

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [HB 287](#)

**TITLE:** Building and Plumbing Permits for the Use of Onsite Sewage Treatment and Disposal Systems

**SPONSOR(S):** Conerly

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Natural Resources & Disasters](#)

17 Y, 0 N



[State Affairs](#)

## SUMMARY

### **Effect of the Bill:**

The bill allows a municipality or political subdivision to issue a building or plumbing permit for a building that requires an onsite sewage treatment and disposal system (OSTDS) so long as the owner or builder has applied for the OSTDS construction permit instead of requiring that the OSTDS construction permit has been received.

### **Fiscal or Economic Impact:**

The bill may have an indeterminate positive fiscal impact on the private sector if it reduces construction delays caused by OSTDS permitting timelines.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill revises a provision that prohibits a municipality or political subdivision from issuing a [building permit](#) or a plumbing permit for a building that requires an [onsite sewage treatment and disposal system](#) (OSTDS), commonly referred to as a septic system, unless the owner or builder has received a construction permit for the OSTDS. Instead, the bill allows a municipality or political subdivision to issue a building or plumbing permit so long as the owner or builder has applied for the OSTDS construction permit. (Section [1](#))

The effective date of the bill is July 1, 2025. (Section [2](#))

### **FISCAL OR ECONOMIC IMPACT:**

#### PRIVATE SECTOR:

The bill may have an indeterminate positive fiscal impact on the private sector if it reduces construction delays caused by OSTDS permitting timelines.

## RELEVANT INFORMATION

### **SUBJECT OVERVIEW:**

#### **Wastewater**

Properly treating and disposing of or reusing domestic wastewater is an important part of protecting Florida's water resources. A person generates approximately 100 gallons of domestic wastewater<sup>1</sup> per day.<sup>2</sup> This

<sup>1</sup> Section [367.021\(5\), F.S.](#), defines "domestic wastewater" as wastewater principally from dwellings, business buildings, institutions, and sanitary wastewater or sewage treatment plants.

<sup>2</sup> Department of Environmental Protection, *Domestic Wastewater Program*, <https://floridadep.gov/water/domestic-wastewater> (last visited Feb. 14, 2025).

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wastewater must be managed to protect public health, water quality, recreation, fish, wildlife, and the aesthetic appeal of the state’s waterways.<sup>3</sup>

### ***Domestic Wastewater Treatment Facilities***

The majority of Florida’s domestic wastewater is controlled and treated by centralized treatment facilities regulated by the Department of Environmental Protection (DEP). DEP regulates approximately 2,000 domestic wastewater facilities that treat over 1.5 billion gallons per day of effluent<sup>4</sup> and reclaimed water.<sup>5,6</sup> Methods of disposal include reuse and land application, groundwater disposal by underground injection, groundwater recharge and aquifer storage and recovery projects using injection wells, surface water discharges, and wetland discharges.<sup>7</sup>

### ***Onsite Sewage Treatment and Disposal Systems***

Another method utilized to treat domestic wastewater is an OSTDS. There are an estimated 2.6 million OSTDSs in Florida, which represents 12 percent of the OSTDSs septic systems in the United States.<sup>8</sup> These 2.6 million OSTDSs, commonly referred to as “septic systems,” provide wastewater disposal for 30 percent of the state’s population.<sup>9</sup>

An OSTDS generally consists of two basic parts: the septic tank and the drainfield.<sup>10</sup> Waste from toilets, sinks, washing machines, and showers flow through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs and it also filters the wastewater as gravity draws the water down through the layers of soil.<sup>11</sup>

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<sup>3</sup> Sections [381.0065\(1\)](#) and [403.021, F.S.](#)

<sup>4</sup> The term “effluent,” unless specifically stated otherwise, means water that is not reused after flowing out of any plant or other works used for the purpose of treating, stabilizing, or holding wastes. [Rule 62-600.200\(22\), F.A.C.](#)

<sup>5</sup> The term “reclaimed water,” except as specifically provided in [ch. 62-610, F.A.C.](#), means water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.” [Rule 62-600.200\(57\), F.A.C.](#)

<sup>6</sup> Department of Environmental Protection, *General Facts and Statistics About Wastewater in Florida* (last updated Apr. 20, 2022), <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Feb. 14, 2024).

<sup>7</sup> [Rule 62-600.440\(4\), F.A.C.](#)

<sup>8</sup> Department of Environmental Protection, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Feb. 14, 2025).

<sup>9</sup> *Id.*

<sup>10</sup> Department of Health, *Septic System Information and Care* (last updated Jan. 31, 2025), <http://columbia.floridahealth.gov/programs-and-services/environmental-health/onsite-sewage-disposal/septic-information-and-care.html> (last visited Mar. 4, 2024); United States Environmental Protection Agency, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Feb. 14, 2025).

<sup>11</sup> *Id.*



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### Onsite Sewage Program

The Onsite Sewage Program (Program) helps ensure that OSTDSs are properly designed, constructed, and maintained to help protect Florida’s groundwater resources. The Florida Clean Waterways Act, enacted in 2020, was a significant piece of legislation that addressed a number of environmental issues relating to the maintenance and improvement of water quality in Florida. Section two of the Clean Waterways Act provided for the transfer of the Program from the Department of Health (DOH) to DEP, effective July 1, 2021.<sup>13</sup>

The Program is being transferred over a period of five years, and guidelines for the transfer are provided by an interagency agreement.<sup>14</sup> Per the agreement, DEP has the primary powers and duties of the Program, and the county health departments will implement the OSTDS program under the direction of DEP.<sup>15</sup> The county health departments continue to handle permitting and inspection of OSTDSs until they are fully transferred to DEP.<sup>16</sup> In the event of an alleged violation of OSTDS laws, county health departments will be responsible for conducting an inspection to gather information regarding the allegations.<sup>17</sup>

By 2026, OSTDS permitting in all Florida counties will be administered by DEP. Until that time, applicants will apply for permits and services in two separate ways, depending on which county they are located in.<sup>18</sup> This transition is beginning with counties in Northwest Florida.<sup>19</sup> The balance of the counties will be transferred

<sup>12</sup> Environmental Protection Agency, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Feb. 14, 2025).

<sup>13</sup> Chapter [2020-150, Section 2](#), Laws of Fla.

<sup>14</sup> Section [381.0065\(3\)\(b\), F.S.](#); DEP and DOH, *Interagency Agreement between Florida Department of Environmental Protection and Florida Department of Health in Compliance with Florida’s Clean Waterways Act for Transfer of the Onsite Sewage Program*, 5 (June 30, 2021), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/documents/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf> (last visited Feb. 14, 2025).

<sup>15</sup> *Id.* at 14.

<sup>16</sup> *Id.* at 11; DEP, Onsite Sewage Program, <https://floridadep.gov/water/onsite-sewage> (last visited Feb. 14, 2025).

<sup>17</sup> DEP and DOH, *Interagency Agreement between Florida Department of Environmental Protection and Florida Department of Health in Compliance with Florida’s Clean Waterways Act for Transfer of the Onsite Sewage Program*, 5 (June 30, 2021), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/documents/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf> (last visited Feb. 14, 2025).

<sup>18</sup> *Id.*

<sup>19</sup> These counties are Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington. See Department of Environmental Protection, *Onsite Sewage FAQ – Permitting* (Feb. 24, 2025), <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last visited Mar. 5, 2025).

between July 2025 through December 2026.<sup>20</sup> In these Northwest Florida counties (and eventually state-wide), a proposed applicant must apply for a construction permit with DEP before beginning construction on an OSTDS with needed forms and documentation. A site inspector then assesses soil, topography, and other conditions to determine the property's suitability for OSTDS installation. On the other hand, the remaining counties have their permits issued by the DOH's Environmental Public Health Program through local county health departments. To apply, a prospective applicant applies with the same form, site plan, and documentation. Beyond the regulating body, the other differences include different fees and more stringent standards than DEP.<sup>21</sup>

## **Building Permits**

### ***The Florida Building Code and Permits***

The purpose and intent of the Florida Building Codes Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code (Building Code). The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>22</sup>

Additionally, the Legislature intended that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction for the protection of the public's health, safety, and welfare.<sup>23</sup> Every local government must enforce the Building Code and issue building permits.<sup>24,25</sup>

A building permit is an official document or certificate issued by the local building official that authorizes the performance of a specific activity.<sup>26</sup> Any construction work that requires a building permit also requires plan reviews and inspections by the building official, inspector, or plans examiner to ensure the work complies with the Building Code.<sup>27</sup>

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.<sup>28</sup> A building permit is not valid until the fees for the permit have been paid.<sup>29</sup> To obtain a permit, an applicant must complete an application for the proposed work on the form furnished by the local enforcing agency, which must be posted on its website.<sup>30</sup> An application for a permit must include building plans.<sup>31</sup> A local enforcing agency may not issue a permit until the building official or plans reviewer has reviewed the building plans and determined that they comply with the Building Code.<sup>32</sup>

### ***Building Permit Delays***

Any delays in obtaining a building permit can delay the completion of a construction project. Delays in the completion of a construction project may:

- Lead to increased costs for construction projects, which may be passed onto occupants of a completed project;
- Discourage construction, which can reduce the total supply of buildings in a community and may lead to higher rents in the community;

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<sup>20</sup> DEP, Onsite Sewage FAQ – Permitting, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last Visited Feb. 17, 2025).

<sup>21</sup> *Id.*

<sup>22</sup> See Section [553.72\(1\), F.S.](#)

<sup>23</sup> Section [553.72\(2\), F.S.](#)

<sup>24</sup> Building permits and related inspection requirements include plumbing permits.

<sup>25</sup> Section [125.01\(1\)\(bb\), F.S.](#), Section [125.56\(1\), F.S.](#), and Section [553.80\(1\), F.S.](#)

<sup>26</sup> Section [468.603\(2\), F.S.](#), F.S; Florida Building Code, Building, Section 202 (8th ed. 2023).

<sup>27</sup> Florida Building Code, Building, Sections 107, 110.1, and 110 (8th ed. 2023).

<sup>28</sup> See Section [125.56\(4\)\(a\), F.S.](#) and Section [553.79\(1\), F.S.](#)

<sup>29</sup> Florida Building Code, Building, Section 109.1 (8th ed. 2023).

<sup>30</sup> Section [125.56\(4\)\(b\), F.S.](#), Section [553.79\(1\), F.S.](#), and Sections [713.135\(5\)-\(6\), F.S.](#)

<sup>31</sup> Section [553.79\(2\), F.S.](#)

<sup>32</sup> *Id.*

- Reduce property tax revenue to a local government and other taxing jurisdictions resulting from the delayed start and completion of a construction project; and
- Result in delayed occupancy of a project, including single-family residences and multi-family residences.<sup>33</sup>

Streamlining the process to obtain a building permit can accelerate the completion of construction projects. The goal of streamlining is to remove overlap and duplication and create more efficient administrative procedures while not reducing a building department’s ability to enforce the applicable construction codes. Streamlining the building permit process may:

- Increase local government revenues by accelerating the completion of a project and thus accelerating property tax collection;
- Create local construction jobs and other indirect jobs supported by local construction jobs, such as jobs at a material supplier, which may increase local tax revenue; and
- Encourage economic development by having an efficient permit system.<sup>34</sup>

**RECENT LEGISLATION:**

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	<a href="#">CS/CS/HB 1557</a>	Chaney	Calatayud	The bill became effective on July 1, 2024.

**OTHER RESOURCES:**

- [DEP, Onsite Sewage Program](#)
- [DEP, Onsite Sewage FAQ – Permitting](#)
- [Interagency Agreement between DEP and DOH on the Transfer of the Onsite Sewage Program](#)

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Natural Resources &amp; Disasters Subcommittee</a> <a href="#">State Affairs Committee</a>	17 Y, 0 N	3/11/2025	Moore	Weiss

<sup>33</sup> City of Austin Development Services Department, *A Program for Expedited Permitting*, available at [http://austintexas.gov/sites/default/files/files/8-9-2016\\_Report\\_on\\_Expedited\\_Permitting\\_Program.pdf](http://austintexas.gov/sites/default/files/files/8-9-2016_Report_on_Expedited_Permitting_Program.pdf) (last visited Feb. 14, 2025); PricewaterhouseCoopers, *The Economic Impact of Accelerating Permit Processes on Local Development and Government Revenues*, available at <https://boldone.com/permitstreamline/wp-content/uploads/2013/04/AIA-Results-Dec-2005.pdf> (Dec. 7, 2005). (last visited Feb. 14, 2025).

<sup>34</sup> *Id.*; Institute for Market Transformation, *Streamlining Compliance Processes*, (Winter 2012) available at <https://www.imt.org/wp-content/uploads/2018/02/CaseStudy5.pdf> (last visited Feb. 14, 2025).