

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 381.0065, F.S.;
4 specifying that a construction permit for the
5 construction of an onsite sewage treatment and
6 disposal system for a single-family dwelling is valid
7 in perpetuity; providing an exception; prohibiting a
8 municipality or political subdivision from placing
9 certain requirements on applicants for a building
10 permit for a single-family dwelling; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (4) of section 381.0065, Florida
16 Statutes, is amended to read:

17 381.0065 Onsite sewage treatment and disposal systems;
18 regulation.—

19 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
20 construct, repair, modify, abandon, or operate an onsite sewage
21 treatment and disposal system without first obtaining a permit
22 approved by the department. The department may issue permits to
23 carry out this section, except that the issuance of a permit for
24 work seaward of the coastal construction control line
25 established under s. 161.053 is ~~shall be~~ contingent upon receipt
26 of any required coastal construction control line permit from
27 the department. A construction permit is valid for 18 months
28 after the date of issuance and may be extended by the department
29 for one 90-day period under rules adopted by the department,

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30 unless the construction permit is for a single-family dwelling.
31 A construction permit under this section for a single-family
32 dwelling is valid in perpetuity after the date of issuance,
33 except for work seaward of the coastal construction control line
34 established under s. 161.053. A repair permit is valid for 90
35 days after the date of issuance. An operating permit must be
36 obtained before the use of any aerobic treatment unit or if the
37 establishment generates commercial waste. Buildings or
38 establishments that use an aerobic treatment unit or generate
39 commercial waste shall be inspected by the department at least
40 annually to assure compliance with the terms of the operating
41 permit. The operating permit for a commercial wastewater system
42 is valid for 1 year after the date of issuance and must be
43 renewed annually. The operating permit for an aerobic treatment
44 unit is valid for 2 years after the date of issuance and must be
45 renewed every 2 years. If all information pertaining to the
46 siting, location, and installation conditions or repair of an
47 onsite sewage treatment and disposal system remains the same, a
48 construction or repair permit for the onsite sewage treatment
49 and disposal system may be transferred to another person, if the
50 transferee files, within 60 days after the transfer of
51 ownership, an amended application providing all corrected
52 information and proof of ownership of the property. A fee is not
53 associated with the processing of this supplemental information.
54 A person may not contract to construct, modify, alter, repair,
55 service, abandon, or maintain any portion of an onsite sewage
56 treatment and disposal system without being registered under
57 part III of chapter 489. A property owner who personally
58 performs construction, maintenance, or repairs to a system

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59 serving his or her own owner-occupied single-family residence is
60 exempt from registration requirements for performing such
61 construction, maintenance, or repairs on that residence, but is
62 subject to all permitting requirements. A municipality or
63 political subdivision of the state may not issue a building or
64 plumbing permit for any building that requires the use of an
65 onsite sewage treatment and disposal system unless the owner or
66 builder has received a construction permit for such system from
67 the department, or the building permit is for a single-family
68 residential dwelling. For a single-family residential dwelling,
69 a municipality or political subdivision of the state may not
70 require as a condition of issuing a building permit for such
71 dwelling that an applicant first obtain a construction permit
72 from the department for an onsite sewage treatment and disposal
73 system. A building or structure may not be occupied and a
74 municipality, political subdivision, or any state or federal
75 agency may not authorize occupancy until the department approves
76 the final installation of the onsite sewage treatment and
77 disposal system. A municipality or political subdivision of the
78 state may not approve any change in occupancy or tenancy of a
79 building that uses an onsite sewage treatment and disposal
80 system until the department has reviewed the use of the system
81 with the proposed change, approved the change, and amended the
82 operating permit.

83 (a) Subdivisions and lots in which each lot has a minimum
84 area of at least one-half acre and has either a minimum
85 dimension of 100 feet or a mean of at least 100 feet of the side
86 bordering the street and the distance formed by a line parallel
87 to the side bordering the street drawn between the two most

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88 distant points of the remainder of the lot may be developed with
89 a water system regulated under s. 381.0062 and onsite sewage
90 treatment and disposal systems, provided the projected daily
91 sewage flow does not exceed an average of 1,500 gallons per acre
92 per day, and provided satisfactory drinking water can be
93 obtained and all distance and setback, soil condition, water
94 table elevation, and other related requirements of this section
95 and rules adopted under this section can be met.

96 (b) Subdivisions and lots using a public water system as
97 defined in s. 403.852 may use onsite sewage treatment and
98 disposal systems, provided there are no more than four lots per
99 acre, provided the projected daily sewage flow does not exceed
100 an average of 2,500 gallons per acre per day, and provided that
101 all distance and setback, soil condition, water table elevation,
102 and other related requirements that are generally applicable to
103 the use of onsite sewage treatment and disposal systems are met.

104 (c) Notwithstanding paragraphs (a) and (b), for
105 subdivisions platted of record on or before October 1, 1991,
106 when a developer or other appropriate entity has previously made
107 or makes provisions, including financial assurances or other
108 commitments, acceptable to the department, that a central water
109 system will be installed by a regulated public utility based on
110 a density formula, private potable wells may be used with onsite
111 sewage treatment and disposal systems until the agreed-upon
112 densities are reached. In a subdivision regulated by this
113 paragraph, the average daily sewage flow may not exceed 2,500
114 gallons per acre per day. This section does not affect the
115 validity of existing prior agreements. After October 1, 1991,
116 the exception provided under this paragraph is not available to

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117 a developer or other appropriate entity.

118 (d) Paragraphs (a) and (b) do not apply to any proposed
119 residential subdivision with more than 50 lots or to any
120 proposed commercial subdivision with more than 5 lots where a
121 publicly owned or investor-owned sewage treatment system is
122 available. This paragraph does not allow development of
123 additional proposed subdivisions in order to evade the
124 requirements of this paragraph.

125 (e) The department shall adopt rules relating to the
126 location of onsite sewage treatment and disposal systems,
127 including establishing setback distances, to prevent groundwater
128 contamination and surface water contamination and to preserve
129 the public health. The rules must consider conventional and
130 enhanced nutrient-reducing onsite sewage treatment and disposal
131 system designs, impaired or degraded water bodies, domestic
132 wastewater and drinking water infrastructure, potable water
133 sources, nonpotable wells, stormwater infrastructure, the onsite
134 sewage treatment and disposal system remediation plans developed
135 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the
136 recommendations of the onsite sewage treatment and disposal
137 systems technical advisory committee established pursuant to
138 former s. 381.00652. The rules must also allow a person to apply
139 for and receive a variance from a rule requirement upon
140 demonstration that the requirement would cause an undue hardship
141 and granting the variance would not cause or contribute to the
142 exceedance of a total maximum daily load.

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

145 1. Seventy-five feet from a private potable well.

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146 2. Two hundred feet from a public potable well serving a
147 residential or nonresidential establishment having a total
148 sewage flow of greater than 2,000 gallons per day.

149 3. One hundred feet from a public potable well serving a
150 residential or nonresidential establishment having a total
151 sewage flow of less than or equal to 2,000 gallons per day.

152 4. Fifty feet from any nonpotable well.

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

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

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

160 8. Fifteen feet from the design high-water line of
161 retention areas, detention areas, or swales designed to contain
162 standing or flowing water for less than 72 hours after a
163 rainfall or the design high-water level of normally dry drainage
164 ditches or normally dry individual lot stormwater retention
165 areas.

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

170 1. Any residential lot that was platted and recorded on or
171 after January 1, 1972, or that is part of a residential
172 subdivision that was approved by the appropriate permitting
173 agency on or after January 1, 1972, and that was eligible for an
174 onsite sewage treatment and disposal system construction permit

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175 on the date of such platting and recording or approval shall be
176 eligible for an onsite sewage treatment and disposal system
177 construction permit, regardless of when the application for a
178 permit is made. If rules in effect at the time the permit
179 application is filed cannot be met, residential lots platted and
180 recorded or approved on or after January 1, 1972, shall, to the
181 maximum extent possible, comply with the rules in effect at the
182 time the permit application is filed. At a minimum, however,
183 those residential lots platted and recorded or approved on or
184 after January 1, 1972, but before January 1, 1983, shall comply
185 with those rules in effect on January 1, 1983, and those
186 residential lots platted and recorded or approved on or after
187 January 1, 1983, shall comply with those rules in effect at the
188 time of such platting and recording or approval. In determining
189 the maximum extent of compliance with current rules that is
190 possible, the department shall allow structures and
191 appurtenances thereto which were authorized at the time such
192 lots were platted and recorded or approved.

193 2. Lots platted before 1972 are subject to a 50-foot
194 minimum surface water setback and are not subject to lot size
195 requirements. The projected daily flow for onsite sewage
196 treatment and disposal systems for lots platted before 1972 may
197 not exceed:

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

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

202 (h)1. The department may grant variances in hardship cases
203 which may be less restrictive than the provisions specified in

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204 this section. If a variance is granted and the onsite sewage
205 treatment and disposal system construction permit has been
206 issued, the variance may be transferred with the system
207 construction permit, if the transferee files, within 60 days
208 after the transfer of ownership, an amended construction permit
209 application providing all corrected information and proof of
210 ownership of the property and if the same variance would have
211 been required for the new owner of the property as was
212 originally granted to the original applicant for the variance. A
213 fee is not associated with the processing of this supplemental
214 information. A variance may not be granted under this section
215 until the department is satisfied that:

216 a. The hardship was not caused intentionally by the action
217 of the applicant;

218 b. A reasonable alternative, taking into consideration
219 factors such as cost, does not exist for the treatment of the
220 sewage; and

221 c. The discharge from the onsite sewage treatment and
222 disposal system will not adversely affect the health of the
223 applicant or the public or significantly degrade the groundwater
224 or surface waters.

225
226 Where soil conditions, water table elevation, and setback
227 provisions are determined by the department to be satisfactory,
228 special consideration must be given to those lots platted before
229 1972.

230 2. The department shall appoint and staff a variance review
231 and advisory committee, which shall meet monthly to recommend
232 agency action on variance requests. The committee shall make its

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233 recommendations on variance requests at the meeting in which the
234 application is scheduled for consideration, except for an
235 extraordinary change in circumstances, the receipt of new
236 information that raises new issues, or when the applicant
237 requests an extension. The committee shall consider the criteria
238 in subparagraph 1. in its recommended agency action on variance
239 requests and shall also strive to allow property owners the full
240 use of their land where possible.

241 a. The committee is composed of the following:

242 (I) The Secretary of Environmental Protection or his or her
243 designee.

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

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

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

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

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

254 (VII) A representative from the engineering profession
255 recommended by the Florida Engineering Society.

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

261 3. The variance review and advisory committee is not

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262 responsible for reviewing water well permitting. However, the
263 committee shall consider all requirements of law related to
264 onsite sewage treatment and disposal systems when making
265 recommendations on variance requests for onsite sewage treatment
266 and disposal system permits.

267 (i) A construction permit may not be issued for an onsite
268 sewage treatment and disposal system in any area zoned or used
269 for industrial or manufacturing purposes, or its equivalent,
270 where a publicly owned or investor-owned sewage treatment system
271 is available, or where a likelihood exists that the system will
272 receive toxic, hazardous, or industrial waste. An existing
273 onsite sewage treatment and disposal system may be repaired if a
274 publicly owned or investor-owned sewage treatment system is not
275 available within 500 feet of the building sewer stub-out and if
276 system construction and operation standards can be met. This
277 paragraph does not require publicly owned or investor-owned
278 sewage treatment systems to accept anything other than domestic
279 wastewater.

280 1. A building located in an area zoned or used for
281 industrial or manufacturing purposes, or its equivalent, when
282 such building is served by an onsite sewage treatment and
283 disposal system, must not be occupied until the owner or tenant
284 has obtained written approval from the department. The
285 department may not grant approval when the proposed use of the
286 system is to dispose of toxic, hazardous, or industrial
287 wastewater or toxic or hazardous chemicals.

288 2. Each person who owns or operates a business or facility
289 in an area zoned or used for industrial or manufacturing
290 purposes, or its equivalent, or who owns or operates a business

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291 that has the potential to generate toxic, hazardous, or
292 industrial wastewater or toxic or hazardous chemicals, and uses
293 an onsite sewage treatment and disposal system that is installed
294 on or after July 5, 1989, must obtain an annual system operating
295 permit from the department. A person who owns or operates a
296 business that uses an onsite sewage treatment and disposal
297 system that was installed and approved before July 5, 1989, does
298 not need to obtain a system operating permit. However, upon
299 change of ownership or tenancy, the new owner or operator must
300 notify the department of the change, and the new owner or
301 operator must obtain an annual system operating permit,
302 regardless of the date that the system was installed or
303 approved.

304 3. The department shall periodically review and evaluate
305 the continued use of onsite sewage treatment and disposal
306 systems in areas zoned or used for industrial or manufacturing
307 purposes, or its equivalent, and may require the collection and
308 analyses of samples from within and around such systems. If the
309 department finds that toxic or hazardous chemicals or toxic,
310 hazardous, or industrial wastewater have been or are being
311 disposed of through an onsite sewage treatment and disposal
312 system, the department shall initiate enforcement actions
313 against the owner or tenant to ensure adequate cleanup,
314 treatment, and disposal.

315 (j) An onsite sewage treatment and disposal system designed
316 by a professional engineer registered in the state and certified
317 by such engineer as complying with performance criteria adopted
318 by the department must be approved by the department subject to
319 the following:

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320 1. The performance criteria applicable to engineer-designed
321 systems must be limited to those necessary to ensure that such
322 systems do not adversely affect the public health or
323 significantly degrade the groundwater or surface water. Such
324 performance criteria shall include consideration of the quality
325 of system effluent, the proposed total sewage flow per acre,
326 wastewater treatment capabilities of the natural or replaced
327 soil, water quality classification of the potential surface-
328 water-receiving body, and the structural and maintenance
329 viability of the system for the treatment of domestic
330 wastewater. However, performance criteria shall address only the
331 performance of a system and not a system's design.

332 2. A person electing to use an engineer-designed system
333 shall, upon completion of the system design, submit such design,
334 certified by a registered professional engineer, to the county
335 health department. The county health department may use an
336 outside consultant to review the engineer-designed system, with
337 the actual cost of such review to be borne by the applicant.
338 Within 5 working days after receiving an engineer-designed
339 system permit application, the county health department shall
340 request additional information if the application is not
341 complete. Within 15 working days after receiving a complete
342 application for an engineer-designed system, the county health
343 department shall issue the permit or, if it determines that the
344 system does not comply with the performance criteria, shall
345 notify the applicant of that determination and refer the
346 application to the department for a determination as to whether
347 the system should be approved, disapproved, or approved with
348 modification. The department engineer's determination shall

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349 prevail over the action of the county health department. The
350 applicant shall be notified in writing of the department's
351 determination and of the applicant's rights to pursue a variance
352 or seek review under the provisions of chapter 120.

353 3. The owner of an engineer-designed performance-based
354 system must maintain a current maintenance service agreement
355 with a maintenance entity permitted by the department. The
356 maintenance entity shall inspect each system at least twice each
357 year and shall report quarterly to the department on the number
358 of systems inspected and serviced. The reports may be submitted
359 electronically.

360 4. The property owner of an owner-occupied, single-family
361 residence may be approved and permitted by the department as a
362 maintenance entity for his or her own performance-based
363 treatment system upon written certification from the system
364 manufacturer's approved representative that the property owner
365 has received training on the proper installation and service of
366 the system. The maintenance service agreement must conspicuously
367 disclose that the property owner has the right to maintain his
368 or her own system and is exempt from contractor registration
369 requirements for performing construction, maintenance, or
370 repairs on the system but is subject to all permitting
371 requirements.

372 5. The property owner shall obtain a biennial system
373 operating permit from the department for each system. The
374 department shall inspect the system at least annually, or on
375 such periodic basis as the fee collected permits, and may
376 collect system-effluent samples if appropriate to determine
377 compliance with the performance criteria. The fee for the

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378 biennial operating permit shall be collected beginning with the
379 second year of system operation.

380 6. If an engineer-designed system fails to properly
381 function or fails to meet performance standards, the system
382 shall be re-engineered, if necessary, to bring the system into
383 compliance with the provisions of this section.

384 (k) An innovative system may be approved in conjunction
385 with an engineer-designed site-specific system that is certified
386 by the engineer to meet the performance-based criteria adopted
387 by the department.

388 (l) For the Florida Keys, the department shall adopt a
389 special rule for the construction, installation, modification,
390 operation, repair, maintenance, and performance of onsite sewage
391 treatment and disposal systems which considers the unique soil
392 conditions and water table elevations, densities, and setback
393 requirements. On lots where a setback distance of 75 feet from
394 surface waters, saltmarsh, and buttonwood association habitat
395 areas cannot be met, an injection well, approved and permitted
396 by the department, may be used for disposal of effluent from
397 onsite sewage treatment and disposal systems. The following
398 additional requirements apply to onsite sewage treatment and
399 disposal systems in Monroe County:

400 1. The county, each municipality, and those special
401 districts established for the purpose of the collection,
402 transmission, treatment, or disposal of sewage shall ensure, in
403 accordance with the specific schedules adopted by the
404 Administration Commission under s. 380.0552, the completion of
405 onsite sewage treatment and disposal system upgrades to meet the
406 requirements of this paragraph.

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

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

413 b. Suspended Solids of 10 mg/l.

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

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

420

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

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

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

434 a. The existing tanks must be pumped and inspected and
435 certified as being watertight and free of defects in accordance

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436 with department rule; and

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

439 5. Onsite sewage treatment and disposal systems must be
440 monitored for total nitrogen and total phosphorus concentrations
441 as required by department rule.

442 6. The department shall enforce proper installation,
443 operation, and maintenance of onsite sewage treatment and
444 disposal systems pursuant to this chapter, including ensuring
445 that the appropriate level of treatment described in
446 subparagraph 2. is met.

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

451 8. Notwithstanding any other law, an onsite sewage
452 treatment and disposal system installed after July 1, 2010, in
453 unincorporated Monroe County, excluding special wastewater
454 districts, that complies with the standards in subparagraph 2.
455 is not required to connect to a central sewerage system until
456 December 31, 2020.

457 (m) A product sold in the state for use in onsite sewage
458 treatment and disposal systems may not contain any substance in
459 concentrations or amounts that would interfere with or prevent
460 the successful operation of such system, or that would cause
461 discharges from such systems to violate applicable water quality
462 standards. The department shall publish criteria for products
463 known or expected to meet the conditions of this paragraph. If a
464 product does not meet such criteria, such product may be sold if

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465 the manufacturer satisfactorily demonstrates to the department
466 that the conditions of this paragraph are met.

467 (n) Evaluations for determining the seasonal high-water
468 table elevations or the suitability of soils for the use of a
469 new onsite sewage treatment and disposal system shall be
470 performed by department personnel, professional engineers
471 registered in the state, or such other persons with expertise,
472 as defined by rule, in making such evaluations. Evaluations for
473 determining mean annual flood lines shall be performed by those
474 persons identified in paragraph (2)(1). The department shall
475 accept evaluations submitted by professional engineers and such
476 other persons as meet the expertise established by this section
477 or by rule unless the department has a reasonable scientific
478 basis for questioning the accuracy or completeness of the
479 evaluation.

480 (o) An application for an onsite sewage treatment and
481 disposal system permit shall be completed in full, signed by the
482 owner or the owner's authorized representative, or by a
483 contractor licensed under chapter 489, and shall be accompanied
484 by all required exhibits and fees. Specific documentation of
485 property ownership is not required as a prerequisite to the
486 review of an application or the issuance of a permit. The
487 issuance of a permit does not constitute determination by the
488 department of property ownership.

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

493 (q) This section does not limit the power of a municipality

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494 or county to enforce other laws for the protection of the public
495 health and safety.

496 (r) In the siting of onsite sewage treatment and disposal
497 systems, including drainfields, shoulders, and slopes, guttering
498 may not be required on single-family residential dwelling units
499 for systems located greater than 5 feet from the roof drip line
500 of the house. If guttering is used on residential dwelling
501 units, the downspouts shall be directed away from the
502 drainfield.

503 (s) Notwithstanding subparagraph (g)1., onsite sewage
504 treatment and disposal systems located in floodways of the
505 Suwannee and Aucilla Rivers must adhere to the following
506 requirements:

507 1. The absorption surface of the drainfield may not be
508 subject to flooding based on 10-year flood elevations. Provided,
509 however, for lots or parcels created by the subdivision of land
510 in accordance with applicable local government regulations
511 before January 17, 1990, if an applicant cannot construct a
512 drainfield system with the absorption surface of the drainfield
513 at an elevation equal to or above 10-year flood elevation, the
514 department shall issue a permit for an onsite sewage treatment
515 and disposal system within the 10-year floodplain of rivers,
516 streams, and other bodies of flowing water if all of the
517 following criteria are met:

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

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

521 c. The applicant installs a waterless, incinerating, or
522 organic waste composting toilet and a graywater system and

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523 drainfield in accordance with department rules; an aerobic
524 treatment unit and drainfield in accordance with department
525 rules; a system that is capable of reducing effluent nitrate by
526 at least 50 percent in accordance with department rules; or a
527 system other than a system using alternative drainfield
528 materials in accordance with department rules. The United States
529 Department of Agriculture Soil Conservation Service soil maps,
530 State of Florida Water Management District data, and Federal
531 Emergency Management Agency Flood Insurance maps are resources
532 that shall be used to identify flood-prone areas.

533 2. The use of fill or mounding to elevate a drainfield
534 system out of the 10-year floodplain of rivers, streams, or
535 other bodies of flowing water may not be permitted if such a
536 system lies within a regulatory floodway of the Suwannee and
537 Aucilla Rivers. In cases where the 10-year flood elevation does
538 not coincide with the boundaries of the regulatory floodway, the
539 regulatory floodway will be considered for the purposes of this
540 subsection to extend at a minimum to the 10-year flood
541 elevation.

542 (t)1. The owner of an aerobic treatment unit system shall
543 maintain a current maintenance service agreement with an aerobic
544 treatment unit maintenance entity permitted by the department.
545 The maintenance entity shall inspect each aerobic treatment unit
546 system at least twice each year and shall report quarterly to
547 the department on the number of aerobic treatment unit systems
548 inspected and serviced. The reports may be submitted
549 electronically.

550 2. The property owner of an owner-occupied, single-family
551 residence may be approved and permitted by the department as a

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552 maintenance entity for his or her own aerobic treatment unit
553 system upon written certification from the system manufacturer's
554 approved representative that the property owner has received
555 training on the proper installation and service of the system.
556 The maintenance entity service agreement must conspicuously
557 disclose that the property owner has the right to maintain his
558 or her own system and is exempt from contractor registration
559 requirements for performing construction, maintenance, or
560 repairs on the system but is subject to all permitting
561 requirements.

562 3. A septic tank contractor licensed under part III of
563 chapter 489, if approved by the manufacturer, may not be denied
564 access by the manufacturer to aerobic treatment unit system
565 training or spare parts for maintenance entities. After the
566 original warranty period, component parts for an aerobic
567 treatment unit system may be replaced with parts that meet
568 manufacturer's specifications but are manufactured by others.
569 The maintenance entity shall maintain documentation of the
570 substitute part's equivalency for 2 years and shall provide such
571 documentation to the department upon request.

572 4. The owner of an aerobic treatment unit system shall
573 obtain a system operating permit from the department and allow
574 the department to inspect during reasonable hours each aerobic
575 treatment unit system at least annually, and such inspection may
576 include collection and analysis of system-effluent samples for
577 performance criteria established by rule of the department.

578 (u) The department may require the submission of detailed
579 system construction plans that are prepared by a professional
580 engineer registered in this state. The department shall

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581 establish by rule criteria for determining when such a
582 submission is required.

583 (v) Any permit issued and approved by the department for
584 the installation, modification, or repair of an onsite sewage
585 treatment and disposal system shall transfer with the title to
586 the property in a real estate transaction. A title may not be
587 encumbered at the time of transfer by new permit requirements by
588 a governmental entity for an onsite sewage treatment and
589 disposal system which differ from the permitting requirements in
590 effect at the time the system was permitted, modified, or
591 repaired. An inspection of a system may not be mandated by a
592 governmental entity at the point of sale in a real estate
593 transaction. This paragraph does not affect a septic tank phase-
594 out deferral program implemented by a consolidated government as
595 defined in s. 9, Art. VIII of the State Constitution of 1885.

596 (w) A governmental entity, including a municipality,
597 county, or statutorily created commission, may not require an
598 engineer-designed performance-based treatment system, excluding
599 a passive engineer-designed performance-based treatment system,
600 before the completion of the Florida Onsite Sewage Nitrogen
601 Reduction Strategies Project. This paragraph does not apply to a
602 governmental entity, including a municipality, county, or
603 statutorily created commission, which adopted a local law,
604 ordinance, or regulation on or before January 31, 2012.
605 Notwithstanding this paragraph, an engineer-designed
606 performance-based treatment system may be used to meet the
607 requirements of the variance review and advisory committee
608 recommendations.

609 (x)1. An onsite sewage treatment and disposal system is not

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610 considered abandoned if the system is disconnected from a
611 structure that was made unusable or destroyed following a
612 disaster and if the system was properly functioning at the time
613 of disconnection and was not adversely affected by the disaster.
614 The onsite sewage treatment and disposal system may be
615 reconnected to a rebuilt structure if:

616 a. The reconnection of the system is to the same type of
617 structure which contains the same number of bedrooms or fewer,
618 if the square footage of the structure is less than or equal to
619 110 percent of the original square footage of the structure that
620 existed before the disaster;

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

622 c. The system has not been altered without prior
623 authorization.

624 2. An onsite sewage treatment and disposal system that
625 serves a property that is foreclosed upon is not considered
626 abandoned.

627 (y) If an onsite sewage treatment and disposal system
628 permittee receives, relies upon, and undertakes construction of
629 a system based upon a validly issued construction permit under
630 rules applicable at the time of construction but a change to a
631 rule occurs within 5 years after the approval of the system for
632 construction but before the final approval of the system, the
633 rules applicable and in effect at the time of construction
634 approval apply at the time of final approval if fundamental site
635 conditions have not changed between the time of construction
636 approval and final approval.

637 (z) An existing-system inspection or evaluation and
638 assessment, or a modification, replacement, or upgrade of an

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639 onsite sewage treatment and disposal system is not required for
640 a remodeling addition or modification to a single-family home if
641 a bedroom is not added. However, a remodeling addition or
642 modification to a single-family home may not cover any part of
643 the existing system or encroach upon a required setback or the
644 unobstructed area. To determine if a setback or the unobstructed
645 area is impacted, the local health department shall review and
646 verify a floor plan and site plan of the proposed remodeling
647 addition or modification to the home submitted by a remodeler
648 which shows the location of the system, including the distance
649 of the remodeling addition or modification to the home from the
650 onsite sewage treatment and disposal system. The local health
651 department may visit the site or otherwise determine the best
652 means of verifying the information submitted. A verification of
653 the location of a system is not an inspection or evaluation and
654 assessment of the system. The review and verification must be
655 completed within 7 business days after receipt by the local
656 health department of a floor plan and site plan. If the review
657 and verification is not completed within such time, the
658 remodeling addition or modification to the single-family home,
659 for the purposes of this paragraph, is approved.

660 Section 2. This act shall take effect July 1, 2025.