

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER

Committee/Subcommittee hearing bill: Natural Resources &
Disasters Subcommittee

Representative Nix offered the following:

Amendment

Remove lines 61-672 and insert:
permitting requirements. Except as provided in paragraph (a), a
municipality or political subdivision of the state may not issue
a building or plumbing permit for any building that requires the
use of an onsite sewage treatment and disposal system unless the
owner or builder has received a construction permit for such
system from the department. A building or structure may not be
occupied and a municipality, political subdivision, or any state
or federal agency may not authorize occupancy until the
department approves the final installation of the onsite sewage
treatment and disposal system. A municipality or political

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subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) If the building or plumbing permit is for a single-family residence that requires the use of an onsite sewage treatment and disposal system, a municipality or political subdivision of the state may not require the owner or builder to receive a construction permit from the department for such system as a condition of issuing the building or plumbing permit. The owner or builder of the single-family residence must provide to a municipality or political subdivision proof that the owner or builder submitted an application for the onsite sewage treatment and disposal system when applying for a building or plumbing permit.

(b) ~~(a)~~ Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre

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per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

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

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

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66 the exception provided under this paragraph is not available to
67 a developer or other appropriate entity.

68 (e)~~(d)~~ Paragraphs ~~(a) and~~ (b) and (c) do not apply to any
69 proposed residential subdivision with more than 50 lots or to
70 any proposed commercial subdivision with more than 5 lots where
71 a publicly owned or investor-owned sewage treatment system is
72 available. This paragraph does not allow development of
73 additional proposed subdivisions in order to evade the
74 requirements of this paragraph.

75 (f)~~(e)~~ The department shall adopt rules relating to the
76 location of onsite sewage treatment and disposal systems,
77 including establishing setback distances, to prevent groundwater
78 contamination and surface water contamination and to preserve
79 the public health. The rules must consider conventional and
80 enhanced nutrient-reducing onsite sewage treatment and disposal
81 system designs, impaired or degraded water bodies, domestic
82 wastewater and drinking water infrastructure, potable water
83 sources, nonpotable wells, stormwater infrastructure, the onsite
84 sewage treatment and disposal system remediation plans developed
85 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the
86 recommendations of the onsite sewage treatment and disposal
87 systems technical advisory committee established pursuant to
88 former s. 381.00652. The rules must also allow a person to apply
89 for and receive a variance from a rule requirement upon
90 demonstration that the requirement would cause an undue hardship

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91 and granting the variance would not cause or contribute to the
92 exceedance of a total maximum daily load.

93 (g)~~(f)~~ Onsite sewage treatment and disposal systems that
94 are permitted before June 21, 2022, may not be placed closer
95 than:

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

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

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

103 4. Fifty feet from any nonpotable well.

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

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

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

111 8. Fifteen feet from the design high-water line of
112 retention areas, detention areas, or swales designed to contain
113 standing or flowing water for less than 72 hours after a
114 rainfall or the design high-water level of normally dry drainage

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ditches or normally dry individual lot stormwater retention areas.

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

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining

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the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

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

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

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

(i) 1. ~~(h) 1.~~ The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A fee is not associated with the processing of this supplemental

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information. A variance may not be granted under this section until the department is satisfied that:

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

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

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

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

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance

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requests and shall also strive to allow property owners the full use of their land where possible.

a. The committee is composed of the following:

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

(II) A representative from the county health departments.

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

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

(V) A representative from the Department of Health.

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

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

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

3. The variance review and advisory committee is not responsible for reviewing water well permitting. However, the committee shall consider all requirements of law related to

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onsite sewage treatment and disposal systems when making recommendations on variance requests for onsite sewage treatment and disposal system permits.

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

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

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239 2. Each person who owns or operates a business or facility
240 in an area zoned or used for industrial or manufacturing
241 purposes, or its equivalent, or who owns or operates a business
242 that has the potential to generate toxic, hazardous, or
243 industrial wastewater or toxic or hazardous chemicals, and uses
244 an onsite sewage treatment and disposal system that is installed
245 on or after July 5, 1989, must obtain an annual system operating
246 permit from the department. A person who owns or operates a
247 business that uses an onsite sewage treatment and disposal
248 system that was installed and approved before July 5, 1989, does
249 not need to obtain a system operating permit. However, upon
250 change of ownership or tenancy, the new owner or operator must
251 notify the department of the change, and the new owner or
252 operator must obtain an annual system operating permit,
253 regardless of the date that the system was installed or
254 approved.

255 3. The department shall periodically review and evaluate
256 the continued use of onsite sewage treatment and disposal
257 systems in areas zoned or used for industrial or manufacturing
258 purposes, or its equivalent, and may require the collection and
259 analyses of samples from within and around such systems. If the
260 department finds that toxic or hazardous chemicals or toxic,
261 hazardous, or industrial wastewater have been or are being
262 disposed of through an onsite sewage treatment and disposal
263 system, the department shall initiate enforcement actions

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264 against the owner or tenant to ensure adequate cleanup,
265 treatment, and disposal.

266 (k)~~(j)~~ An onsite sewage treatment and disposal system
267 designed by a professional engineer registered in the state and
268 certified by such engineer as complying with performance
269 criteria adopted by the department must be approved by the
270 department subject to the following:

271 1. The performance criteria applicable to engineer-
272 designed systems must be limited to those necessary to ensure
273 that such systems do not adversely affect the public health or
274 significantly degrade the groundwater or surface water. Such
275 performance criteria shall include consideration of the quality
276 of system effluent, the proposed total sewage flow per acre,
277 wastewater treatment capabilities of the natural or replaced
278 soil, water quality classification of the potential surface-
279 water-receiving body, and the structural and maintenance
280 viability of the system for the treatment of domestic
281 wastewater. However, performance criteria shall address only the
282 performance of a system and not a system's design.

283 2. A person electing to use an engineer-designed system
284 shall, upon completion of the system design, submit such design,
285 certified by a registered professional engineer, to the county
286 health department. The county health department may use an
287 outside consultant to review the engineer-designed system, with
288 the actual cost of such review to be borne by the applicant.

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289 Within 5 working days after receiving an engineer-designed
290 system permit application, the county health department shall
291 request additional information if the application is not
292 complete. Within 15 working days after receiving a complete
293 application for an engineer-designed system, the county health
294 department shall issue the permit or, if it determines that the
295 system does not comply with the performance criteria, shall
296 notify the applicant of that determination and refer the
297 application to the department for a determination as to whether
298 the system should be approved, disapproved, or approved with
299 modification. The department engineer's determination shall
300 prevail over the action of the county health department. The
301 applicant shall be notified in writing of the department's
302 determination and of the applicant's rights to pursue a variance
303 or seek review under the provisions of chapter 120.

304 3. The owner of an engineer-designed performance-based
305 system must maintain a current maintenance service agreement
306 with a maintenance entity permitted by the department. The
307 maintenance entity shall inspect each system at least twice each
308 year and shall report quarterly to the department on the number
309 of systems inspected and serviced. The reports may be submitted
310 electronically.

311 4. The property owner of an owner-occupied, single-family
312 residence may be approved and permitted by the department as a
313 maintenance entity for his or her own performance-based

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314 treatment system upon written certification from the system
315 manufacturer's approved representative that the property owner
316 has received training on the proper installation and service of
317 the system. The maintenance service agreement must conspicuously
318 disclose that the property owner has the right to maintain his
319 or her own system and is exempt from contractor registration
320 requirements for performing construction, maintenance, or
321 repairs on the system but is subject to all permitting
322 requirements.

323 5. The property owner shall obtain a biennial system
324 operating permit from the department for each system. The
325 department shall inspect the system at least annually, or on
326 such periodic basis as the fee collected permits, and may
327 collect system-effluent samples if appropriate to determine
328 compliance with the performance criteria. The fee for the
329 biennial operating permit shall be collected beginning with the
330 second year of system operation.

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

335 (1)~~(*)~~ An innovative system may be approved in conjunction
336 with an engineer-designed site-specific system that is certified
337 by the engineer to meet the performance-based criteria adopted
338 by the department.

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339 ~~(m)-(1)~~ For the Florida Keys, the department shall adopt a
340 special rule for the construction, installation, modification,
341 operation, repair, maintenance, and performance of onsite sewage
342 treatment and disposal systems which considers the unique soil
343 conditions and water table elevations, densities, and setback
344 requirements. On lots where a setback distance of 75 feet from
345 surface waters, saltmarsh, and buttonwood association habitat
346 areas cannot be met, an injection well, approved and permitted
347 by the department, may be used for disposal of effluent from
348 onsite sewage treatment and disposal systems. The following
349 additional requirements apply to onsite sewage treatment and
350 disposal systems in Monroe County:

351 1. The county, each municipality, and those special
352 districts established for the purpose of the collection,
353 transmission, treatment, or disposal of sewage shall ensure, in
354 accordance with the specific schedules adopted by the
355 Administration Commission under s. 380.0552, the completion of
356 onsite sewage treatment and disposal system upgrades to meet the
357 requirements of this paragraph.

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

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

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b. Suspended Solids of 10 mg/l.

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

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

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

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

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

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

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

390 5. Onsite sewage treatment and disposal systems must be
391 monitored for total nitrogen and total phosphorus concentrations
392 as required by department rule.

393 6. The department shall enforce proper installation,
394 operation, and maintenance of onsite sewage treatment and
395 disposal systems pursuant to this chapter, including ensuring
396 that the appropriate level of treatment described in
397 subparagraph 2. is met.

398 7. The authority of a local government, including a
399 special district, to mandate connection of an onsite sewage
400 treatment and disposal system is governed by s. 4, chapter 99-
401 395, Laws of Florida.

402 8. Notwithstanding any other law, an onsite sewage
403 treatment and disposal system installed after July 1, 2010, in
404 unincorporated Monroe County, excluding special wastewater
405 districts, that complies with the standards in subparagraph 2.
406 is not required to connect to a central sewerage system until
407 December 31, 2020.

408 (n)~~(m)~~ A product sold in the state for use in onsite
409 sewage treatment and disposal systems may not contain any
410 substance in concentrations or amounts that would interfere with
411 or prevent the successful operation of such system, or that
412 would cause discharges from such systems to violate applicable

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413 water quality standards. The department shall publish criteria
414 for products known or expected to meet the conditions of this
415 paragraph. If a product does not meet such criteria, such
416 product may be sold if the manufacturer satisfactorily
417 demonstrates to the department that the conditions of this
418 paragraph are met.

419 (o)~~(n)~~ Evaluations for determining the seasonal high-water
420 table elevations or the suitability of soils for the use of a
421 new onsite sewage treatment and disposal system shall be
422 performed by department personnel, professional engineers
423 registered in the state, or such other persons with expertise,
424 as defined by rule, in making such evaluations. Evaluations for
425 determining mean annual flood lines shall be performed by those
426 persons identified in paragraph (2)(1). The department shall
427 accept evaluations submitted by professional engineers and such
428 other persons as meet the expertise established by this section
429 or by rule unless the department has a reasonable scientific
430 basis for questioning the accuracy or completeness of the
431 evaluation.

432 (p)~~(o)~~ An application for an onsite sewage treatment and
433 disposal system permit shall be completed in full, signed by the
434 owner or the owner's authorized representative, or by a
435 contractor licensed under chapter 489, and shall be accompanied
436 by all required exhibits and fees. Specific documentation of
437 property ownership is not required as a prerequisite to the

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review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

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

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

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

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

1. The absorption surface of the drainfield may not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations

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before January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

- a. The lot is at least one-half acre in size;
- b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and
- c. The applicant installs a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system that is capable of reducing effluent nitrate by at least 50 percent in accordance with department rules; or a system other than a system using alternative drainfield materials in accordance with department rules. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water may not be permitted if such a

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system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

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

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance entity service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or

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repairs on the system but is subject to all permitting requirements.

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

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

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

(w)~~(v)~~ Any permit issued and approved by the department for the installation, modification, or repair of an onsite

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

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

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562 (y)1.~~(x)1.~~ An onsite sewage treatment and disposal system
563 is not considered abandoned if the system is disconnected from a
564 structure that was made unusable or destroyed following a
565 disaster and if the system was properly functioning at the time
566 of disconnection and was not adversely affected by the disaster.
567 The onsite sewage treatment and disposal system may be
568 reconnected to a rebuilt structure if:

569 a. The reconnection of the system is to the same type of
570 structure which contains the same number of bedrooms or fewer,
571 if the square footage of the structure is less than or equal to
572 110 percent of the original square footage of the structure that
573 existed before the disaster;

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

575 c. The system has not been altered without prior
576 authorization.

577 2. An onsite sewage treatment and disposal system that
578 serves a property that is foreclosed upon is not considered
579 abandoned.

580 (z)~~(y)~~ If an onsite sewage treatment and disposal system
581 permittee receives, relies upon, and undertakes construction of
582 a system based upon a validly issued construction permit under
583 rules applicable at the time of construction but a change to a
584 rule occurs within 5 years after the approval of the system for
585 construction but before the final approval of the system, the
586 rules applicable and in effect at the time of construction

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587 approval apply at the time of final approval if fundamental site
588 conditions have not changed between the time of construction
589 approval and final approval.

590 (aa)~~(z)~~ An existing-system inspection or evaluation and
591 assessment, or a modification, replacement, or upgrade of an
592 onsite sewage treatment and disposal system is not required for
593 a remodeling addition or modification to a single-family home if
594 a bedroom is not added. However, a remodeling addition or
595 modification to a single-family home may not cover any part of
596 the existing system or encroach upon a required setback or the
597 unobstructed area. To determine if a setback or the unobstructed
598 area is impacted, the local health department shall review and
599 verify a floor plan and site plan of the proposed remodeling
600 addition or modification to the home submitted by a remodeler
601 which shows the location of the system, including the distance
602 of the remodeling addition or modification to the home from the
603 onsite sewage treatment and disposal system. The local health
604 department may visit the site or otherwise determine the best
605 means of verifying the information submitted. A verification of
606 the location of a system is not an inspection or evaluation and
607 assessment of the system. The review and verification must be
608 completed within 7 business days after receipt by the local
609 health department of a floor plan and site plan. If the review
610 and verification is not completed within such time, the

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remodeling addition or modification to the single-family home,
for the purposes of this paragraph, is approved.

**Section 2. Effective July 1, 2026, subsection (10) is
added to section 381.0065, Florida Statutes, to read:**

381.0065 Onsite sewage treatment and disposal systems;
regulation.—

(10) ADOPTION OF NEW RULES.—Any new rules for the use and
installation of onsite sewage treatment and disposal systems
adopted by the