

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">CS/CS/CS/HB 589</a> <b>TITLE:</b> Onsite Sewage Treatment and Disposal System Permits <b>SPONSOR(S):</b> Nix	<b>COMPANION BILL:</b> <a href="#">CS/CS/SB 698</a> (Martin) <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
---	---

**FINAL HOUSE FLOOR ACTION:** 109 Y's 0 N's      **GOVERNOR'S ACTION:** Approved

## SUMMARY

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

The bill prohibits a municipality or political subdivision from requiring an owner or builder of a single-family residence that requires the use of an onsite sewage treatment and disposal system (OSTDS) to receive a construction permit for the OSTDS before issuing a building or plumbing permit, as long as proof is provided that the OSTDS construction permit has been applied for. If construction of the OSTDS commences before the issuance of the OSTDS permit, the property owner or applicant must assume all resulting legal, financial, and safety liabilities.

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

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

JUMP TO	SUMMARY	ANALYSIS	RELEVANT INFORMATION
---------	---------	----------	----------------------

## ANALYSIS

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

The bill prohibits a municipality or political subdivision from requiring an owner or builder of a single-family residence that requires the use of an [onsite sewage treatment and disposal system](#) (OSTDS)—commonly referred to as a septic system—to receive a construction permit for the OSTDS as a condition for issuing a [building or plumbing permit](#), as long as proof is provided that the OSTDS construction permit has been applied for. The bill requires the owner or builder of the single-family residence to provide such proof to the municipality or political subdivision when applying for the building or plumbing permit. If construction of the OSTDS commences before the issuance of the OSTDS permit, the bill requires the property owner or applicant to assume all resulting legal, financial, and safety liabilities. (Section [1](#))

The bill also prohibits new rules for the use and installation of OSTDS from applying to permit applications submitted within 90 days after such rules are adopted. This provision is effective July 1, 2026. (Section [2](#))

The bill was approved by the Governor on May 6, 2026, ch. 2026-62, L.O.F., and became effective on that date, except as otherwise provided. (Section [5](#))

### **RULEMAKING:**

The Department of Environmental Protection currently has rules for OSTDS and may need to update existing rules and forms through the rulemaking process.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

**STORAGE NAME:** h0589z1.NRD

**DATE:** 5/7/2026

**FISCAL OR ECONOMIC IMPACT:****PRIVATE SECTOR:**

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

**RELEVANT INFORMATION****SUBJECT OVERVIEW:**Wastewater

Properly treating and disposing of or reusing domestic wastewater is an important part of protecting Florida's water resources. A person generates approximately 100 gallons of domestic wastewater<sup>1</sup> per day.<sup>2</sup> This wastewater must be managed to protect public health, water quality, recreation, fish, and wildlife of the state's waterways.<sup>3</sup>

Domestic Wastewater Treatment Facilities

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

Onsite Sewage Treatment and Disposal Systems

Another method utilized to treat domestic wastewater is an onsite sewage treatment and disposal system (OSTDS). There are an estimated 2.6 million OSTDSs in Florida, which represents 12 percent of the OSTDS septic systems in the United States.<sup>8</sup> These 2.6 million OSTDSs, commonly referred to as "septic systems," provide wastewater disposal for 30 percent of the state's population.<sup>9</sup>

An OSTDS generally consists of two basic parts: the septic tank and the drainfield.<sup>10</sup> Waste from toilets, sinks, washing machines, and showers flow through a pipe into the septic tank, where anaerobic bacteria break the

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

<sup>2</sup> Department of Environmental Protection, *Domestic Wastewater Program*, <https://floridadep.gov/water/domestic-wastewater> (last visited Jan. 14, 2026).

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

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

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

<sup>6</sup> DEP, *General Facts and Statistics About Wastewater in Florida* (last updated Apr. 20, 2022), <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Jan. 14, 2026).

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

<sup>8</sup> DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Jan. 15, 2026).

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

<sup>10</sup> Department of Health, *Septic System Information and Care* (last updated Jan. 31, 2025), <https://columbia.floridahealth.gov/programs-and-services/environmental-health/onsite-sewage-disposal/septic-system-information-and-care/> (last visited Dec. 30, 2025); United States Environmental Protection Agency, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Dec. 25, 2025).

solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs and it also filters the wastewater as gravity draws the water down through the layers of soil.<sup>11</sup>



Please note: Septic systems vary. Diagram is not to scale.

12

### Onsite Sewage Program

The Onsite Sewage Program (Program) helps ensure that OSTDSs are properly designed, constructed, and maintained to help protect Florida's groundwater resources. The Florida Clean Waterways Act (Act), enacted in 2020, addressed a number of environmental issues relating to the maintenance and improvement of water quality in Florida. The Act provided for the transfer of the Program from the Department of Health (DOH) to DEP, effective July 1, 2021.<sup>13</sup> To help effectuate this transfer, the Act required DOH and DEP to enter into an interagency agreement to address all agency cooperation for a period not less than five years after the transfer.<sup>14</sup> DOH and DEP entered into this agreement on June 29, 2021.<sup>15</sup>

Under this agreement, DEP has the primary powers and duties of the Program, and the county health departments implement the OSTDS program under the direction of DEP.<sup>16</sup> The county health departments continue to handle permitting and inspection of OSTDSs until they are fully transferred to DEP.<sup>17</sup> In the event of an alleged violation of OSTDS laws, county health departments are responsible for conducting an inspection to gather information regarding the allegations.<sup>18</sup>

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

<sup>12</sup> Environmental Protection Agency, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Jan. 14, 2026).

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

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

<sup>15</sup> DEP and DOH, *Interagency Agreement between Florida Department of Environmental Protection and Florida Department of Health in Compliance with Florida's Clean Waterways Act for Transfer of the Onsite Sewage Program*, 5 (Jun. 30, 2021), available at <https://floridadep.gov/sites/default/files/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf> (last visited Jan. 15, 2025).

<sup>16</sup> *Id.* at 11.

<sup>17</sup> *Id.* at 11; DEP, Onsite Sewage Program, <https://floridadep.gov/water/onsite-sewage> (last visited Jan. 14, 2026).

<sup>18</sup> DEP and DOH, *Interagency Agreement between Florida Department of Environmental Protection and Florida Department of Health in Compliance with Florida's Clean Waterways Act for Transfer of the Onsite Sewage Program*, 11 (Jun. 30, 2021), available at <https://floridadep.gov/sites/default/files/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf> (last visited Jan. 15, 2025).

Until OSTDS permitting in all Florida counties is administered by DEP, applicants will apply for permits and services in two separate ways, depending on the county they are located.<sup>19</sup> This transition began with counties in Northwest Florida.<sup>20</sup> The balance of the counties will be transferred between July 2025 through December 2026.<sup>21</sup> In the Northwest Florida counties (and eventually statewide), a proposed applicant must apply for a construction permit with DEP before beginning construction on an OSTDS. A site inspector then assesses soil, topography, and other conditions to determine the property's suitability for OSTDS installation. On the other hand, the remaining counties have their permits issued by DOH's Environmental Public Health Program through local county health departments. Beyond the regulating body, the other differences may include different fees and more stringent standards than DEP.<sup>22</sup>

## **Building Permits**

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

The purpose and intent of the Florida Building Codes Act<sup>23</sup> is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code (Building Code). The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>24</sup>

Additionally, the Legislature intended for local governments to have the power to inspect all buildings, structures, and facilities within their jurisdiction for the protection of the public's health, safety, and welfare.<sup>25</sup> Every local government must enforce the Building Code and issue building permits.<sup>26,27</sup>

A building permit is an official document or certificate issued by the local building official that authorizes the performance of a specific activity.<sup>28</sup> Any construction work that requires a building permit also requires plan reviews and inspections by the building official, inspector, or plans examiner to ensure the work complies with the Building Code.<sup>29</sup>

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.<sup>30</sup> A building permit is not valid until the fees for the permit have been paid.<sup>31</sup>

<sup>19</sup> *Id.*; *Onsite Sewage FAQ – Permitting* (Sep. 3, 2025), <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last visited Jan. 14, 2026).

<sup>20</sup> These counties are Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington. *See* Department of Environmental Protection, *Onsite Sewage FAQ – Permitting* (Sep. 3, 2025), <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last visited Jan. 14, 2026).

<sup>21</sup> DEP, *Onsite Sewage FAQ – Permitting*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last visited Dec. 25, 2025).

<sup>22</sup> *Id.*

<sup>23</sup> *See* ch. 553, part IV, F.S.

<sup>24</sup> *See* [s. 553.72\(1\), F.S.](#)

<sup>25</sup> [S. 553.72\(2\), F.S.](#)

<sup>26</sup> Building permits and related inspection requirements include plumbing permits.

<sup>27</sup> [Ss. 125.01\(1\)\(bb\), 125.56\(1\), and 553.80\(1\), F.S.](#)

<sup>28</sup> [S. 468.603\(2\), F.S.](#); Florida Building Code, Building, Section 202 (8th ed. 2023).

<sup>29</sup> Florida Building Code, Building, Sections 107, 110.1, and 110 (8th ed. 2023).

<sup>30</sup> *See* [ss. 125.56\(4\)\(a\) and 553.79\(1\), F.S.](#)

<sup>31</sup> Florida Building Code, Building, Section 109.1 (8th ed. 2023).

To obtain a permit, an applicant must complete an application for the proposed work on the form furnished by the local enforcing agency, which must be posted on its website.<sup>32</sup> An application for a permit must include building plans.<sup>33</sup> A local enforcing agency may not issue a permit until the building official or plans reviewer has reviewed the building plans and determined that they comply with the Building Code.<sup>34</sup>

Under current law, a person may not construct, repair, modify, abandon, or operate an OSTDS without first obtaining a permit from DEP. One of these permits is a construction permit, which is valid for 18 months from the date of issuance and may be extended by DEP for one 90-day period. Unless an owner or builder receives this construction permit for the OSTDS, a municipality or political subdivision may not issue a building or plumbing permit for that building.<sup>35</sup>

### Building Permit Delays

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

- Lead to increased costs for construction projects, which may be passed onto occupants of a completed project.
- Discourage construction, which can reduce the total supply of buildings in a community and may lead to higher rents in the community.
- Reduce property tax revenue to a local government and other taxing jurisdictions resulting from the delayed start and completion of a construction project.
- Result in delayed occupancy of a project, including single-family residences and multi-family residences.<sup>36</sup>

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

- Increase local government revenues by accelerating the completion of a project and thus accelerating property tax collection.
- Create local construction jobs and other indirect jobs supported by local construction jobs, such as jobs at a material supplier, which may increase local tax revenue.
- Encourage economic development by having an efficient permit system.<sup>37</sup>

### **OTHER RESOURCES:**

[DEP. Onsite Sewage Program](#)

[DEP. Onsite Sewage FAQ – Permitting](#)

[Interagency Agreement between DEP and DOH on the Transfer of the Onsite Sewage Program](#)

<sup>32</sup> [Ss. 125.56\(4\)\(b\), 553.79\(1\), and 713.135\(5\)-\(6\), F.S.](#)

<sup>33</sup> [S. 553.79\(2\)\(a\), F.S.](#)

<sup>34</sup> *Id.*

<sup>35</sup> [S. 381.0065\(4\), F.S.](#)

<sup>36</sup> City of Austin Development Services Department, *A Program for Expedited Permitting*, available at [http://austintexas.gov/sites/default/files/files/8-9-2016\\_Report\\_on\\_Expedited\\_Permitting\\_Program.pdf](http://austintexas.gov/sites/default/files/files/8-9-2016_Report_on_Expedited_Permitting_Program.pdf) (last visited Jan. 14, 2026); PricewaterhouseCoopers, *The Economic Impact of Accelerating Permit Processes on Local Development and Government Revenues*, available at <https://boldone.com/permitstreamline/wp-content/uploads/2013/04/AIA-Results-Dec-2005.pdf> (Dec. 7, 2005) (last visited Jan. 14, 2026).

<sup>37</sup> *Id.*; Institute for Market Transformation, *Streamlining Compliance Processes*, (Winter 2012) available at <https://www.imt.org/wp-content/uploads/2018/02/CaseStudy5.pdf> (last visited Jan. 14, 2026).