  
 1196 institutional strategy for stormwater management, including  
 1197 urban, agricultural, and other stormwater.

1198 (18) ~~(16)~~ "Stormwater management system" means a system  
 1199 ~~which is~~ designed and constructed or implemented to control  
 1200 discharges that ~~which~~ are necessitated by rainfall events,



1201 incorporating methods to collect, convey, store, absorb,  
 1202 inhibit, treat, use, or reuse water to prevent or reduce  
 1203 flooding, overdrainage, environmental degradation and water  
 1204 pollution or otherwise affect the quantity and quality of  
 1205 discharges from the system.

1206 (19)~~(17)~~ "Stormwater utility" means the funding of a  
 1207 stormwater management program by assessing the cost of the  
 1208 program to the beneficiaries based on their relative  
 1209 contribution to its need. It is operated as a typical utility  
 1210 which bills services regularly, similar to water and wastewater  
 1211 services.

1212 (24)~~(18)~~ "Watershed" means the land area that ~~which~~  
 1213 contributes to the flow of water into a receiving body of water.

1214 (13)~~(19)~~ "Regulated air pollutant" means any pollutant  
 1215 regulated under the federal Clean Air Act.

1216 (4)~~(20)~~ "Electrical power plant" means, for purposes of  
 1217 this part of this chapter, any electrical generating facility  
 1218 that uses any process or fuel and that is owned or operated by  
 1219 an electric utility, as defined in s. 403.503(14), and includes  
 1220 any associated facility that directly supports the operation of  
 1221 the electrical power plant.

1222 (20)~~(21)~~ "Total maximum daily load" is defined as the sum  
 1223 of the individual wasteload allocations for point sources and  
 1224 the load allocations for nonpoint sources and natural  
 1225 background. Prior to determining individual wasteload

1226 | allocations and load allocations, the maximum amount of a  
 1227 | pollutant that a waterbody ~~water body~~ or water segment can  
 1228 | assimilate from all sources without exceeding water quality  
 1229 | standards must first be calculated.

1230 | Section 12. Paragraphs (a) and (e) of subsection (7) of  
 1231 | section 403.067, Florida Statutes, are amended to read:

1232 | 403.067 Establishment and implementation of total maximum  
 1233 | daily loads.—

1234 | (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
 1235 | IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1236 | (a) *Basin management action plans.*—

1237 | 1. In developing and implementing the total maximum daily  
 1238 | load for a waterbody ~~water body~~, the department, or the  
 1239 | department in conjunction with a water management district, may  
 1240 | develop a basin management action plan that addresses some or  
 1241 | all of the watersheds and basins tributary to the waterbody  
 1242 | ~~water body~~. Such plan must integrate the appropriate management  
 1243 | strategies available to the state through existing water quality  
 1244 | protection programs to achieve the total maximum daily loads and  
 1245 | may provide for phased implementation of these management  
 1246 | strategies to promote timely, cost-effective actions as provided  
 1247 | for in s. 403.151. The plan must establish a schedule  
 1248 | implementing the management strategies, establish a basis for  
 1249 | evaluating the plan's effectiveness, and identify feasible  
 1250 | funding strategies for implementing the plan's management

1251 strategies. The management strategies may include regional  
 1252 treatment systems or other public works, when appropriate, and  
 1253 voluntary trading of water quality credits to achieve the needed  
 1254 pollutant load reductions.

1255         2. A basin management action plan must equitably allocate,  
 1256 pursuant to paragraph (6) (b), pollutant reductions to individual  
 1257 basins, as a whole to all basins, or to each identified point  
 1258 source or category of nonpoint sources, as appropriate. For  
 1259 nonpoint sources for which best management practices have been  
 1260 adopted, the initial requirement specified by the plan must be  
 1261 those practices developed pursuant to paragraph (c). When  
 1262 appropriate, the plan may take into account the benefits of  
 1263 pollutant load reduction achieved by point or nonpoint sources  
 1264 that have implemented management strategies to reduce pollutant  
 1265 loads, including best management practices, before the  
 1266 development of the basin management action plan. The plan must  
 1267 also identify the mechanisms that will address potential future  
 1268 increases in pollutant loading.

1269         3. The basin management action planning process is  
 1270 intended to involve the broadest possible range of interested  
 1271 parties, with the objective of encouraging the greatest amount  
 1272 of cooperation and consensus possible. In developing a basin  
 1273 management action plan, the department shall assure that key  
 1274 stakeholders, including, but not limited to, applicable local  
 1275 governments, water management districts, the Department of

1276 Agriculture and Consumer Services, other appropriate state  
 1277 agencies, local soil and water conservation districts,  
 1278 environmental groups, regulated interests, and affected  
 1279 pollution sources, are invited to participate in the process.  
 1280 The department shall hold at least one public meeting in the  
 1281 vicinity of the watershed or basin to discuss and receive  
 1282 comments during the planning process and shall otherwise  
 1283 encourage public participation to the greatest practicable  
 1284 extent. Notice of the public meeting must be published in a  
 1285 newspaper of general circulation in each county in which the  
 1286 watershed or basin lies at least 5 days, but not more than 15  
 1287 days, before the public meeting. A basin management action plan  
 1288 does not supplant or otherwise alter any assessment made under  
 1289 subsection (3) or subsection (4) or any calculation or initial  
 1290 allocation.

1291 4. Each new or revised basin management action plan must  
 1292 ~~shall~~ include all of the following:

1293 a. The appropriate management strategies available through  
 1294 existing water quality protection programs to achieve total  
 1295 maximum daily loads, which may provide for phased implementation  
 1296 to promote timely, cost-effective actions as provided for in s.  
 1297 403.151.~~†~~

1298 b. A description of best management practices adopted by  
 1299 rule.~~†~~

1300 c. For the applicable 5-year implementation milestone, a

1301 list of projects that will achieve the pollutant load reductions  
 1302 needed to meet the total maximum daily load or the load  
 1303 allocations established pursuant to subsection (6). Each project  
 1304 must include a planning-level cost estimate and an estimated  
 1305 date of completion. A list of projects in priority ranking with  
 1306 a planning-level cost estimate and estimated date of completion  
 1307 for each listed project;

1308 d. A list of projects developed pursuant to paragraph (e),  
 1309 if applicable.

1310 ~~e.d.~~ The source and amount of financial assistance to be  
 1311 made available by the department, a water management district,  
 1312 or other entity for each listed project, if applicable.; and

1313 ~~f.e.~~ A planning-level estimate of each listed project's  
 1314 expected load reduction, if applicable.

1315 5. The department shall adopt all or any part of a basin  
 1316 management action plan and any amendment to such plan by  
 1317 secretarial order pursuant to chapter 120 to implement this  
 1318 section.

1319 6. The basin management action plan must include 5-year  
 1320 milestones for implementation and water quality improvement, and  
 1321 an associated water quality monitoring component sufficient to  
 1322 evaluate whether reasonable progress in pollutant load  
 1323 reductions is being achieved over time. An assessment of  
 1324 progress toward these milestones shall be conducted every 5  
 1325 years, and revisions to the plan shall be made as appropriate.

1326 Any entity with a specific pollutant load reduction requirement  
 1327 established in a basin management action plan shall identify the  
 1328 projects or strategies that such entity will undertake to meet  
 1329 current 5-year pollution reduction milestones, beginning with  
 1330 the first 5-year milestone for new basin management action  
 1331 plans, and submit such projects to the department for inclusion  
 1332 in the appropriate basin management action plan. Each project  
 1333 identified must include an estimated amount of nutrient  
 1334 reduction that is reasonably expected to be achieved based on  
 1335 the best scientific information available. Revisions to the  
 1336 basin management action plan shall be made by the department in  
 1337 cooperation with basin stakeholders. Revisions to the management  
 1338 strategies required for nonpoint sources must follow the  
 1339 procedures in subparagraph (c)4. Revised basin management action  
 1340 plans must be adopted pursuant to subparagraph 5.

1341 7. In accordance with procedures adopted by rule under  
 1342 paragraph (9)(c), basin management action plans, and other  
 1343 pollution control programs under local, state, or federal  
 1344 authority as provided in subsection (4), may allow point or  
 1345 nonpoint sources that will achieve greater pollutant reductions  
 1346 than required by an adopted total maximum daily load or  
 1347 wasteload allocation to generate, register, and trade water  
 1348 quality credits for the excess reductions to enable other  
 1349 sources to achieve their allocation; however, the generation of  
 1350 water quality credits does not remove the obligation of a source

1351 or activity to meet applicable technology requirements or  
 1352 adopted best management practices. Such plans must allow trading  
 1353 between NPDES permittees, and trading that may or may not  
 1354 involve NPDES permittees, where the generation or use of the  
 1355 credits involve an entity or activity not subject to department  
 1356 water discharge permits whose owner voluntarily elects to obtain  
 1357 department authorization for the generation and sale of credits.

1358 8. The department's rule relating to the equitable  
 1359 abatement of pollutants into surface waters do not apply to  
 1360 water bodies or waterbody ~~water body~~ segments for which a basin  
 1361 management plan that takes into account future new or expanded  
 1362 activities or discharges has been adopted under this section.

1363 9. In order to promote resilient wastewater utilities, if  
 1364 the department identifies domestic wastewater treatment  
 1365 facilities or onsite sewage treatment and disposal systems as  
 1366 contributors of at least 20 percent of point source or nonpoint  
 1367 source nutrient pollution or if the department determines  
 1368 remediation is necessary to achieve the total maximum daily  
 1369 load, a basin management action plan for a nutrient total  
 1370 maximum daily load must include the following:

1371 a. A wastewater treatment plan developed by each local  
 1372 government, in cooperation with the department, the water  
 1373 management district, and the public and private domestic  
 1374 wastewater treatment facilities within the jurisdiction of the  
 1375 local government, that addresses domestic wastewater. The

1376 | wastewater treatment plan must:

1377 |       (I) Provide for construction, expansion, or upgrades  
 1378 | necessary to achieve the total maximum daily load requirements  
 1379 | applicable to the domestic wastewater treatment facility.

1380 |       (II) Include the permitted capacity in average annual  
 1381 | gallons per day for the domestic wastewater treatment facility;  
 1382 | the average nutrient concentration and the estimated average  
 1383 | nutrient load of the domestic wastewater; a projected timeline  
 1384 | of the dates by which the construction of any facility  
 1385 | improvements will begin and be completed and the date by which  
 1386 | operations of the improved facility will begin; the estimated  
 1387 | cost of the improvements; and the identity of responsible  
 1388 | parties.

1389 |  
 1390 | The wastewater treatment plan must be adopted as part of the  
 1391 | basin management action plan no later than July 1, 2025. A local  
 1392 | government that does not have a domestic wastewater treatment  
 1393 | facility in its jurisdiction is not required to develop a  
 1394 | wastewater treatment plan unless there is a demonstrated need to  
 1395 | establish a domestic wastewater treatment facility within its  
 1396 | jurisdiction to improve water quality necessary to achieve a  
 1397 | total maximum daily load. A local government is not responsible  
 1398 | for a private domestic wastewater facility's compliance with a  
 1399 | basin management action plan unless such facility is operated  
 1400 | through a public-private partnership to which the local



1401 government is a party.

1402       b. An onsite sewage treatment and disposal system  
 1403 remediation plan developed by each local government in  
 1404 cooperation with the department, the Department of Health, water  
 1405 management districts, and public and private domestic wastewater  
 1406 treatment facilities.

1407       (I) The onsite sewage treatment and disposal system  
 1408 remediation plan must identify cost-effective and financially  
 1409 feasible projects necessary to achieve the nutrient load  
 1410 reductions required for onsite sewage treatment and disposal  
 1411 systems. To identify cost-effective and financially feasible  
 1412 projects for remediation of onsite sewage treatment and disposal  
 1413 systems, the local government shall:

1414       (A) Include an inventory of onsite sewage treatment and  
 1415 disposal systems based on the best information available;

1416       (B) Identify onsite sewage treatment and disposal systems  
 1417 that would be eliminated through connection to existing or  
 1418 future central domestic wastewater infrastructure in the  
 1419 jurisdiction or domestic wastewater service area of the local  
 1420 government, that would be replaced with or upgraded to enhanced  
 1421 nutrient-reducing onsite sewage treatment and disposal systems,  
 1422 or that would remain on conventional onsite sewage treatment and  
 1423 disposal systems;

1424       (C) Estimate the costs of potential onsite sewage  
 1425 treatment and disposal system connections, upgrades, or

1426 replacements; and

1427 (D) Identify deadlines and interim milestones for the  
 1428 planning, design, and construction of projects.

1429 (II) The department shall adopt the onsite sewage  
 1430 treatment and disposal system remediation plan as part of the  
 1431 basin management action plan no later than July 1, 2025, or as  
 1432 required for Outstanding Florida Springs under s. 373.807.

1433 10. The installation of new onsite sewage treatment and  
 1434 disposal systems constructed within a basin management action  
 1435 plan area adopted under this section, a reasonable assurance  
 1436 plan, or a pollution reduction plan is prohibited where  
 1437 connection to a publicly owned or investor-owned sewerage system  
 1438 is available as defined in s. 381.0065(2)(a). On lots of 1 acre  
 1439 or less within a basin management action plan adopted under this  
 1440 section, a reasonable assurance plan, or a pollution reduction  
 1441 plan where a publicly owned or investor-owned sewerage system is  
 1442 not available, the installation of enhanced nutrient-reducing  
 1443 onsite sewage treatment and disposal systems or other wastewater  
 1444 treatment systems that achieve at least 50 percent nutrient  
 1445 reduction compared to a standard onsite sewage treatment and  
 1446 disposal system is required.

1447 ~~11.10.~~ When identifying wastewater projects in a basin  
 1448 management action plan, the department may not require the  
 1449 higher cost option if it achieves the same nutrient load  
 1450 reduction as a lower cost option. A regulated entity may choose

1451 a different cost option if it complies with the pollutant  
 1452 reduction requirements of an adopted total maximum daily load  
 1453 and meets or exceeds the pollution reduction requirement of the  
 1454 original project.

1455 12. Annually, local governments subject to a basin  
 1456 management action plan or located within the basin of a  
 1457 waterbody not attaining nutrient or nutrient-related standards  
 1458 must provide to the department an update on the status of  
 1459 construction of sanitary sewers to serve such areas, in a manner  
 1460 prescribed by the department.

1461 (e) *Cooperative agricultural regional water quality*  
 1462 *improvement element.*—

1463 1. The department and~~7~~ the Department of Agriculture and  
 1464 Consumer Services, in cooperation with ~~and~~ owners of  
 1465 agricultural operations in the basin, shall develop a  
 1466 cooperative agricultural regional water quality improvement  
 1467 element as part of a basin management action plan where ~~only if:~~

1468 a. ~~Agricultural measures have been adopted by the~~  
 1469 ~~Department of Agriculture and Consumer Services pursuant to~~  
 1470 ~~subparagraph (c)2. and have been implemented and the water body~~  
 1471 ~~remains impaired;~~

1472 ~~b.~~ Agricultural nonpoint sources contribute to at least 20  
 1473 percent of nonpoint source nutrient discharges; or ~~and~~

1474 b.e. The department determines that additional measures,  
 1475 in combination with state-sponsored regional projects and other

1476 management strategies included in the basin management action  
 1477 plan, are necessary to achieve the total maximum daily load.

1478 2. The element will be implemented through the use of  
 1479 cost-effective and technically and financially practical  
 1480 regional agricultural nutrient reduction ~~cost-sharing~~ projects  
 1481 ~~and. The element~~ must include a list of such projects submitted  
 1482 to the department by the Department of Agriculture and Consumer  
 1483 Services which, in combination with the best management  
 1484 practices, additional measures, and other management strategies,  
 1485 will achieve the needed pollutant load reductions established  
 1486 for agricultural nonpoint sources ~~cost-effective and technically~~  
 1487 ~~and financially practical cooperative regional agricultural~~  
 1488 ~~nutrient reduction projects that can be implemented on private~~  
 1489 ~~properties on a site-specific, cooperative basis. Such~~  
 1490 cooperative regional agricultural nutrient reduction projects  
 1491 may include, but are not limited to, land acquisition in fee or  
 1492 conservation easements on the lands of willing sellers and site-  
 1493 specific water quality improvement or dispersed water management  
 1494 projects. The list of regional projects included in the  
 1495 cooperative agricultural regional water quality improvement  
 1496 element must include a planning-level cost estimate of each  
 1497 project along with the estimated amount of nutrient reduction  
 1498 that such project will achieve ~~on the lands of project~~  
 1499 ~~participants.~~

1500 3. To qualify for participation in the cooperative

1501 agricultural regional water quality improvement element, the  
 1502 participant must have already implemented and be in compliance  
 1503 with best management practices or other measures adopted by the  
 1504 Department of Agriculture and Consumer Services pursuant to  
 1505 subparagraph (c)2. The element must ~~may~~ be included in the basin  
 1506 management action plan as a part of the next 5-year assessment  
 1507 under subparagraph (a)6.

1508 4. The department or the Department of Agriculture and  
 1509 Consumer Services may submit a legislative budget request to  
 1510 fund projects developed pursuant to this paragraph. In  
 1511 allocating funds for projects funded pursuant to this paragraph,  
 1512 the department shall provide at least 20 percent of its annual  
 1513 appropriation for projects in subbasins with the highest  
 1514 nutrient concentrations within a basin management action plan.  
 1515 Projects submitted pursuant to this paragraph are eligible for  
 1516 funding in accordance with s. 403.0673.

1517 Section 13. Section 403.0673, Florida Statutes, is amended  
 1518 to read:

1519 403.0673 Water quality improvement ~~Wastewater~~ grant  
 1520 program.—A ~~wastewater~~ grant program is established within the  
 1521 Department of Environmental Protection to address wastewater,  
 1522 stormwater, and agricultural sources of nutrient loading to  
 1523 surface water or groundwater.

1524 (1) The purpose of the grant program is to fund projects  
 1525 that will improve the quality of waterbodies that:

1526        (a) Are not attaining nutrient or nutrient-related  
 1527 standards;  
 1528        (b) Have an established total maximum daily load; or  
 1529        (c) Are located ~~Subject to the appropriation of funds by~~  
 1530 ~~the Legislature, the department may provide grants for the~~  
 1531 ~~following projects~~ within a basin management action plan area, a  
 1532 reasonable assurance plan area ~~an alternative restoration plan~~  
 1533 ~~adopted by final order, an accepted alternative restoration plan~~  
 1534 area, or a rural area of opportunity under s. 288.0656.  
 1535        (2) The department may provide grants for all of the  
 1536 following types of projects that reduce the amount of nutrients  
 1537 entering those waterbodies identified in subsection (1):  
 1538        (a) Connecting onsite sewage treatment and disposal  
 1539 systems to central sewer facilities.  
 1540        (b) Upgrading domestic wastewater treatment facilities to  
 1541 advanced waste treatment or greater.  
 1542        (c) Repairing, upgrading, expanding, or constructing  
 1543 stormwater treatment facilities that result in improvements to  
 1544 surface water or groundwater quality.  
 1545        (d) Repairing, upgrading, expanding, or constructing  
 1546 domestic wastewater treatment facilities that result in  
 1547 improvements to surface water or groundwater quality, including  
 1548 domestic wastewater reuse and collection systems.  
 1549        (e) Projects identified pursuant to s. 403.067 (7) (a) or  
 1550 (7) (e).

1551 (f) Projects identified in a wastewater treatment plan or  
 1552 an onsite sewage treatment and disposal system remediation plan  
 1553 developed pursuant to s. 403.067(7)(a)9.a. and b.

1554 (g) Projects listed in a city or county capital  
 1555 improvement element pursuant to s. 163.3177(3)(a)4.b.

1556 (h) Retrofitting onsite sewage treatment and disposal  
 1557 systems to upgrade such systems to enhanced nutrient-reducing  
 1558 onsite sewage treatment and disposal systems where central  
 1559 sewerage is unavailable which will individually or collectively  
 1560 reduce excess nutrient pollution:

1561 ~~(a) Projects to retrofit onsite sewage treatment and~~  
 1562 ~~disposal systems to upgrade such systems to enhanced nutrient-~~  
 1563 ~~reducing onsite sewage treatment and disposal systems.~~

1564 ~~(b) Projects to construct, upgrade, or expand facilities~~  
 1565 ~~to provide advanced waste treatment, as defined in s.~~  
 1566 ~~403.086(4).~~

1567 ~~(c) Projects to connect onsite sewage treatment and~~  
 1568 ~~disposal systems to central sewer facilities.~~

1569 ~~(3)(2) In allocating such funds, priority must be given to~~  
 1570 ~~projects that subsidize the connection of onsite sewage~~  
 1571 ~~treatment and disposal systems to wastewater treatment~~  
 1572 ~~facilities. First priority must be given to subsidize the~~  
 1573 ~~connection of onsite sewage treatment and disposal systems to~~  
 1574 ~~existing infrastructure. Second priority must be given to any~~  
 1575 ~~expansion of a collection or transmission system that promotes~~

1576 ~~efficiency by planning the installation of wastewater~~  
 1577 ~~transmission facilities to be constructed concurrently with~~  
 1578 ~~other construction projects occurring within or along a~~  
 1579 ~~transportation facility right-of-way. Third priority must be~~  
 1580 ~~given to all other connections of onsite sewage treatment and~~  
 1581 ~~disposal systems to wastewater treatment facilities. The~~  
 1582 department shall consider and prioritize those projects that:

1583 (a) Have the maximum estimated reduction in nutrient load  
 1584 per project;

1585 (b) Demonstrate project readiness;

1586 (c) Are cost-effective;

1587 (d) Have a cost share identified by the applicant, except  
 1588 for rural areas of opportunity;

1589 (e) Have previous state commitment and involvement in the  
 1590 project, considering previously funded phases, the total amount  
 1591 of previous state funding, and previous partial appropriations  
 1592 for the proposed project; or

1593 ~~(f) Are in a the cost-effectiveness of the project; the~~  
 1594 ~~overall environmental benefit of a project; the location where~~  
 1595 reductions are needed most to attain the water quality standards  
 1596 of a waterbody not attaining nutrient or nutrient-related  
 1597 standards.

1598  
 1599 Any project that does not result in reducing nutrient loading to  
 1600 a waterbody identified in subsection (1) is not eligible for



1601 ~~funding under this section of a project; the availability of~~  
 1602 ~~local matching funds; and projected water savings or quantity~~  
 1603 ~~improvements associated with a project.~~

1604 ~~(3) Each grant for a project described in subsection (1)~~  
 1605 ~~must require a minimum of a 50-percent local match of funds.~~  
 1606 ~~However, the department may, at its discretion, waive, in whole~~  
 1607 ~~or in part, this consideration of the local contribution for~~  
 1608 ~~proposed projects within an area designated as a rural area of~~  
 1609 ~~opportunity under s. 288.0656.~~

1610 (4) The department shall coordinate annually with each  
 1611 water management district, ~~as necessary,~~ to identify potential  
 1612 projects ~~grant recipients~~ in each district.

1613 (5) The department shall coordinate with local governments  
 1614 and stakeholders to identify the most effective and beneficial  
 1615 water quality improvement projects.

1616 (6) Beginning January 15, 2024 ~~1, 2021,~~ and each January  
 1617 15 ~~1~~ thereafter, the department shall submit a report regarding  
 1618 the projects funded pursuant to this section to the Governor,  
 1619 the President of the Senate, and the Speaker of the House of  
 1620 Representatives. The report must include a list of those  
 1621 projects receiving funding and the following information for  
 1622 each project:

- 1623 (a) A description of the project;
- 1624 (b) The cost of the project;
- 1625 (c) The estimated nutrient load reduction of the project;

- 1626        (d) The location of the project;
- 1627        (e) The waterbody or waterbodies where the project will
- 1628 reduce nutrients; and
- 1629        (f) The total cost share being provided for the project.

1630        Section 14. Paragraph (c) of subsection (1) of section  
 1631 403.086, Florida Statutes, is amended to read:

1632        403.086 Sewage disposal facilities; advanced and secondary  
 1633 waste treatment.-

1634        (1)

1635        (c)1. Notwithstanding this chapter or chapter 373, sewage  
 1636 disposal facilities may not dispose of any wastes into the  
 1637 following waters without providing advanced waste treatment, as  
 1638 defined in subsection (4), as approved by the department or a  
 1639 more stringent treatment standard if the department determines  
 1640 the more stringent standard is necessary to achieve the total  
 1641 maximum daily load or applicable water quality criteria:

1642        a. Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega  
 1643 Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little  
 1644 Sarasota Bay, Roberts Bay, Lemon Bay, Charlotte Harbor Bay,  
 1645 Biscayne Bay, or any river, stream, channel, canal, bay, bayou,  
 1646 sound, or other water tributary thereto.

1647        b. Beginning July 1, 2025, Indian River Lagoon, or into  
 1648 any river, stream, channel, canal, bay, bayou, sound, or other  
 1649 water tributary thereto.

1650        c. By January 1, 2033, waterbodies that are currently not

1651 attaining nutrient or nutrient-related standards or that are  
 1652 subject to a nutrient or nutrient-related basin management  
 1653 action plan adopted pursuant to s. 403.067 or adopted reasonable  
 1654 assurance plan.

1655 2. For any waterbody determined not to be attaining  
 1656 nutrient or nutrient-related standards after July 1, 2023, or  
 1657 subject to a nutrient or nutrient-related basin management  
 1658 action plan adopted pursuant to s. 403.067 or adopted reasonable  
 1659 assurance plan after July 1, 2023, sewage disposal facilities  
 1660 are prohibited from disposing any wastes into such waters  
 1661 without providing advanced waste treatment, as defined in  
 1662 subsection (4), as approved by the department within 10 years  
 1663 after such determination or adoption, ~~without providing advanced~~  
 1664 ~~waste treatment, as defined in subsection (4), approved by the~~  
 1665 ~~department. This paragraph does not apply to facilities which~~  
 1666 ~~were permitted by February 1, 1987, and which discharge~~  
 1667 ~~secondary treated effluent, followed by water hyacinth~~  
 1668 ~~treatment, to tributaries of tributaries of the named waters; or~~  
 1669 ~~to facilities permitted to discharge to the nontidally~~  
 1670 ~~influenced portions of the Peace River.~~

1671 Section 15. Paragraph (h) of subsection (4) of section  
 1672 201.15, Florida Statutes, is amended to read:

1673 201.15 Distribution of taxes collected.—All taxes  
 1674 collected under this chapter are hereby pledged and shall be  
 1675 first made available to make payments when due on bonds issued

1676 | pursuant to s. 215.618 or s. 215.619, or any other bonds  
 1677 | authorized to be issued on a parity basis with such bonds. Such  
 1678 | pledge and availability for the payment of these bonds shall  
 1679 | have priority over any requirement for the payment of service  
 1680 | charges or costs of collection and enforcement under this  
 1681 | section. All taxes collected under this chapter, except taxes  
 1682 | distributed to the Land Acquisition Trust Fund pursuant to  
 1683 | subsections (1) and (2), are subject to the service charge  
 1684 | imposed in s. 215.20(1). Before distribution pursuant to this  
 1685 | section, the Department of Revenue shall deduct amounts  
 1686 | necessary to pay the costs of the collection and enforcement of  
 1687 | the tax levied by this chapter. The costs and service charge may  
 1688 | not be levied against any portion of taxes pledged to debt  
 1689 | service on bonds to the extent that the costs and service charge  
 1690 | are required to pay any amounts relating to the bonds. All of  
 1691 | the costs of the collection and enforcement of the tax levied by  
 1692 | this chapter and the service charge shall be available and  
 1693 | transferred to the extent necessary to pay debt service and any  
 1694 | other amounts payable with respect to bonds authorized before  
 1695 | January 1, 2017, secured by revenues distributed pursuant to  
 1696 | this section. All taxes remaining after deduction of costs shall  
 1697 | be distributed as follows:

1698 |       (4) After the required distributions to the Land  
 1699 | Acquisition Trust Fund pursuant to subsections (1) and (2) and  
 1700 | deduction of the service charge imposed pursuant to s.

1701 215.20(1), the remainder shall be distributed as follows:  
 1702 (h) An amount equaling 5.4175 percent of the remainder  
 1703 shall be paid into the Water Protection and Sustainability  
 1704 Program Trust Fund to be used to fund water quality improvement  
 1705 ~~wastewater~~ grants as specified in s. 403.0673.

1706 Section 16. Paragraph (1) of subsection (3), paragraph (a)  
 1707 of subsection (5), and paragraph (i) of subsection (15) of  
 1708 section 259.105, Florida Statutes, are amended to read:

1709 259.105 The Florida Forever Act.—

1710 (3) Less the costs of issuing and the costs of funding  
 1711 reserve accounts and other costs associated with bonds, the  
 1712 proceeds of cash payments or bonds issued pursuant to this  
 1713 section shall be deposited into the Florida Forever Trust Fund  
 1714 created by s. 259.1051. The proceeds shall be distributed by the  
 1715 Department of Environmental Protection in the following manner:

1716 (1) For the purposes of paragraphs (e), (f), (g), and (h),  
 1717 the agencies that receive the funds shall develop their  
 1718 individual acquisition or restoration lists in accordance with  
 1719 specific criteria and numeric performance measures developed  
 1720 pursuant to s. 259.035(4). Proposed additions may be acquired if  
 1721 they are identified within the original project boundary, the  
 1722 management plan required pursuant to s. 253.034(5), or the  
 1723 management prospectus required pursuant to s. 259.032(7)(b) ~~s.~~  
 1724 ~~259.032(7)(c)~~. Proposed additions not meeting the requirements  
 1725 of this paragraph shall be submitted to the council for

1726 approval. The council may only approve the proposed addition if  
 1727 it meets two or more of the following criteria: serves as a link  
 1728 or corridor to other publicly owned property; enhances the  
 1729 protection or management of the property; would add a desirable  
 1730 resource to the property; would create a more manageable  
 1731 boundary configuration; has a high resource value that otherwise  
 1732 would be unprotected; or can be acquired at less than fair  
 1733 market value.

1734 (5) (a) All lands acquired pursuant to this section shall  
 1735 be managed for multiple-use purposes, where compatible with the  
 1736 resource values of and management objectives for such lands. As  
 1737 used in this section, "multiple-use" includes, but is not  
 1738 limited to, outdoor recreational activities as described in ss.  
 1739 253.034 and 259.032(7) (a) 2. ~~ss. 253.034 and 259.032(7) (b)~~, water  
 1740 resource development projects, sustainable forestry management,  
 1741 carbon sequestration, carbon mitigation, or carbon offsets.

1742 (15) The council shall submit to the board, with its list  
 1743 of projects, a report that includes, but need not be limited to,  
 1744 the following information for each project listed:

1745 (i) A management policy statement for the project and a  
 1746 management prospectus pursuant to s. 259.032(7) (b) ~~s.~~  
 1747 ~~259.032(7) (c)~~.

1748 Section 17. Subsection (17) of section 373.019, Florida  
 1749 Statutes, is amended to read:

1750 373.019 Definitions.—When appearing in this chapter or in

1751 any rule, regulation, or order adopted pursuant thereto, the  
 1752 term:

1753 (17) "Reclaimed water" means water that has received at  
 1754 least secondary treatment and basic disinfection and is reused  
 1755 after flowing out of a domestic wastewater treatment facility.  
 1756 Reclaimed water is not subject to regulation pursuant to s.  
 1757 373.175 or part II of this chapter until it has been discharged  
 1758 into waters as defined in s. 403.031 ~~s. 403.031(13)~~.

1759 Section 18. Section 373.4132, Florida Statutes, is amended  
 1760 to read:

1761 373.4132 Dry storage facility permitting.—The governing  
 1762 board or the department shall require a permit under this part,  
 1763 including s. 373.4145, for the construction, alteration,  
 1764 operation, maintenance, abandonment, or removal of a dry storage  
 1765 facility for 10 or more vessels that is functionally associated  
 1766 with a boat launching area. As part of an applicant's  
 1767 demonstration that such a facility will not be harmful to the  
 1768 water resources and will not be inconsistent with the overall  
 1769 objectives of the district, the governing board or department  
 1770 shall require the applicant to provide reasonable assurance that  
 1771 the secondary impacts from the facility will not cause adverse  
 1772 impacts to the functions of wetlands and surface waters,  
 1773 including violations of state water quality standards applicable  
 1774 to waters as defined in s. 403.031 ~~s. 403.031(13)~~, and will meet  
 1775 the public interest test of s. 373.414(1)(a), including the

1776 potential adverse impacts to manatees. Nothing in this section  
 1777 shall affect the authority of the governing board or the  
 1778 department to regulate such secondary impacts under this part  
 1779 for other regulated activities.

1780 Section 19. Subsection (1) of section 373.414, Florida  
 1781 Statutes, is amended to read:

1782 373.414 Additional criteria for activities in surface  
 1783 waters and wetlands.—

1784 (1) As part of an applicant's demonstration that an  
 1785 activity regulated under this part will not be harmful to the  
 1786 water resources or will not be inconsistent with the overall  
 1787 objectives of the district, the governing board or the  
 1788 department shall require the applicant to provide reasonable  
 1789 assurance that state water quality standards applicable to  
 1790 waters as defined in s. 403.031 ~~s. 403.031(13)~~ will not be  
 1791 violated and reasonable assurance that such activity in, on, or  
 1792 over surface waters or wetlands, as delineated in s. 373.421(1),  
 1793 is not contrary to the public interest. However, if such an  
 1794 activity significantly degrades or is within an Outstanding  
 1795 Florida Water, as provided by department rule, the applicant  
 1796 must provide reasonable assurance that the proposed activity  
 1797 will be clearly in the public interest.

1798 (a) In determining whether an activity, which is in, on,  
 1799 or over surface waters or wetlands, as delineated in s.  
 1800 373.421(1), and is regulated under this part, is not contrary to



1801 the public interest or is clearly in the public interest, the  
 1802 governing board or the department shall consider and balance the  
 1803 following criteria:

1804 1. Whether the activity will adversely affect the public  
 1805 health, safety, or welfare or the property of others;

1806 2. Whether the activity will adversely affect the  
 1807 conservation of fish and wildlife, including endangered or  
 1808 threatened species, or their habitats;

1809 3. Whether the activity will adversely affect navigation  
 1810 or the flow of water or cause harmful erosion or shoaling;

1811 4. Whether the activity will adversely affect the fishing  
 1812 or recreational values or marine productivity in the vicinity of  
 1813 the activity;

1814 5. Whether the activity will be of a temporary or  
 1815 permanent nature;

1816 6. Whether the activity will adversely affect or will  
 1817 enhance significant historical and archaeological resources  
 1818 under the provisions of s. 267.061; and

1819 7. The current condition and relative value of functions  
 1820 being performed by areas affected by the proposed activity.

1821 (b) If the applicant is unable to otherwise meet the  
 1822 criteria set forth in this subsection, the governing board or  
 1823 the department, in deciding to grant or deny a permit, must  
 1824 ~~shall~~ consider measures proposed by or acceptable to the  
 1825 applicant to mitigate adverse effects that may be caused by the

1826 regulated activity. Such measures may include, but are not  
 1827 limited to, onsite mitigation, offsite mitigation, offsite  
 1828 regional mitigation, and the purchase of mitigation credits from  
 1829 mitigation banks permitted under s. 373.4136. It is ~~shall be~~ the  
 1830 responsibility of the applicant to choose the form of  
 1831 mitigation. The mitigation must offset the adverse effects  
 1832 caused by the regulated activity.

1833 1. The department or water management districts may accept  
 1834 the donation of money as mitigation only where the donation is  
 1835 specified for use in a duly noticed environmental creation,  
 1836 preservation, enhancement, or restoration project, endorsed by  
 1837 the department or the governing board of the water management  
 1838 district, which offsets the impacts of the activity permitted  
 1839 under this part. However, ~~the provisions of~~ this subsection does  
 1840 ~~shall~~ not apply to projects undertaken pursuant to s. 373.4137  
 1841 or chapter 378. Where a permit is required under this part to  
 1842 implement any project endorsed by the department or a water  
 1843 management district, all necessary permits must have been issued  
 1844 prior to the acceptance of any cash donation. After the  
 1845 effective date of this act, when money is donated to either the  
 1846 department or a water management district to offset impacts  
 1847 authorized by a permit under this part, the department or the  
 1848 water management district shall accept only a donation that  
 1849 represents the full cost to the department or water management  
 1850 district of undertaking the project that is intended to mitigate

1851 the adverse impacts. The full cost shall include all direct and  
 1852 indirect costs, as applicable, such as those for land  
 1853 acquisition, land restoration or enhancement, perpetual land  
 1854 management, and general overhead consisting of costs such as  
 1855 staff time, building, and vehicles. The department or the water  
 1856 management district may use a multiplier or percentage to add to  
 1857 other direct or indirect costs to estimate general overhead.  
 1858 Mitigation credit for such a donation may ~~shall~~ be given only to  
 1859 the extent that the donation covers the full cost to the agency  
 1860 of undertaking the project ~~that is~~ intended to mitigate the  
 1861 adverse impacts. However, nothing herein may ~~shall~~ be construed  
 1862 to prevent the department or a water management district from  
 1863 accepting a donation representing a portion of a larger project,  
 1864 provided that the donation covers the full cost of that portion  
 1865 and mitigation credit is given only for that portion. The  
 1866 department or water management district may deviate from the  
 1867 full cost requirements of this subparagraph to resolve a  
 1868 proceeding brought pursuant to chapter 70 or a claim for inverse  
 1869 condemnation. Nothing in this section may ~~shall~~ be construed to  
 1870 require the owner of a private mitigation bank, permitted under  
 1871 s. 373.4136, to include the full cost of a mitigation credit in  
 1872 the price of the credit to a purchaser of said credit.

1873 2. The department and each water management district shall  
 1874 report by March 1 of each year, as part of the consolidated  
 1875 annual report required by s. 373.036(7), all cash donations

1876 | accepted under subparagraph 1. during the preceding water  
 1877 | management district fiscal year for wetland mitigation purposes.  
 1878 | The report must ~~shall~~ exclude those contributions pursuant to s.  
 1879 | 373.4137. The report must ~~shall~~ include a description of the  
 1880 | endorsed mitigation projects and, except for projects governed  
 1881 | by s. 373.4135(6), must ~~shall~~ address, as applicable, success  
 1882 | criteria, project implementation status and timeframe,  
 1883 | monitoring, long-term management, provisions for preservation,  
 1884 | and full cost accounting.

1885 |         3. If the applicant is unable to meet water quality  
 1886 | standards because existing ambient water quality does not meet  
 1887 | standards, the governing board or the department must ~~shall~~  
 1888 | consider mitigation measures proposed by or acceptable to the  
 1889 | applicant that cause net improvement of the water quality in the  
 1890 | receiving body of water for those parameters which do not meet  
 1891 | standards.

1892 |         4. If mitigation requirements imposed by a local  
 1893 | government for surface water and wetland impacts of an activity  
 1894 | regulated under this part cannot be reconciled with mitigation  
 1895 | requirements approved under a permit for the same activity  
 1896 | issued under this part, including application of the uniform  
 1897 | wetland mitigation assessment method adopted pursuant to  
 1898 | subsection (18), the mitigation requirements for surface water  
 1899 | and wetland impacts are ~~shall be~~ controlled by the permit issued  
 1900 | under this part.

1901 (c) Where activities for a single project regulated under  
 1902 this part occur in more than one local government jurisdiction,  
 1903 and where permit conditions or regulatory requirements are  
 1904 imposed by a local government for these activities which cannot  
 1905 be reconciled with those imposed by a permit under this part for  
 1906 the same activities, the permit conditions or regulatory  
 1907 requirements are ~~shall be~~ controlled by the permit issued under  
 1908 this part.

1909 Section 20. Section 373.4142, Florida Statutes, is amended  
 1910 to read:

1911 373.4142 Water quality within stormwater treatment  
 1912 systems.—State surface water quality standards applicable to  
 1913 waters of the state, as defined in s. 403.031 ~~s. 403.031(13)~~, do  
 1914 ~~shall~~ not apply within a stormwater management system which is  
 1915 designed, constructed, operated, and maintained for stormwater  
 1916 treatment in accordance with a valid permit or noticed exemption  
 1917 issued pursuant to chapter 62-25, Florida Administrative Code; a  
 1918 valid permit or exemption under s. 373.4145 within the Northwest  
 1919 Florida Water Management District; a valid permit issued on or  
 1920 subsequent to April 1, 1986, within the Suwannee River Water  
 1921 Management District or the St. Johns River Water Management  
 1922 District pursuant to this part; a valid permit issued on or  
 1923 subsequent to March 1, 1988, within the Southwest Florida Water  
 1924 Management District pursuant to this part; or a valid permit  
 1925 issued on or subsequent to January 6, 1982, within the South

1926 Florida Water Management District pursuant to this part. Such  
 1927 inapplicability of state water quality standards shall be  
 1928 limited to that part of the stormwater management system located  
 1929 upstream of a manmade water control structure permitted, or  
 1930 approved under a noticed exemption, to retain or detain  
 1931 stormwater runoff in order to provide treatment of the  
 1932 stormwater. The additional use of such a stormwater management  
 1933 system for flood attenuation or irrigation does ~~shall~~ not divest  
 1934 the system of the benefits of this exemption. This section does  
 1935 ~~shall~~ not affect the authority of the department and water  
 1936 management districts to require reasonable assurance that the  
 1937 water quality within such stormwater management systems will not  
 1938 adversely impact public health, fish and wildlife, or adjacent  
 1939 waters.

1940 Section 21. Paragraph (a) of subsection (1) of section  
 1941 373.430, Florida Statutes, is amended to read:

1942 373.430 Prohibitions, violation, penalty, intent.—

1943 (1) It shall be a violation of this part, and it shall be  
 1944 prohibited for any person:

1945 (a) To cause pollution, as defined in s. 403.031 ~~s.~~  
 1946 ~~403.031(7)~~, except as otherwise provided in this part, so as to  
 1947 harm or injure human health or welfare, animal, plant, or  
 1948 aquatic life or property.

1949 Section 22. Paragraph (n) of subsection (2) of section  
 1950 373.4592, Florida Statutes, is amended to read:

1951 373.4592 Everglades improvement and management.—  
 1952 (2) DEFINITIONS.—As used in this section:  
 1953 (n) "Stormwater management program" shall have the meaning  
 1954 set forth in s. 403.031 ~~s. 403.031(15)~~.  
 1955 Section 23. Paragraph (c) of subsection (1) of section  
 1956 403.890, Florida Statutes, is amended to read:  
 1957 403.890 Water Protection and Sustainability Program.—  
 1958 (1) Revenues deposited into or appropriated to the Water  
 1959 Protection and Sustainability Program Trust Fund shall be  
 1960 distributed by the Department of Environmental Protection for  
 1961 the following purposes:  
 1962 (c) The water quality improvement ~~wastewater~~ grant program  
 1963 as provided in s. 403.0673.  
 1964 Section 24. Paragraph (b) of subsection (1) of section  
 1965 403.892, Florida Statutes, is amended to read:  
 1966 403.892 Incentives for the use of graywater technologies.—  
 1967 (1) As used in this section, the term:  
 1968 (b) "Graywater" has the same meaning as in s. 381.0065(2)  
 1969 ~~s. 381.0065(2)(f)~~.  
 1970 Section 25. Paragraphs (c) and (d) of subsection (2) of  
 1971 section 403.9301, Florida Statutes, are amended to read:  
 1972 403.9301 Wastewater services projections.—  
 1973 (2) As used in this section, the term:  
 1974 (c) "Treatment works" has the same meaning as provided in  
 1975 s. 403.031 ~~s. 403.031(11)~~.

1976 (d) "Wastewater services" means service to a sewerage  
 1977 system, as defined in s. 403.031 ~~s. 403.031(9)~~, or service to  
 1978 domestic wastewater treatment works.

1979 Section 26. Paragraphs (b) and (c) of subsection (2) of  
 1980 section 403.9302, Florida Statutes, are amended to read:

1981 403.9302 Stormwater management projections.—

1982 (2) As used in this section, the term:

1983 (b) "Stormwater management program" has the same meaning  
 1984 as provided in s. 403.031 ~~s. 403.031(15)~~.

1985 (c) "Stormwater management system" has the same meaning as  
 1986 provided in s. 403.031 ~~s. 403.031(16)~~.

1987 Section 27. For the purpose of incorporating the amendment  
 1988 made by this act to section 259.032, Florida Statutes, in a  
 1989 reference thereto, subsection (6) of section 259.045, Florida  
 1990 Statutes, is reenacted to read:

1991 259.045 Purchase of lands in areas of critical state  
 1992 concern; recommendations by department and land authorities.—  
 1993 Within 45 days after the Administration Commission designates an  
 1994 area as an area of critical state concern under s. 380.05, and  
 1995 annually thereafter, the Department of Environmental Protection  
 1996 shall consider the recommendations of the state land planning  
 1997 agency pursuant to s. 380.05(1)(a) relating to purchase of lands  
 1998 within an area of critical state concern or lands outside an  
 1999 area of critical state concern that directly impact an area of  
 2000 critical state concern, which may include lands used to preserve



2001 and protect water supply, and shall make recommendations to the  
 2002 board with respect to the purchase of the fee or any lesser  
 2003 interest in any such lands that are:

2004 (6) Lands used to prevent or satisfy private property  
 2005 rights claims resulting from limitations imposed by the  
 2006 designation of an area of critical state concern if the  
 2007 acquisition of such lands fulfills a public purpose listed in s.  
 2008 259.032(2) or if the parcel is wholly or partially, at the time  
 2009 of acquisition, on one of the board's approved acquisition lists  
 2010 established pursuant to this chapter. For the purposes of this  
 2011 subsection, if a parcel is estimated to be worth \$500,000 or  
 2012 less and the director of the Division of State Lands finds that  
 2013 the cost of an outside appraisal is not justified, a comparable  
 2014 sales analysis, an appraisal prepared by the Division of State  
 2015 Lands, or other reasonably prudent procedures may be used by the  
 2016 Division of State Lands to estimate the value of the parcel,  
 2017 provided the public's interest is reasonably protected.

2018  
 2019 The department, a local government, a special district, or a  
 2020 land authority within an area of critical state concern may make  
 2021 recommendations with respect to additional purchases which were  
 2022 not included in the state land planning agency recommendations.

2023 Section 28. The Legislature determines and declares that  
 2024 this act fulfills an important state interest.

2025 Section 29. This act shall take effect July 1, 2023.