

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

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BILL: CS/CS/SB 1510

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government and Environment and Natural Resources Committee and Senator Massullo

SUBJECT: Department of Environmental Protection

DATE: February 27, 2026      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1510 amends laws that govern the Acquisition and Restoration Council, septic system and wastewater restrictions, basin management action plans, the Sea Level Rise Resilience Plan, the Environmental Regulation Commission, and air pollution permitting.

Regarding the Acquisition and Restoration Council (ARC), the bill adds two new members. Additionally, the bill directs the ARC to administer the Florida Communities Trust to improve consistency and effectiveness in conservation-focused land acquisition and resource stewardship.

Regarding onsite sewage treatment and disposal systems (septic systems), the bill:

- Removes a requirement that owners of residential properties within the Indian River Lagoon Protection program over ten acres must connect to sewer or upgrade their septic system.
- Allows a septic system remediation plan to require conventional septic system upgrades where central sewerage is unavailable for certain properties.
- Requires the Department of Environmental Protection (DEP) to notify new owners of a property with a septic system of certain applicable requirements.

Regarding BMAPs, the bill provides a 60-day waiting period before an approved BMAP is effective. The bill allows the installation of distributed wastewater treatment systems on lots of one acre or less in a BMAP, reasonable assurance plan, or pollution reduction plan if a sewer system is unavailable.

Regarding the Statewide Flooding and Sea Level Rise Resilience Plan, the bill provides that municipalities and counties that are rural communities will not need a minimum 50 percent cost share for projects in the plan.

Regarding the Environmental Regulation Commission (ERC), the bill repeals provisions establishing the ERC and removes all references to the ERC in statute.

Regarding air pollution permitting, the bill extends the due date for annual operating permits for major sources of air pollution.

Regarding solar facility approval process the bill creates best management practices for stormwater.

The bill has no fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.

## II. Present Situation:

### The Environmental Regulation Commission

The Environmental Regulation Commission (ERC) is a non-salaried, seven-member board created by the Legislature within the Florida Department of Environmental Protection (DEP).<sup>1</sup> The ERC is responsible for setting statutorily specified air and water quality standards by evaluating their scientific and technical validity, economic impacts, and risks and benefits to the public and Florida's natural resources.<sup>2</sup> The ERC's members are selected by the Governor and confirmed by the Senate.<sup>3</sup> They must be representative of:

- Agriculture;
- The development industry;
- Local government;
- The environmental community;
- Residents; and
- Members of the scientific and technical community with substantial expertise in water pollutants, toxicology, epidemiology, geology, biology, environmental science, or engineering.<sup>4</sup>

The DEP must conduct a study of the economic and environmental impact of any proposed standard that would be stricter or more stringent than one set by federal law or regulation.<sup>5</sup> The study must be submitted to the ERC, which must initially adopt the standard and submit it to the

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<sup>1</sup> Florida Department of Environmental Protection (DEP), *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Jan. 23, 2026).

<sup>2</sup> *Id.*; section 403.804(1), F.S. The ERC does not establish DEP policies, priorities, plans, or directives. It may adopt procedural rules governing its meetings and hearings.

<sup>3</sup> DEP, *Environmental Regulation Commission*; section 20.255(6), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 403.804(2), F.S.

Governor and Cabinet. The Governor and Cabinet must take final action and must accept, reject, modify, or remand the standard for further proceedings within 60 days of the submission.<sup>6</sup> The ERC was created in statute in 1975.<sup>7</sup> It was established 35 years before the legislative rule ratification requirement, which requires legislative approval of rules that have adverse economic impacts or high regulatory costs.<sup>8</sup> In the past 10 years, the ERC has met four times: once in 2016, 2017, 2024, and 2025.<sup>9</sup>

### **Acquisition and Restoration Council**

The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations on the acquisition, management, and disposal of state-owned lands.<sup>10</sup> The ARC's members are composed of:

- The Secretary of Environmental Protection (or designee);
- The director of the Florida Forest Service (or designee);
- The executive director of the Fish and Wildlife Conservation Commission (or designee);
- The director of the Division of Historical Resources (or designee);
- One member appointed by Commissioner of Agriculture;
- One member appointed by the Fish and Wildlife Conservation Commission; and
- Four members appointed by the Governor.<sup>11</sup>

Of the Governor's four appointees, three must be from scientific disciplines related to land, water, or environmental sciences and one must have at least five years of experience managing lands for both active and passive types of recreation.<sup>12</sup> The appointees serve four-year staggered terms and may not serve for more than six years.<sup>13</sup>

The ARC's recommendations must be approved by the Board of Trustees of the Internal Improvement Trust Fund.<sup>14</sup>

### **Florida Communities Trust**

The Florida Communities Trust (Trust) is a state-funded land acquisition program that was created within the DEP in 1989 to help local communities protect natural resources, provide

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<sup>6</sup> *Id.*

<sup>7</sup> Chapter 75-22, Laws of Fla.; section 403.804, F.S.

<sup>8</sup> Chapter 2010-279, Laws of Fla.; section 120.541(3), F.S.

<sup>9</sup> DEP, *Environmental Regulation Commission Agenda* (2016), available at [https://floridadep.gov/sites/default/files/ERC\\_Agenda\\_July.pdf](https://floridadep.gov/sites/default/files/ERC_Agenda_July.pdf); DEP, *ERC Meeting*, <https://floridadep.gov/ogc/ogc/content/7319-erc-meeting> (last visited Jan. 26, 2026); DEP, *The Environmental Regulation Commission Meeting*, <https://floridadep.gov/water/water/content/42188-environmental-regulation-commission-meeting> (last visited Jan. 26, 2026); and DEP, *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Jan. 26, 2026).

<sup>10</sup> DEP, *2024 Florida Forever Plan*, 1 (2024), available at <https://floridadep.gov/lands/environmental-services/content/2024-florida-forever-plan>; section 259.035(3), F.S.

<sup>11</sup> Section 259.035(1), F.S.

<sup>12</sup> Section 259.035(1)(a), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> Section 259.035(6), F.S.

recreational opportunities, preserve traditional working waterfronts, ensure beach access, protect historical and cultural resources, and provide clean air and drinking water.<sup>15</sup>

The Legislature created the Trust to help local governments bring local comprehensive plans into compliance and to implement comprehensive plan goals, objectives, and policies concerning conservation, recreation and open space, and coastal elements.<sup>16</sup> It also created the Trust to assist local governments in conserving natural resources and resolving land use conflicts by:

- Responding promptly and creatively to opportunities to correct undesirable development patterns, restore degraded natural areas, enhance resource values, restore and preserve urban and working waterfronts, reserve lands for later purchase, participate in and promote the use of innovative land acquisition methods, and provide public access to surface waters;
- Providing financial and technical assistance to local governments, state agencies, and nonprofit organizations to carry out projects and activities and to develop authorized programs; and
- Involving local governments and private interests in voluntarily resolving land use conflicts and issues.<sup>17</sup>

The Trust consists of the Secretary of the DEP and four members of the public who are appointed by the Governor and are subject to Senate confirmation. Members must include a former elected official of a county government, a former elected official of a metropolitan<sup>18</sup> municipal government, a representative of a nonprofit organization,<sup>19</sup> and a representative of the development industry. The Governor must make appointments upon the expiration of any current terms or within 60 days after the effective date of a member's resignation.

Governor-appointed governing body members serve four-year terms.<sup>20</sup> Members receive no compensation for their services, but are entitled to necessary expenses, including per diem and travel expenses, incurred in the discharge of their duties.<sup>21</sup>

The Trust has the power to:

- Make and execute contracts and other instruments that are necessary or convenient to exercise its powers.
- Undertake, coordinate, or fund activities and projects including, but not limited to:
  - Redevelopment projects,
  - Resource enhancement projects,
  - Public access projects,
  - Urban waterfront restoration projects,

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<sup>15</sup> DEP, *The Florida Communities Trust*, <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust> (last visited Jan. 22, 2026); Section 380.504(1), F.S. The Florida Communities Trust is a nonregulatory state agency.

<sup>16</sup> Section 380.502(3), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> “Metropolitan” is defined as an area consisting of a central city with adjacent cities and smaller surrounding communities: a major urban area and its environs. Section 380.503(4), F.S.

<sup>19</sup> A “nonprofit organization” is defined as any private nonprofit organization, existing under the provisions of s. 501(c)(3) of the U.S. Internal Revenue Code, which has among its principal goals the conservation of natural resources or protection of the environment.

<sup>20</sup> Section 380.504(2), F.S.

<sup>21</sup> Section 380.504(3), F.S.

- Site reservation,
- Urban greenways and open space projects, and
- Working waterfronts.
- Provide technical and financial assistance to local governments, state agencies, water management districts, regional planning councils, and nonprofit agencies.
- Acquire and dispose of real and personal property or any interest therein to protect the natural environment, provide public access or recreational facilities, preserve wildlife habitat, and provide access for managing acquired lands.
- Acquire interests in land through land exchanges and enter into all alternatives to the acquisition of fee interests in land.
- Award grants and make loans to local governments and nonprofit organizations.
- Provide grants or loans for approved projects.
- Undertake, or authorize a nonprofit organization to undertake, a project or activity that a local government is unable to undertake.
- Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement.
- Contract for and accept gifts, grants, loans, or other aid, including gifts of real property or any interest in real property.
- Adopt rules.
- Contract with private consultants and nonprofit organizations for professional and technical assistance and advice.
- Make and execute agreements, contracts, and other instruments that are necessary or convenient in the exercise of the powers and functions of the Trust.
- Conduct promotional campaigns, including advertising, for the sale of communities trust license plates.<sup>22</sup>
- Administer the working waterfronts land acquisition program.<sup>23</sup>

Since its inception in 1989, the Trust has facilitated the acquisition of over 96,987 acres of lands for conservation and local recreation opportunities.<sup>24</sup>

### **Impaired Waters**

Under section 303(d) of the federal Clean Water Act, states must establish water quality standards for waters within their borders and develop a list of impaired waters that do not meet the established water quality standards.<sup>25</sup> States must also develop a list of threatened waters that may not meet water quality standards in the following reporting cycle.<sup>26</sup>

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<sup>22</sup> Section 380.507, F.S.

<sup>23</sup> Section 380.5105(1), F.S.

<sup>24</sup> DEP, *The Florida Communities Trust*, <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust> (last visited Jan. 22, 2026).

<sup>25</sup> EPA, *Overview of Identifying and Restoring Impaired Waters under Section 303(d) of the CWA*, <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa> (last visited Jan. 23, 2026); 40 C.F.R. 130.7.

<sup>26</sup> *Id.*

The DEP sorted those waters into 29 major watersheds, or basins, and further organized them into five basin groups for assessment purposes.<sup>27</sup> If the DEP determines that any waters are impaired, the waterbody must be placed on the verified list of impaired waters and a total maximum daily load (TMDL) must be calculated.<sup>28</sup> A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.<sup>29</sup> A waterbody may be removed from the verified list at any time during the TMDL process if it attains water quality standards.<sup>30</sup>

### ***Basin Management Action Plans***

Basin management action plans (BMAPs) are one of the primary mechanisms the DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges,<sup>31</sup> for a watershed.

The DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody.<sup>32</sup> First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole or to each identified point source or category of nonpoint sources. Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations.<sup>33</sup>

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by implementing appropriate best management practices or conducting water quality monitoring.<sup>34</sup> A nonpoint source discharger in a BMAP area may be subject to enforcement action by the DEP or a water management district for failure to implement these requirements.<sup>35</sup>

BMAPs must include five-year milestones for implementation and water quality improvement and an associated water quality monitoring component to evaluate the progress of pollutant load reductions.<sup>36</sup> Every five years an assessment of progress toward these milestones must be conducted and the appropriate revisions may be made to the BMAP.<sup>37</sup>

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<sup>27</sup> DEP, *Assessment Lists*, <https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists> (last visited Jan. 23, 2026).

<sup>28</sup> *Id.*; DEP, *Watershed Evaluation and Total Maximum Daily Loads (TMDL) Section*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Jan. 23, 2026); DEP, *Verified List Waterbody Ids (WBIDs)*, <https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about> (last visited Jan. 23, 2026); section 403.067(4), F.S.

<sup>29</sup> Section 403.067(6)(a), F.S. *See also* The Clean Water Act, 33 U.S.C. § 1251, s. 303(d).

<sup>30</sup> Section 403.067(5), F.S.

<sup>31</sup> “Point source” is defined as any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Nonpoint sources of pollution are sources of pollution that are not point sources. Fla. Admin. Code R. 62-620.200(37).

<sup>32</sup> Section 403.067(7)(b)2.h., F.S.

<sup>33</sup> *Id.*

<sup>34</sup> Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

<sup>35</sup> Section 403.067(7)(b)2.h., F.S.

<sup>36</sup> Section 403.067(7)(a)6., F.S.

<sup>37</sup> *Id.*

Each BMAP must also include:

- The management strategies available through existing water quality protection programs to achieve TMDLs;
- A description of best management practices adopted by rule;
- For the applicable five-year implementation milestones, a list of projects that will achieve the pollutant load reductions needed to meet a TMDL or other established load allocations, including a planning-level cost estimate and an estimated date of completion;
- A list of regional nutrient reduction projects submitted by the Department of Agriculture and Consumer Services which will achieve pollutant load reductions established for agricultural nonpoint sources;<sup>38</sup>
- The source and amount of financial assistance that will be made available; and
- A planning-level estimate of each project's expected load reduction, if applicable.<sup>39</sup>

### ***Indian River Lagoon Protection Program***

The Indian River Lagoon is a critical water resource that provides many economic, natural habitat, and biodiversity functions, including fishing, boating, recreation, and habitat for endangered and threatened species and other plants and animals.<sup>40</sup>

The Indian River Lagoon Protection Program was created in 2023 to provide additional requirements, projects, and water quality monitoring to further the efforts identified in the Banana River Lagoon BMAP, the Central Indian River Lagoon BMAP, the North Indian River Lagoon BMAP, and the Mosquito Lagoon Reasonable Assurance Plan, which are all components of the Indian River Lagoon Protection Program.<sup>41</sup>

Pursuant to the Indian River Lagoon Protection Program, the installation of new onsite sewage treatment and disposal system (septic systems) is prohibited within the program area where a publicly-owned or investor-owned sewerage system is available.<sup>42</sup> If central sewerage is unavailable, only enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized for installation. By July 1, 2030, any commercial or residential property within the program area must be connected to an available central sewer or upgrade septic systems to the specified standards.<sup>43</sup>

### ***Outstanding Florida Springs***

In 2016, the Florida Legislature enacted the Florida Springs and Aquifer Protection Act and identified 30 Outstanding Florida Springs that require additional protections to ensure their conservation and restoration for future generations.<sup>44</sup> These springs are a unique part of the state's scenic beauty, provide critical habitat, and have immeasurable natural, recreational, and

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<sup>38</sup> This is required only where agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges or DEP determines that additional measures are necessary to achieve a TMDL. Section 403.067(7)(e)1., F.S.

<sup>39</sup> Section 403.067(7)(a)4., F.S.

<sup>40</sup> See section 373.469, F.S.

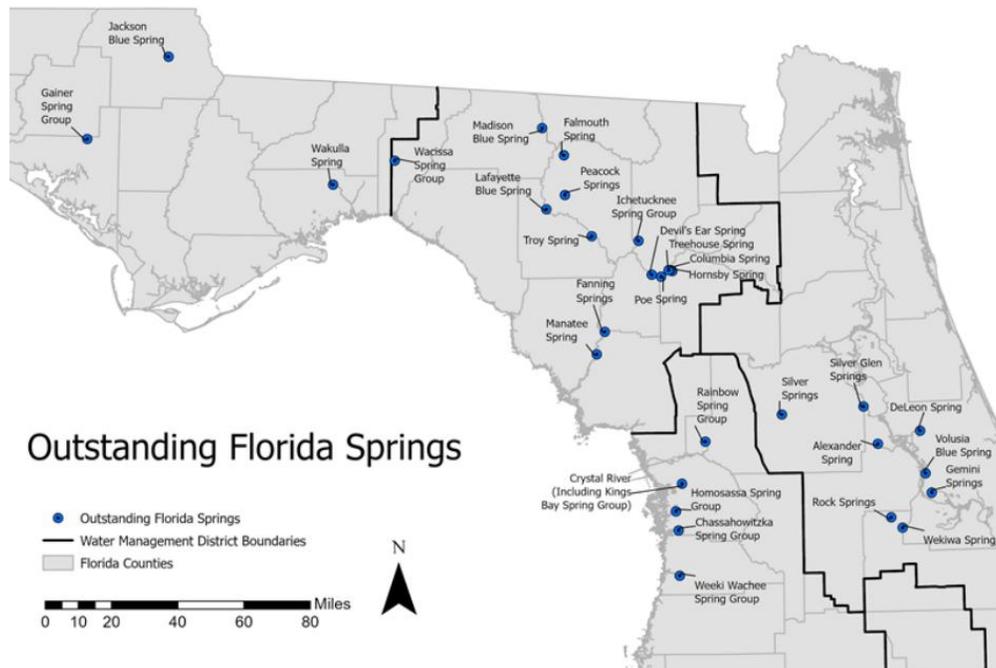
<sup>41</sup> Section 373.469(3), F.S.; chapter 2023-196, Laws of Fla.

<sup>42</sup> Section 373.469(3)(d), F.S.

<sup>43</sup> *Id.*

<sup>44</sup> DEP, *Springs*, <https://floridadep.gov/springs/> (last visited Jan. 23, 2026).

economic value.<sup>45</sup> Outstanding Florida Springs are defined by statute and include all historic first magnitude springs, including their associated spring runs, as determined by the DEP using the most recent Florida Geological Survey springs bulletin, and several additional enumerated springs.<sup>46</sup> There are 30 Outstanding Florida Springs, including 24 historic first magnitude springs and six named additional springs.<sup>47</sup>



For areas within a BMAP in effect for an Outstanding Florida Spring, the following activities are prohibited:

- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen on an annual permitted basis, or a more stringent treatment standard if it is necessary to attain a TMDL for the Outstanding Florida Spring.
- New septic systems where connection to a publicly-owned or investor-owned sewerage system is available. On lots of one acre or less, if a sewerage system is not available, only the installation of enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.

<sup>45</sup> DEP, *Protect and Restore Springs*, <https://floridadep.gov/springs/protect-restore> (last visited Jan. 23, 2026); Ch. 2016-1, s. 22, Laws of Fla.

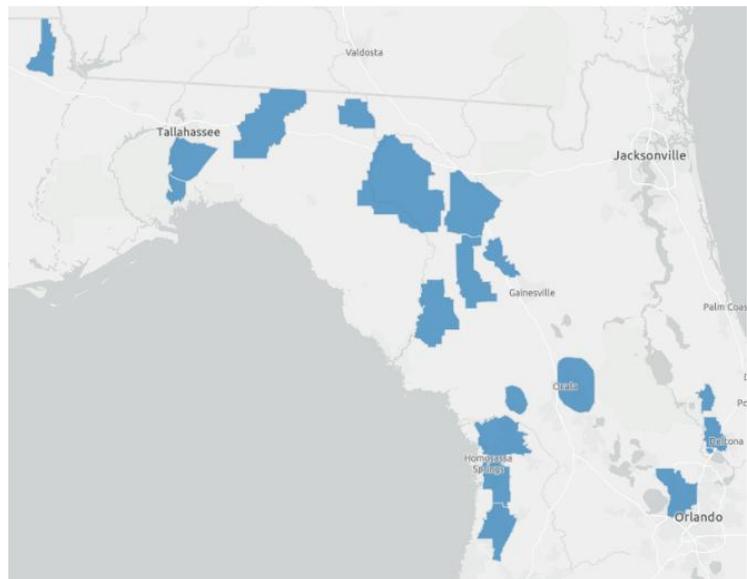
<sup>46</sup> Section 373.802(4), F.S.

<sup>47</sup> DEP, *Outstanding Florida Springs*, <https://geodata.dep.state.fl.us/datasets/outstanding-florida-springs-ofs/about?layer=1> (last visited Jan. 23, 2026). The 30 Outstanding Florida Springs are Alexander Spring, Chassahowitzka Springs Group, Columbia Spring, Crystal River, DeLeon Spring, Devil's Ear Spring, Falmouth Spring, Fanning Springs, Gainer Spring Group, Gemini Springs, Homosassa Spring Group, Hornsby Spring, Ichetucknee Spring Group, Jackson Blue Spring, Lafayette Blue Spring, Madison Blue Spring, Manatee Spring, Peacock Springs, Poe Spring, Rainbow Spring Group, Rock Springs, Silver Glen Springs, Silver Springs, Treehouse Spring, Troy Spring, Volusia Blue Spring, Wacissa Spring Group, Wakulla Spring, Weeki Wachee Springs Group, and Wekiwa Spring. DEP, *62-41.400-403, F.A.C. Outstanding Florida Springs Rule Development Workshop*, 5 (2023), available at [https://floridadep.gov/sites/default/files/OFS\\_Workshop\\_Aug-28-2023\\_0.pdf](https://floridadep.gov/sites/default/files/OFS_Workshop_Aug-28-2023_0.pdf) (showing map of Outstanding Florida Springs).

- New hazardous waste disposal facilities.
- Land application of Class A or Class B domestic wastewater biosolids<sup>48</sup> not in accordance with a DEP-approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the pollutants and nutrients being discharged.
- New agriculture operations that do not implement best management practices, measures necessary to achieve DEP-established pollution reduction levels, or groundwater monitoring plans approved by a water management district or the DEP.

During the development of a BMAP for an Outstanding Florida Spring, if the DEP determines that septic systems are contributing at least 20 percent of nonpoint source nitrogen pollution, or if the DEP determines remediation is necessary to achieve the TMDL, the BMAP must include a septic system remediation plan.<sup>49</sup>

The DEP is required to collaborate with the water management districts to delineate priority focus areas for each Outstanding Florida Spring or group of springs that contains one or more Outstanding Florida Spring and is impaired.<sup>50</sup> In delineating these areas, the DEP must consider groundwater travel time to the spring, hydrogeology, nutrient load, and any other factors that may lead to spring degradation.<sup>51</sup> The image to the right shows the location and boundaries of the current priority focus areas.<sup>52</sup>



### Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (septic systems) generally consist of two basic parts: the septic tank and the drainfield.<sup>53</sup> Waste from toilets, sinks, washing machines, and

<sup>48</sup> Biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. Section 373.4595(2)(b), F.S. DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids. These classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest. Fla. Admin. Code R. 62-640.200; DEP, *Domestic wastewater biosolids*. <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 14, 2026).

<sup>49</sup> Section 373.807(1)(a) and (3), F.S.

<sup>50</sup> Section 373.803, F.S.

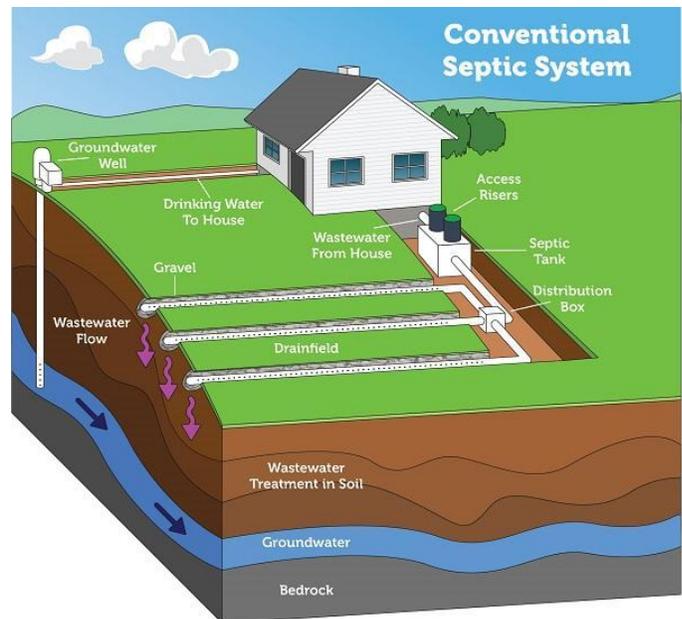
<sup>51</sup> *Id.*

<sup>52</sup> DEP Geospatial Open Data, *Springs Priority Focus Areas*, <https://geodata.dep.state.fl.us/datasets/FDEP::springs-priority-focus-areas/explore?location=29.509410%2C-82.973290%2C7.11> (last visited Jan. 23, 2026).

<sup>53</sup> DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Jan. 12, 2026); U.S. Environmental Protection Agency (EPA), *How Septic Systems Work*, <https://www.epa.gov/septic/how-septic-systems-work> (last visited Jan.

showers flows 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. The drainfield also filters the wastewater as gravity draws the water down through the soil layers.<sup>54</sup> In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.<sup>55</sup>

There are an estimated 2.6 million septic systems in Florida, providing wastewater disposal for 30 percent of the state's population.<sup>56</sup> The vast majority of these are conventional systems.<sup>57</sup>



Conventional septic systems do not reduce nitrogen from raw sewage. In Florida, approximately 30 to 40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.<sup>58</sup> This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from septic systems a potential contaminant in groundwater.<sup>59</sup>

Aerobic treatment units are an alternative to conventional septic systems for smaller lots or areas where the soil condition is inadequate, the water table is high, or the septic system will be close

12, 2026); EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Jan. 12, 2026) (showing the graphic provided on the following page).

<sup>54</sup> *Id.*

<sup>55</sup> Fla. Admin. Code R. 62-6.006(2). For system repairs and alterations to add sewage flow, where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high water table, the bottom of the drainfield must be maintained at the existing separation or a minimum of 12 inches above the wet season high water table, whichever is greater. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield must be brought into full compliance with all new system standards. Fla. Admin. Code R. and 62-6.001(4)(e)2. and 3. *See also* Fla. Admin. Code R. 62-6.015(6)(a).

<sup>56</sup> DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%E2%80%99%20septic%20systems> (last visited Jan. 12, 2026).

<sup>57</sup> DEP, *Onsite Sewage Research Projects*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-research-projects> (last visited Jan. 12, 2026).

<sup>58</sup> Florida Department of Health, *Florida Onsite Sewage Nitrogen Reduction Strategies Study, Final Report 2008-2015*, 21 (Dec. 2015), available at <https://wakullaspringsalliance.org/wp-content/uploads/2016/11/Fla-OSTDS-N-Reduction-Strategies.DOH2015.pdf>; *See* Fla. Admin. Code R. 64E-6.006(2).

<sup>59</sup> University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (2020), available at <http://edis.ifas.ufl.edu/pdf/SS/SS55000.pdf>.

to an environmentally sensitive water body.<sup>60</sup> Aerobic systems use processes that are similar to municipal sewage plants. The system injects oxygen into the treatment tank, which increases the activity of natural bacteria to provide additional treatment of the effluent.<sup>61</sup>

Different types of advanced septic systems can remove greater amounts of nitrogen than a typical septic system (often referred to as “advanced” or “nutrient-reducing” septic systems),<sup>62</sup> and may be required in certain areas. For example, enhanced nutrient-reducing septic systems<sup>63</sup> are required for new systems within the Indian River Lagoon<sup>64</sup> and on lots of one acre or less within a BMAP, reasonable assurance plan, or pollution reduction plan where a sewerage system is not available.<sup>65</sup> There are also special treatment requirements for the Florida Keys.<sup>66</sup> In addition, performance-based treatment systems<sup>67</sup> must meet specific treatment standards.<sup>68</sup>

### ***Septic System Permits***

State law requires a person to receive an approved<sup>69</sup> permit to construct, repair, modify, abandon, or operate a septic system.<sup>70</sup> Once received, a permit to construct a septic system is valid for 18 months after it is issued, although one 90-day extension is available. A permit to repair a septic system is valid for 90 days after it is issued.<sup>71</sup>

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<sup>60</sup> EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems#aerobic> (last visited Jan. 26, 2026).

<sup>61</sup> *Id.*

<sup>62</sup> DEP, *Nitrogen-Reducing Systems for Areas Affected by the Florida Springs and Aquifer Protection Act* (updated May 2021), available at [https://floridadep.gov/sites/default/files/Nitrogen\\_Reducing\\_Systems\\_for%20Springs\\_Protection\\_0.pdf](https://floridadep.gov/sites/default/files/Nitrogen_Reducing_Systems_for%20Springs_Protection_0.pdf).

<sup>63</sup> “Enhanced nutrient-reducing OSTDS” means a septic system approved by DEP as capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from onsite sewage tank or tanks and drainfield. Section 373.469(2)(b), F.S.

<sup>64</sup> See section 373.469(3)(d), F.S.

<sup>65</sup> Sections 373.811(2) and 403.067(7)(a)10., F.S.

<sup>66</sup> Section 381.0065(4)(l), F.S.

<sup>67</sup> “Performance-based treatment system” means a specialized septic systems designed by a professional engineer with a background in wastewater engineering, licensed in the state of Florida, using appropriate application of sound engineering principles to achieve specified levels of CBOD5 (carbonaceous biochemical oxygen demand after five days), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), or fecal coliform found in domestic or commercial sewage waste, to a specific and measurable established performance standard. Fla. Admin. Code R. 62-6.025(7). If a site restricts home construction because of setbacks or authorized sewage flow, a system can be designed by an engineer to meet strict levels of effluent pollutant reductions. The three levels of performance-based treatment systems are secondary treatment, advanced secondary treatment, and advanced wastewater treatment.

<sup>68</sup> See Fla. Admin. Code R. 62-6.025(11).

<sup>69</sup> The transfer of the Onsite Sewage Program from the Florida Department of Health to DEP was initiated in 2020 with the passage of SB 712. The first phase of the transition has been implemented, meaning that DEP is currently responsible for permitting septic tanks in Northwest Florida (including Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington counties) and Marion County. In the other counties, septic system permits are issued by the Environmental Public Health Program of the Florida Department of Health’s local county health department. DEP, *Onsite Sewage FAQ – Permitting*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last visited Jan. 27, 2026).

<sup>70</sup> Section 381.0065(4), F.S. DEP may issue septic system permits, except that the issuance of a permit to work seaward of the coastal construction control line is contingent upon receipt of any required coastal construction control line permit from DEP.

<sup>71</sup> *Id.*

A property owner who personally performs construction, maintenance, or repairs to a septic system serving their own owner-occupied, single-family residence does not have to be registered as a septic tank contractor;<sup>72</sup> however, they will be subject to all permitting requirements.<sup>73</sup>

State law prohibits a municipality or political subdivision of the state from issuing a building or plumbing permit for any building that requires the use of a septic system, unless the owner or builder has received a construction permit for the septic system.<sup>74</sup>

An operating permit is required for the use of an aerobic treatment unit system or if the establishment generates commercial waste.<sup>75</sup> An operating permit for a commercial wastewater system is valid for one year and must be annually renewed. An operating permit for an aerobic treatment unit is valid for two years and must be renewed every two years.<sup>76</sup> An operating permit for a performance-based treatment system must also be renewed every two years.<sup>77</sup>

The DEP must inspect a septic system before placing it system into service<sup>78</sup> and must approve the final installation before a building or structure may be occupied.<sup>79</sup> If certain alterations<sup>80</sup> are made, septic tanks must be pumped and visually inspected.<sup>81</sup> If an existing septic system was approved within the preceding five years, a new inspection is not required unless there is a record of system failure.<sup>82</sup> Septic system repairs must be inspected by the DEP or a master septic tank contractor.<sup>83</sup> Buildings or establishments that use an aerobic treatment unit or generate commercial waste must be inspected by the DEP at least annually.<sup>84</sup>

The DEP is required to regulate and permit maintenance entities for performance-based systems and aerobic treatment unit systems.<sup>85</sup> The DEP must establish minimum qualifying criteria for maintenance entities to ensure that these performance-based and aerobic treatment unit systems are maintained and operated according to the manufacturer's specifications.<sup>86</sup> The owner of an engineer-designed performance-based system or an aerobic treatment unit system must maintain a current maintenance service agreement with a maintenance entity, which must inspect each system twice a year and submit a quarterly report to the DEP regarding the number of systems inspected and serviced.<sup>87</sup>

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<sup>72</sup> See chapter 489, part III, F.S., relating to septic tank contracting.

<sup>73</sup> Section 381.0065(4), F.S.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> Section 381.0065(4)(j)5., F.S.

<sup>78</sup> Fla. Admin. Code R. 62-6.003(2).

<sup>79</sup> Section 381.0065(4), F.S.

<sup>80</sup> This includes alterations that change the conditions under which the system was permitted, sewage characteristics, or increase sewage flow. DEP approval is required prior to such alterations. Fla. Admin. Code R. 62-6.001(4), F.S.

<sup>81</sup> Fla. Admin. Code R. 62-6.001(4)(b).

<sup>82</sup> Fla. Admin. Code R. 62-6.001(4)(c).

<sup>83</sup> Fla. Admin. Code R. 62-6.003(3).

<sup>84</sup> Section 381.0065(4), F.S.

<sup>85</sup> Section 381.0065(3)(n), F.S.

<sup>86</sup> *Id.*

<sup>87</sup> Section 381.0065(4)(j)3., F.S. (performance-based system requirement); section 381.0065(4)(t)1., F.S. (aerobic treatment unit system requirement).

Any permit issued for the installation, modification, or repair of a septic system will transfer with the title to the property in a real estate transaction.<sup>88</sup> For the transfer of a construction or repair permit, all information pertaining to the siting, location, and installation conditions or repair must remain the same and the transferee must file an amended application providing updated information and proof of property ownership.<sup>89</sup> The transferee must file the amended application within 60 days of the transfer of ownership.<sup>90</sup> There is no fee associated with processing this information.<sup>91</sup>

### **Domestic Wastewater Treatment Facilities**

The majority of the state's wastewater is controlled and treated by centralized treatment facilities regulated by the DEP.<sup>92</sup> Florida has approximately 2,000 permitted domestic wastewater treatment facilities.<sup>93</sup>

Wastewater treatment facilities are required to provide secondary treatment prior to reuse or disposal.<sup>94</sup> Such treatment requires that carbonaceous biochemical oxygen demand and total suspended solids not exceed specific levels based on the method of disposal (i.e., surface water disposal, reuse, land application, or groundwater discharge).<sup>95</sup>

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<sup>88</sup> Section 381.0065(4)(v), F.S.

<sup>89</sup> Section 381.0065(4), F.S.

<sup>90</sup> *Id.*

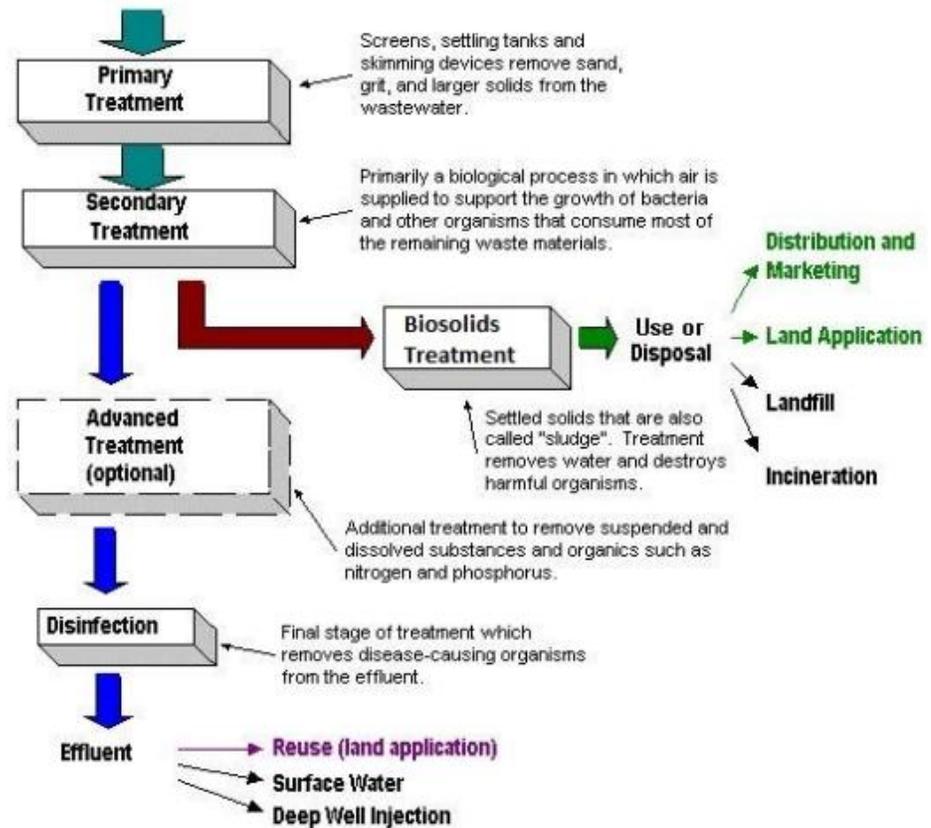
<sup>91</sup> *Id.*

<sup>92</sup> DEP, *Domestic Wastewater Program*, <https://floridadep.gov/water/domestic-wastewater> (last visited Jan. 22, 2026).

<sup>93</sup> DEP, *General Facts and Statistics about Wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Jan. 22, 2026).

<sup>94</sup> Sections 403.086(1)(a) and (2), F.S.; Fla. Admin. Code R. 62-600.420.

<sup>95</sup> Carbonaceous biochemical oxygen demand (or CBOD5) is the quantity of oxygen used in the carbonaceous biochemical oxidation of organic matter present in water or wastewater, reported as a five-day value determined using approved methods. Fla. Admin. Code R. 62-600.200(8).



For example, for land application or groundwater discharge, the annual average of carbonaceous biochemical oxygen demand and total suspended solids may not exceed 20.0 milligrams per liter (mg/L), and the maximum-permissible concentration in any single sample may not exceed 60.0 mg/L.<sup>96</sup>

Advanced waste treatment is required before discharging into certain impaired waterbodies.<sup>97</sup> The DEP may also order advanced waste treatment if necessary.<sup>98</sup> Advanced waste treatment provides a reclaimed water product containing no more than the following concentrations of pollutants:

- 5 mg/L of Biochemical Oxygen Demand;
- 5 mg/L of Suspended Solids;
- 3 mg/L of total nitrogen; and
- 1 mg/L of total phosphorus.<sup>99</sup>

<sup>96</sup> Fla. Admin. Code R. 62-600.420(3).

<sup>97</sup> Section 403.086(1)(c), F.S.

<sup>98</sup> Section 403.086(1)(a), F.S.

<sup>99</sup> Section 403.086(4)(a), F.S. This statute defines the term “advanced waste treatment,” rather than “advanced wastewater treatment.” However, the term is used in the context of wastewater treatment and appears to refer to the treatment of wastewater.

Facilities may be required to provide additional treatment to satisfy water quality standards for receiving surface and ground waters.<sup>100</sup> Systems within Monroe County are subject to different treatment requirements.<sup>101</sup>

### ***Distributed Wastewater Treatment Systems***

Distributed wastewater treatment systems consist of separate distributed wastewater treatment units that are in different geographical locations but are linked to a central system either physically or by management.<sup>102</sup> The design of distributed wastewater treatment units varies based on manufacturer and setting (residential, commercial, or industrial).

Distributed wastewater treatment units are currently permitted and regulated as domestic wastewater treatment facilities under ch. 403, F.S., and chs. 62-600 and 62-620 of the Florida Administrative Code.<sup>103</sup>

### **Statewide Flooding and Sea Level Rise Resilience Plan**

The Statewide Flooding and Sea Level Rise Resilience Plan is a three-year plan consisting of ranked projects that address risks of flooding and sea level rise to coastal and inland communities in the state.<sup>104</sup> Local governments, certain local districts, and water management districts may submit projects for funding.<sup>105</sup>

Each project included in the plan must have a minimum 50 percent cost share, unless the project assists a community eligible for a reduced cost share or is located within a community eligible for a reduced cost share.<sup>106</sup> The total amount of funding proposed for each year of the plan may not be less than \$100 million.<sup>107</sup> The Legislature must review and, subject to appropriation, approve funding.<sup>108</sup>

### **Rural Communities**

Florida law defines a rural community as:

- A county with a population of 75,000 or fewer;
- A county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer;
- A municipality within a county described above; and

<sup>100</sup> Fla. Admin. Code R. 62-600.430. DEP, *Domestic Wastewater Treatment Process*, available at <https://floridadep.gov/water/domestic-wastewater/documents/domestic-wastewater-treatment-process> (showing flowchart of wastewater treatment process).

<sup>101</sup> Section 403.086(11), F.S.

<sup>102</sup> See EPA, Water Environment Foundation, and The Water Research Foundation, *Distributed Systems Overview*, 1 (2019), available at [https://www.wef.org/globalassets/assets-wef/2-resources/topics/a-n/distributed-systems/technical-resources/wsec-2019-fs-012-wef\\_wrf\\_distributed\\_systems\\_overview.pdf](https://www.wef.org/globalassets/assets-wef/2-resources/topics/a-n/distributed-systems/technical-resources/wsec-2019-fs-012-wef_wrf_distributed_systems_overview.pdf).

<sup>103</sup> See Email from DEP to Senate Committee on Environment and Natural Resources on Oct. 4, 2024 (on file with committee staff).

<sup>104</sup> Section 380.093(5)(a), F.S.

<sup>105</sup> Section 380.093(5)(a), F.S.

<sup>106</sup> Section 380.093(5)(e), F.S.

<sup>107</sup> Section 380.093(5)(h), F.S.

<sup>108</sup> *Id.*

- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural that has at least three or more economic distress factors.<sup>109</sup>

A rural community is in economic distress if conditions exist that affect the community's fiscal and economic viability.<sup>110</sup> Factors that indicate economic distress include low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.<sup>111</sup>

As of May 2025, the Florida Department of Commerce classified 31 counties as rural communities and 36 as non-rural communities.<sup>112</sup> It identified 31 municipalities that are rural communities.<sup>113</sup>

### **Air Pollution Regulation**

The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish national ambient air quality standards for common and widespread pollutants.<sup>114</sup> The Environmental Protection Agency has established air quality standards for six common criteria air pollutants, which are particulate matter, ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead.<sup>115</sup> The Clean Air Act requires states to adopt enforceable plans to achieve and maintain air quality standards.<sup>116</sup>

Pursuant to the Clean Air Act, Florida law requires each major source of air pollution in the state to obtain an operation permit from the DEP.<sup>117</sup> A major source of air pollution is defined as a stationary source or group of stationary sources located within a contiguous area and under common control that emits or can emit 10 tons per year or more of any hazardous air pollutant, or 25 tons per year or more of any combination of hazardous air pollutants.<sup>118</sup>

State law requires each major source of air pollution operating in Florida to pay an annual operation license fee.<sup>119</sup> This fee must be sufficient to cover all reasonable direct and indirect costs required to develop and administer the major stationary source air-operation permit

<sup>109</sup> Section 288.0656(2)(e), F.S. These distress factors are verified by the Florida Department of Commerce.

<sup>110</sup> Section 288.0656(2)(c), F.S.

<sup>111</sup> *Id.*

<sup>112</sup> Florida Department of Commerce, *Rural Community Analysis*, 1 (May 6, 2025), available at <https://floridajobs.org/docs/default-source/office-of-rural-initiatives/2025-rural-communities-analysis.pdf>.

<sup>113</sup> *Id.* at 1-2.

<sup>114</sup> EPA, *Clean Air Act Requirements and History*, <https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history> (last visited Jan. 28, 2026); see 42 U.S.C. ch. 85.

<sup>115</sup> EPA, *Clean Air Act Requirements and History*; See 40 C.F.R. sections 50.1-50.21.

<sup>116</sup> EPA, *Clean Air Act Requirements and History*; 42 U.S.C. §7407.

<sup>117</sup> Section 403.0872, F.S.

<sup>118</sup> 42 U.S.C. §7412(a)(1).

<sup>119</sup> Section 403.0872(11), F.S.

program.<sup>120</sup> The fee is due between January 15 and April 1 of each year.<sup>121</sup> The DEP must send a written warning of the consequences of failing to pay the fee if it has not received the payment by March 1 of each year. A fee must be postmarked by April 1 to avoid imposition of a late penalty.<sup>122</sup>

The DEP may not require air pollution construction fees for changes or additions to a major source of air pollution, unless the activity triggers certain permitting requirements.<sup>123</sup> Costs to issue and administer such permits are considered direct and indirect costs of the major stationary source air-operation permit program.

### **Local Land Development Regulations and Comprehensive Plans**

The Community Planning Act (act) directs the manner in which local governments create and adopt their local comprehensive plans.<sup>124</sup> The act prescribes certain principles, guidelines, standards, and strategies to allow for an orderly and balanced future land development.<sup>125</sup> Section 163.3177, F.S., outlines the required and optional elements of a comprehensive plan and includes provisions which govern agricultural lands and practices.<sup>126</sup>

### **Solar Facility Approval Process**

Section 163.3205, F.S., addresses how agricultural lands with solar electric generation facilities should be considered for purposes of local government comprehensive plans.<sup>127</sup> It defines a “solar facility,” as a production facility for electric power, which uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite.<sup>128</sup> The facility must principally consist of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components. The facility may include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures. It further requires solar facilities to be a permitted use in all agricultural land use categories in a local government’s comprehensive plan, all agricultural zoning districts within an unincorporated area. It also requires facilities to comply with setback and landscaped buffer area criteria for similar uses in the agricultural district and allows a county to adopt ordinances specifying buffer and landscaping requirements for facilities. Such requirements may not exceed those for similar uses involving construction of other facilities permitted in agricultural land use categories and zoning districts.<sup>129</sup>

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<sup>120</sup> Section 403.0872(11)(b), F.S.

<sup>121</sup> *Id.*

<sup>122</sup> Section 403.0872(11)(a)3., F.S.

<sup>123</sup> Section 403.0872(11)(a)5., F.S.

<sup>124</sup> [Section 163.3167\(2\), F.S.](#)

<sup>125</sup> *Id.*

<sup>126</sup> [Section 163.3162, F.S.](#)

<sup>127</sup> [Section 163.3205, F.S.](#)

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

### III. Effect of Proposed Changes:

#### The Environmental Regulation Commission

**Section 1** amends s. 20.255, F.S., to remove language that creates the Environmental Regulation Commission (ERC) as a part of the Florida Department of Environmental Protection (DEP).

The bill deletes the following provisions related to the ERC's membership and operation:

- The ERC is composed of seven Florida residents appointed by the Governor and subject to Senate confirmation;
- The Governor must provide reasonable representation from all sections of the state when making appointments to the ERC;
- Membership must be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community with substantial expertise in water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering;
- The Governor must appoint the chair and the members must appoint the vice chair;
- All appointments are four-year terms;
- The Governor may fill a vacancy at any time for the unexpired term;
- Members serve without compensation, but are paid travel and per diem while in performance of their official duties;
- The DEP shall furnish administrative, personnel, and other necessary support services; and
- The ERC may employ independent counsel and contract for the services of outside technical consultants.

**Section 18** amends s. 403.1838, F.S., regarding rule requirements under the Small Community Sewer Construction Assistance Act, to replace references to the ERC with the DEP generally.

**Section 19** repeals s. 403.804, F.S., which establishes the ERC and its powers and duties.

**Section 20** amends s. 120.81, F.S., regarding a requirement that the DEP prepare a risk impact statement for any proposed rule that establishes or changes certain standards or criteria and that is proposed for approval by the ERC. The bill deletes the criteria that the rule be proposed for approval by the ERC.

**Section 21** amends s. 373.421, F.S., which requires the ERC to adopt a unified statewide methodology for the delineation of specified wetlands. The bill replaces the ERC with the DEP.

**Section 22** amends s. 403.031, F.S., to delete language providing that if the ERC designates waters within the boundaries of waters of the state as an Outstanding Florida Water, waters outside the boundaries are not included as part of such designation unless a noticed hearing is held and the boundaries of such lands are specifically considered and described for such designation.

**Section 23** amends s. 403.061, F.S., to delete two provisions authorizing the DEP to adopt standards that are more stringent than federal regulations only through the approval by the ERC.

**Section 24** amends s. 403.704, F.S., to delete a provision authorizing the DEP to adopt standards that are more stringent than the U.S. Environmental Protection Agency's regulations only through approval by the ERC.

The bill makes technical changes.

**Section 25** amends s. 403.707, F.S., to delete language specifying that the DEP is not required to submit rules relating to permits for solid waste management facility permits to the ERC for approval.

The bill also deletes a citation to the statute that sets out the organizational structure of the DEP.

The bill makes technical changes

**Section 26** amends s. 403.7222, F.S., to remove a reference to the ERC in language providing that the DEP is not prohibited from banning the disposal of hazardous waste in other types of waste management units in a manner consistent with federal requirements, except as provided in laws related to the ERC.

**Section 27** amends s. 403.7234, F.S., which in part allows the DEP to regulate the waste management practices of small quantity generators to ensure proper management of hazardous waste in a manner consistent with federal requirements, except through approval by the ERC. The bill removes the language referring to approval by the ERC.

The bill makes a technical change.

**Section 28** amends s. 403.803, F.S., to remove the definition of "commission," which referred to the ERC. The bill makes technical changes.

**Section 29** amends s. 403.805, F.S., regarding the powers and duties of the Secretary of the DEP. The bill updates the list of chapters that the Secretary of the DEP has the authority to implement by adding the following:

- Chapter 161, F.S., beach and shore preservation,
- Chapter 258, F.S., state parks and preserves,
- Chapter 369, F.S., conservation,
- Chapter 377, F.S., energy resources,
- Chapter 378, F.S., land reclamation, and
- Chapter 380, F.S., land and water management.

The bill also removes a provision requiring the Secretary of the DEP to submit any proposed rule containing standards to the ERC, except for total maximum daily load calculations and allocations. The bill removes a second statutory citation to the ERC's legislative authority.

The bill makes technical changes.

**Section 30** amends s. 403.8055, F.S., to remove a statutory citation to the ERC and to replace the ERC with the DEP in a provision directing rulemaking objections to be filed with the ERC.

The bill makes technical changes.

**Section 31** amends s. 403.814, F.S., to remove a reference to the ERC's adoption of standards.

**Section 37** reenacts s. 403.1835, F.S., to incorporate an amendment made by the bill to s. 403.1838, F.S.

### **The Acquisition and Restoration Council & the Florida Communities Trust**

**Section 3** amends s. 259.035, F.S., to add two members to the Acquisition and Restoration Council (ARC) for a total of 12 voting members and to authorize the ARC to administer the Florida Communities Trust (Trust).

The bill amends membership requirements to incorporate the two new members. It adds two members to the current four who must be appointed by the Governor. It requires one of those six Governor-appointed members to be a former elected official of a county and one to be a former elected official of a metropolitan<sup>130</sup> municipality.

The bill provides that, effective July 1, 2026, the ARC will administer the Trust. This includes reviewing, approving, and overseeing project applications, disbursements, and implementation measures consistent with the Trust. The bill requires the ARC to coordinate with the DEP for rulemaking and grant cycle administration to ensure alignment with the Florida Forever Act and the state's conservation priorities.

The bill makes conforming and technical changes.

**Section 3** amends s. 259.105, F.S., to reflect the transfer of the Trust from the DEP to the ARC.<sup>131</sup> Current law requires certain Florida Forever projects and acquisitions to be measured by goals in rules developed by the Trust's Governing Board. The bill removes only the specification that the rule is developed by the governing board, so that the projects and acquisitions are measured by goals in rules developed by the Trust.

**Section 8** amends s. 380.502, F.S., to provide that it is the intent of the Legislature to transfer the administration and oversight of the Trust from the DEP to the ARC to improve consistency and effectiveness in conservation land acquisition and resource stewardship.

The Legislature finds that the goals of land conservation and community development are best served through coordinated decision-making and streamlined oversight.

The provision described above replaces language describing the Legislative intent to establish a nonregulatory agency to assist local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of conservation, recreation and open space, and coastal elements in local comprehensive plans, or in conserving natural resources and resolving land use conflicts. This language is moved to Section 9 of the bill.

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<sup>130</sup> "Metropolitan" must have the same meaning as in section 380.503, F.S., which describes the term as "a population area consisting of a central city with adjacent cities and smaller surrounding communities: a major urban area and its environs."

<sup>131</sup> See sections 8 through 10 of the bill.

Current law includes a list describing how the nonregulatory agency will assist local governments. The bill transfers the list so it describes how the transfer of the administration and oversight of the Trust to the ARC will improve consistency and effectiveness in conservation land acquisition and resource stewardship. The bill deletes the last item in the list, which provides that the transfer will improve consistency and effectiveness in land acquisition and resource stewardship by involving local governments and private interests in voluntarily resolving land use conflicts and issues.

**Section 9** amends s. 380.504, F.S., to transfer the administration of the Trust to the ARC. The bill adds that the Trust's purpose is to assist local governments in bringing their comprehensive plans into compliance and implementing conservation, recreation and open space, and coastal elements of their comprehensive plans, or conserving natural resources and resolving land use conflicts. The Trust will do this by providing financial assistance to local governments and nonprofit environmental organizations to carry out authorized projects and activities.

The bill removes language that creates the Trust as a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, within the DEP. Additionally, the bill removes the following provisions regarding the membership and operation of the Trust:

- The governing body of the Trust consists of the Secretary of the DEP and four public members appointed by the Governor and subject to Senate confirmation;
- The Governor must appoint a former elected official of a county government and a metropolitan municipal government, a representative of a nonprofit organization, and a representative of the development industry;
- The Secretary of the DEP may appoint their deputy secretary, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in the Secretary's absence;
- The Secretary of the DEP is the chair of the governing body of the Trust;
- The Governor must make their appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member;
- Of the initial governing body members, two of the Governor's appointees will serve a two-year term and the remaining one will serve a four-year term, and thereafter governing body members appointed by the Governor will serve four-year terms;
- The Governor may fill any vacancy for an unexpired term; and
- Governing body members will receive no compensation for their services, but are entitled to the necessary expenses, including travel and per diem expenses, incurred in the discharge of their duties.

**Section 10** amends s. 380.507, F.S., which enumerates the power of the Trust.

The bill removes the Trust's power to make loans to local governments and nonprofit organizations for acquiring fee and less-than-fee title. It makes a conforming change to remove language providing that the Trust may loan up to the total cost of any approved project. The bill removes the Trust's power to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement in specified investments if the investments are made on behalf of the Trust by the State Board of Administration.

It revises the Trust's rulemaking authority to direct it to develop, in conjunction with ARC, rules, policies, and guidelines for the administration of the Trust that are consistent with provisions relating to the administration of the Trust, to the ARC, and to the Florida Forever Trust Fund.

Related to the Trust's rulemaking power, the bill deletes the following provisions:

- The Trust must adopt rules governing the acquisition of lands with proceeds from the Florida Forever Trust Fund;
- Rules for land acquisition must include procedures for appraisals and confidentiality, a method of determining a maximum purchase price, and procedures to ensure that the land is acquired in a voluntarily negotiated transaction, surveyed, conveyed with marketable title, and examined for hazardous materials contamination; and
- Land acquisition procedures of a local land authority may be used for certain land acquisition programs.

The bill also removes the Trust's power to contract with private consultants and nonprofit organizations, as well as its power to conduct promotional campaigns, including advertising, for the sale of communities trust license plates.

The bill gives the Trust the power to review project recommendations and funding priorities and provide acquisition decisions. It also gives the Trust the power to submit project recommendations, funding priorities, and acquisition decisions to the ARC, which has final approval authority over Trust expenditures and acquisitions.

The bill makes technical changes.

**Section 11** repeals s. 380.512, F.S., which requires the Trust to submit a report to the Governor and the Legislature within three months of the end of the fiscal year that provides the Trust's:

- Operations and accomplishments;
- Receipts and expenditures during the fiscal year;
- Assets and liabilities and the status of reserve, special, or other funds;
- Evaluation of the effectiveness of projects;
- Identification of additional funding, legislation, or other resources required to carry out its objectives more effectively; and
- Account of any other Trust or DEP duties established in statutes relating to the Trust.

**Section 12** repeals s. 380.513, F.S., which provides that the Trust and its corporate existence shall continue until terminated by law, at which time all its rights and properties in excess of its obligations shall pass to and be vested in the state.

**Section 13** repeals s. 380.514, F.S., which provides that if the statutory provisions relating to the Trust are inconsistent with the provisions of any other general, special, or local law, the provisions relating to the Trust will be controlling.

**Section 32** amends s. 376.302, F.S., to make a citation less specific.

**Section 33** amends s. 380.5105, F.S., to make a conforming change to a citation.

## Septic System and Wastewater Regulations

**Section 4** amends s. 373.469, F.S., regarding requirements for onsite sewage treatment and disposal systems (septic systems) for properties located within the area covered by the Indian River Lagoon Protection Program.

Specifically, the bill limits the requirement that any residential property with an existing septic system must connect to central sewer or upgrade the septic system so that it only applies to residential properties of ten acres or less.

For all applications submitted before July 1, 2030 to repair, modify, or replace a conventional septic system on a commercial property or a residential property of ten acres or less, the bill requires the permitting agency to notify property owners that the existing septic system must be upgraded.

The bill makes technical changes.

**Section 5** amends s. 373.807, F.S., regarding septic system remediation plans under a basin management action plan (BMAP). The bill provides that a septic system remediation plan may require existing conventional septic systems to upgrade to a nutrient-reducing septic system where central sewerage is unavailable for:

- Properties of 10 acres or less that are located outside an established priority focus area of an Outstanding Florida Spring but within the boundary of a specific springs BMAP, and
- Properties of any size located within the boundary of an established priority focus area of an Outstanding Florida Spring.

**Section 6** repeals s. 373.811, F.S., which prohibits the following activities within a BMAP for an Outstanding Florida Spring:

- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen on an annual permitted basis, or a more stringent treatment standard if it is necessary to attain a total maximum daily load for the Outstanding Florida Spring.
- New hazardous waste disposal facilities.
- New septic systems where connection to a publicly-owned or investor-owned sewerage system is available. On lots of 1 acre or less, if a sewerage system is not available, only the installation of enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.
- Land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP-approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the pollutants and nutrients being discharged.
- New agriculture operations that do not implement best management practices, measures necessary to achieve DEP-established pollution reduction levels, or groundwater monitoring plans approved by a water management district or the DEP.

The first two prohibited activities listed above are included in an amendment to s. 403.067, F.S., in section 15 of the bill, which expands the prohibitions. The third prohibition is currently expanded in statute.<sup>132</sup> The fourth prohibited activity is currently prohibited in DEP rule.<sup>133</sup> The final prohibition is partially captured by the requirement that agricultural operations within a BMAP adopt best management practices, suitable interim measures, or other measures necessary to achieve the TMDL.<sup>134</sup> However, the adoption of groundwater monitoring plans is not a specific requirement.<sup>135</sup>

**Section 14** amends s. 381.0065, F.S., concerning septic systems. The bill allows the DEP to annually review and audit up to 25 percent of all inspection and maintenance reports submitted by maintenance entities for performance-based treatment systems and aerobic treatment unit systems. The DEP may adopt rules to establish procedures for these audits.

The bill directs the DEP to concurrently process septic system operating and construction permits when a person jointly applies for an operating permit and a construction permit for the same septic system.

The bill adds that an operating permit must be obtained before the use of any engineer-designed performance-based system.

The bill provides that the operating permit for a residential septic system is valid for the lifetime of the installation. The bill requires an operating permit modification for any subsequent change in ownership of the property or modification to the wastewater system.

When property with a septic system that requires an operating permit is sold or transferred, the subsequent owner with a controlling interest must provide written notice and proof of ownership to the DEP to amend the operating permit information within 60 days of the sale or transfer.

The bill deletes language providing that the operating permit for an aerobic treatment unit is valid for two years and must be renewed every two years.

Current law provides that a fee is not associated with the processing of supplemental information in an amended operating permit. The bill limits this to cases where only ownership information is updated to reflect a permit transfer for a construction, repair, or operating permit.

Current law requires maintenance entities to perform twice-a-year inspections of engineer-designed performance-based septic systems and aerobic treatment unit septic systems and to submit four reports per year to the DEP on the number of systems inspected and serviced. The bill matches the frequency of these inspections and reports so that both will be required twice a year.

The bill removes the requirement that a property owner obtain a biennial system operating permit from the DEP for each septic system.

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<sup>132</sup> Section 403.067(7)(a)10., F.S.

<sup>133</sup> See Fla. Admin. Code R. 62-640.700.

<sup>134</sup> Section 403.067(7)(c)2., F.S.

<sup>135</sup> Section 403.067(7), F.S.

Current law provides that the DEP may contract with or delegate its powers and duties concerning septic systems to a county. The bill removes the phrase “to a county.”

The bill makes technical changes.

**Section 15** amends s. 403.067, F.S., which concerns the establishment and implementation of total maximum daily loads (TMDLs). The bill removes language providing that TMDLs are not subject to approval by the Environmental Regulation Commission (ERC).

The bill provides a 60-day waiting period after a secretarial order is filed before a BMAP or an amendment to a BMAP is effective.

The bill provides that the following activities are prohibited within a BMAP, a reasonable assurance plan, or a pollution reduction plan:

- The construction or installation of new domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 or more gallons per day, except facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen and 1 mg/l total phosphorus on an annual permitted basis, or a more stringent treatment standard if the DEP determines it is necessary to attain a TMDL.
- The construction or installation of new hazardous waste disposal facilities.

These activities listed above were previously prohibited only within a BMAP for an Outstanding Florida Spring. This language expands the prohibitions<sup>136</sup> to all BMAPs, reasonable assurance plans, and pollution reduction plans. Further, it narrows the exception for facilities that meet certain wastewater treatment standards by adding the requirement that they also meet the 1 mg/l total phosphorus standard. The current exception for wastewater disposal facilities in Outstanding Florida Springs’ BMAPs only require the 3 mg/l total nitrogen standard.

Current law requires the installation of enhanced nutrient-reducing septic systems or other specified wastewater treatment systems on lots of one acre or less in a BMAP, reasonable assurance plan, or pollution reduction plan, if a publicly-owned or investor-owned sewerage system is unavailable. The bill also allows the installation of distributed wastewater treatment systems in this case.

**Section 16** amends s. 403.0671, F.S., to delete a citation to s. 373.811, F.S., which the bill repeals.<sup>137</sup> This is a conforming change.

**Section 34** reenacts s. 381.0066, F.S., to incorporate an amendment made by the bill to s. 381.0065, F.S.

**Section 35** reenacts s. 373.4595, F.S., to incorporate an amendment made by the bill to s. 403.067, F.S.

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<sup>136</sup> These prohibitions are found in s. 373.811, F.S., which the bill repeals in section 6. See page 24 of this bill analysis.

<sup>137</sup> See section 6 of the bill and page 24 of this bill analysis.

## Statewide Flooding and Sea Level Rise Resilience Plan

**Section 7** amends s. 380.093, F.S., regarding the Statewide Flooding and Sea Level Rise Resilience Plan. The bill adds to the current definition of “community eligible for a reduced cost share,” a municipality or county that is a rural community. These municipalities and counties will not need a minimum 50 percent cost share for projects in the Statewide Flooding and Sea Level Rise Resilience Plan.

The bill makes technical changes.

## Solar Facility Approval Process

Section 2 amends s. 163.3205, F.S., to create best management practices for stormwater at solar facilities. Specifically, the bill requires that an applicant for a stormwater management system related to the construction of a solar facility must incorporate site specific and appropriate additional protections in the development and implementation of an erosion and sediment control plan. The bill provides that the plan must include, but is not limited to all of the following:

- Soil percolation testing on the premises of the proposed facility.
- Implementation of stormwater best management practices and related erosion controls for runoff during construction of the facility based on rainfall amounts up to the 100-year, 24-hour design storm for the project site.
- Clearing and stabilization in phases as needed to reduce disturbed portions of the project site, which may be susceptible to erosion during construction.
- Inspections performed by a certified Florida Stormwater, Erosion, and Sedimentation Control Inspector during construction.
  - An operational phase stormwater management system permitted in accordance with s. 373.4145, F.S., serving a solar facility within the jurisdictional boundary of the Northwest Florida Water Management District shall be designed based on the 100-year, 24-hour design storm for the project site. This provision applies to applications for solar facilities filed after July 1, 2026.
  - An operator of a solar facility or a proposed solar facility shall implement all construction and operational permit requirements as developed and applicable to these site specific and appropriate additional protections.

The bill makes technical changes.

## Air Pollution

**Section 17** amends s. 403.0872, F.S., regarding operation permits for major sources of air pollution. The bill will require each major source of air pollution permitted to operate in Florida to pay the annual operation license fee by June 30 of each year, instead of between January 15 and April 1, which is the requirement in current law.

The bill removes language requiring the DEP to send a written warning to a permittee if the annual operating license fee is not received by April 1. Current law provides that a fee is timely if it is postmarked by the deadline. The bill changes this provision to require that the fee be received to be paid on time.

The bill removes language providing that the costs to issue and administer permits shall be considered direct and indirect costs of the major stationary source air-operation permit program.

**Section 36** reenacts s. 403.0873, F.S., to incorporate an amendment made by the bill to s. 403.0872, F.S.

#### **Effective Date**

**Section 38** provides an effective date of July 1, 2026.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on residential property owners of properties of ten acres or more in certain areas, who will not be required to upgrade to central sewer or upgrade a septic system.

The bill may cause an indeterminate positive fiscal impact on property owners by extending the lifespan of permits for certain residential septic systems.

C. **Government Sector Impact:**

The bill may have an indeterminate positive fiscal impact on local governments that are rural communities with projects in the Statewide Flooding and Sea Level Rise Resilience Plan.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.255, 120.81, 163.3205, 259.035, 259.105, 376.302, 373.421, 373.469, 373.807, 380.093, 380.502, 380.504, 380.507, 380.5105, 381.0065, 403.031, 403.061, 403.067, 403.0671, 403.0872, 403.1838, 403.704, 403.707, 403.7222, 403.7234, 403.803, 403.805, 403.8055, and 403.814.

This bill repeals the following sections of the Florida Statutes: 373.811, 380.512, 380.513, 380.514, and 403.804.

This bill reenacts the following sections of the Florida Statutes: 373.4595, 381.0066, 403.0873, and 403.1835.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Appropriations Committee on Agriculture, Environment, and General Government on February 25, 2026:**

The committee substitute:

- Removes provisions relating to transfers of properties that have onsite sewage treatment and disposal systems.
- Requires best management practices to stormwater of solar facilities.

**CS by Environment and Natural Resources on January 3, 2026:**

The committee substitute:

- Provides that an onsite sewage treatment and disposal system (septic system) remediation plan may require existing conventional septic systems to upgrade to nutrient-reducing septic systems where central sewerage is not available for:
  - Properties of 10 acres or less located outside of a priority focus area of an Outstanding Florida Spring, but within a springs basin management action plan, and

- Properties of any size located within a priority focus area.
- Provides that the operating permit for a commercial wastewater system is valid for one year after the date of issuance and may be renewed annually.
- Narrows the types of septic system operating permits that are valid for the lifetime of the installation to only residential septic systems.
- Requires a septic system operating permit to be modified upon a change in occupancy of the property. The committee substitute requires modification for a change in *ownership*.
- Removes language in the underlying bill regarding fees for the submission of septic system inspection reports and inspection and supplemental fees paid by fertilizer distributors for Class AA biosolids-composed fertilizers.
- Removes language added in the underlying bill that requires a local government or special district's wastewater services needs analysis to include an analysis of domestic biosolids and septage generation, treatment, management, use, and disposal.
- Makes technical and conforming changes.

B. Amendments:

None.