

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WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Natural Resources &
2 Disasters Subcommittee

3 Representative Nix offered the following:

5 **Amendment**

6 Remove lines 61-672 and insert:

7 permitting requirements. Except as provided in paragraph (a), a
8 municipality or political subdivision of the state may not issue
9 a building or plumbing permit for any building that requires the
10 use of an onsite sewage treatment and disposal system unless the
11 owner or builder has received a construction permit for such
12 system from the department. A building or structure may not be
13 occupied and a municipality, political subdivision, or any state
14 or federal agency may not authorize occupancy until the
15 department approves the final installation of the onsite sewage
16 treatment and disposal system. A municipality or political

Amendment No.

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

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

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

Amendment No.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

115 ditches or normally dry individual lot stormwater retention
116 areas.

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

121 1. Any residential lot that was platted and recorded on or
122 after January 1, 1972, or that is part of a residential
123 subdivision that was approved by the appropriate permitting
124 agency on or after January 1, 1972, and that was eligible for an
125 onsite sewage treatment and disposal system construction permit
126 on the date of such platting and recording or approval shall be
127 eligible for an onsite sewage treatment and disposal system
128 construction permit, regardless of when the application for a
129 permit is made. If rules in effect at the time the permit
130 application is filed cannot be met, residential lots platted and
131 recorded or approved on or after January 1, 1972, shall, to the
132 maximum extent possible, comply with the rules in effect at the
133 time the permit application is filed. At a minimum, however,
134 those residential lots platted and recorded or approved on or
135 after January 1, 1972, but before January 1, 1983, shall comply
136 with those rules in effect on January 1, 1983, and those
137 residential lots platted and recorded or approved on or after
138 January 1, 1983, shall comply with those rules in effect at the
139 time of such platting and recording or approval. In determining

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

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

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

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

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

176
177 Where soil conditions, water table elevation, and setback
178 provisions are determined by the department to be satisfactory,
179 special consideration must be given to those lots platted before
180 1972.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

192 a. The committee is composed of the following:

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

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

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

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

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

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

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

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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.

502415 - h0589-line 61.docx

Published On: 1/16/2026 4:25:53 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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) (k) 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.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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.

502415 - h0589-line 61.docx

Published On: 1/16/2026 4:25:53 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

364 b. Suspended Solids of 10 mg/l.

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

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

371

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

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

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

Amendment No.

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) 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) 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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

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

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

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

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

473 c. The applicant installs a waterless, incinerating, or
474 organic waste composting toilet and a graywater system and
475 drainfield in accordance with department rules; an aerobic
476 treatment unit and drainfield in accordance with department
477 rules; a system that is capable of reducing effluent nitrate by
478 at least 50 percent in accordance with department rules; or a
479 system other than a system using alternative drainfield
480 materials in accordance with department rules. The United States
481 Department of Agriculture Soil Conservation Service soil maps,
482 State of Florida Water Management District data, and Federal
483 Emergency Management Agency Flood Insurance maps are resources
484 that shall be used to identify flood-prone areas.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

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

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

Amendment No.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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) 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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 589 (2026)

Amendment No.

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

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

615 381.0065 Onsite sewage treatment and disposal systems;
616 regulation.—

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