

CS/HB 589

2026

A bill to be entitled  
An act relating to onsite sewage treatment and  
disposal system permits; amending s. 381.0065, F.S.;  
prohibiting a municipality or political subdivision of  
the state from requiring owners and builders of  
certain residences to receive construction permits  
from the Department of Environmental Protection as a  
condition of issuing building or plumbing permits;  
requiring such owners and builders to provide certain  
proof to the municipality or political subdivision;  
providing applicability for new rules adopted by the  
department beginning on a specified date; amending ss.  
380.0552 and 381.00651, F.S.; conforming cross-  
references; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to

26 carry out this section, except that the issuance of a permit for  
27 work seaward of the coastal construction control line  
28 established under s. 161.053 shall be contingent upon receipt of  
29 any required coastal construction control line permit from the  
30 department. A construction permit is valid for 18 months after  
31 the date of issuance and may be extended by the department for  
32 one 90-day period under rules adopted by the department. A  
33 repair permit is valid for 90 days after the date of issuance.  
34 An operating permit must be obtained before the use of any  
35 aerobic treatment unit or if the establishment generates  
36 commercial waste. Buildings or establishments that use an  
37 aerobic treatment unit or generate commercial waste shall be  
38 inspected by the department at least annually to assure  
39 compliance with the terms of the operating permit. The operating  
40 permit for a commercial wastewater system is valid for 1 year  
41 after the date of issuance and must be renewed annually. The  
42 operating permit for an aerobic treatment unit is valid for 2  
43 years after the date of issuance and must be renewed every 2  
44 years. If all information pertaining to the siting, location,  
45 and installation conditions or repair of an onsite sewage  
46 treatment and disposal system remains the same, a construction  
47 or repair permit for the onsite sewage treatment and disposal  
48 system may be transferred to another person, if the transferee  
49 files, within 60 days after the transfer of ownership, an  
50 amended application providing all corrected information and

51 proof of ownership of the property. A fee is not associated with  
52 the processing of this supplemental information. A person may  
53 not contract to construct, modify, alter, repair, service,  
54 abandon, or maintain any portion of an onsite sewage treatment  
55 and disposal system without being registered under part III of  
56 chapter 489. A property owner who personally performs  
57 construction, maintenance, or repairs to a system serving his or  
58 her own owner-occupied single-family residence is exempt from  
59 registration requirements for performing such construction,  
60 maintenance, or repairs on that residence, but is subject to all  
61 permitting requirements. Except as provided in paragraph (a), a  
62 municipality or political subdivision of the state may not issue  
63 a building or plumbing permit for any building that requires the  
64 use of an onsite sewage treatment and disposal system unless the  
65 owner or builder has received a construction permit for such  
66 system from the department. A building or structure may not be  
67 occupied and a municipality, political subdivision, or any state  
68 or federal agency may not authorize occupancy until the  
69 department approves the final installation of the onsite sewage  
70 treatment and disposal system. A municipality or political  
71 subdivision of the state may not approve any change in occupancy  
72 or tenancy of a building that uses an onsite sewage treatment  
73 and disposal system until the department has reviewed the use of  
74 the system with the proposed change, approved the change, and  
75 amended the operating permit.

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

87        (b) (a) Subdivisions and lots in which each lot has a  
88        minimum area of at least one-half acre and either a minimum  
89        dimension of 100 feet or a mean of at least 100 feet of the side  
90        bordering the street and the distance formed by a line parallel  
91        to the side bordering the street drawn between the two most  
92        distant points of the remainder of the lot may be developed with  
93        a water system regulated under s. 381.0062 and onsite sewage  
94        treatment and disposal systems, provided the projected daily  
95        sewage flow does not exceed an average of 1,500 gallons per acre  
96        per day, and provided satisfactory drinking water can be  
97        obtained and all distance and setback, soil condition, water  
98        table elevation, and other related requirements of this section  
99        and rules adopted under this section can be met.

100        (c) (b) Subdivisions and lots using a public water system

101 as defined in s. 403.852 may use onsite sewage treatment and  
102 disposal systems, provided there are no more than four lots per  
103 acre, provided the projected daily sewage flow does not exceed  
104 an average of 2,500 gallons per acre per day, and provided that  
105 all distance and setback, soil condition, water table elevation,  
106 and other related requirements that are generally applicable to  
107 the use of onsite sewage treatment and disposal systems are met.

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

122 (e) ~~(d)~~ Paragraphs ~~(a)~~ and (b) and (c) do not apply to any  
123 proposed residential subdivision with more than 50 lots or to  
124 any proposed commercial subdivision with more than 5 lots where  
125 a publicly owned or investor-owned sewage treatment system is

126 available. This paragraph does not allow development of  
127 additional proposed subdivisions in order to evade the  
128 requirements of this paragraph.

129 (f) (e) The department shall adopt rules relating to the  
130 location of onsite sewage treatment and disposal systems,  
131 including establishing setback distances, to prevent groundwater  
132 contamination and surface water contamination and to preserve  
133 the public health. The rules must consider conventional and  
134 enhanced nutrient-reducing onsite sewage treatment and disposal  
135 system designs, impaired or degraded water bodies, domestic  
136 wastewater and drinking water infrastructure, potable water  
137 sources, nonpotable wells, stormwater infrastructure, the onsite  
138 sewage treatment and disposal system remediation plans developed  
139 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the  
140 recommendations of the onsite sewage treatment and disposal  
141 systems technical advisory committee established pursuant to  
142 former s. 381.00652. The rules must also allow a person to apply  
143 for and receive a variance from a rule requirement upon  
144 demonstration that the requirement would cause an undue hardship  
145 and granting the variance would not cause or contribute to the  
146 exceedance of a total maximum daily load.

147 (g) (f) Onsite sewage treatment and disposal systems that  
148 are permitted before June 21, 2022, may not be placed closer  
149 than:

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

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

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

157        4. Fifty feet from any nonpotable well.

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

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

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

165        8. Fifteen feet from the design high-water line of  
166        retention areas, detention areas, or swales designed to contain  
167        standing or flowing water for less than 72 hours after a  
168        rainfall or the design high-water level of normally dry drainage  
169        ditches or normally dry individual lot stormwater retention  
170        areas.

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

175        1. Any residential lot that was platted and recorded on or

176 after January 1, 1972, or that is part of a residential  
177 subdivision that was approved by the appropriate permitting  
178 agency on or after January 1, 1972, and that was eligible for an  
179 onsite sewage treatment and disposal system construction permit  
180 on the date of such platting and recording or approval shall be  
181 eligible for an onsite sewage treatment and disposal system  
182 construction permit, regardless of when the application for a  
183 permit is made. If rules in effect at the time the permit  
184 application is filed cannot be met, residential lots platted and  
185 recorded or approved on or after January 1, 1972, shall, to the  
186 maximum extent possible, comply with the rules in effect at the  
187 time the permit application is filed. At a minimum, however,  
188 those residential lots platted and recorded or approved on or  
189 after January 1, 1972, but before January 1, 1983, shall comply  
190 with those rules in effect on January 1, 1983, and those  
191 residential lots platted and recorded or approved on or after  
192 January 1, 1983, shall comply with those rules in effect at the  
193 time of such platting and recording or approval. In determining  
194 the maximum extent of compliance with current rules that is  
195 possible, the department shall allow structures and  
196 appurtenances thereto which were authorized at the time such  
197 lots were platted and recorded or approved.

198 2. Lots platted before 1972 are subject to a 50-foot  
199 minimum surface water setback and are not subject to lot size  
200 requirements. The projected daily flow for onsite sewage

201 treatment and disposal systems for lots platted before 1972 may  
202 not exceed:

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

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

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

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

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

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

230

231       Where soil conditions, water table elevation, and setback  
232       provisions are determined by the department to be satisfactory,  
233       special consideration must be given to those lots platted before  
234       1972.

235       2. The department shall appoint and staff a variance  
236       review and advisory committee, which shall meet monthly to  
237       recommend agency action on variance requests. The committee  
238       shall make its recommendations on variance requests at the  
239       meeting in which the application is scheduled for consideration,  
240       except for an extraordinary change in circumstances, the receipt  
241       of new information that raises new issues, or when the applicant  
242       requests an extension. The committee shall consider the criteria  
243       in subparagraph 1. in its recommended agency action on variance  
244       requests and shall also strive to allow property owners the full  
245       use of their land where possible.

246       a. The committee is composed of the following:

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

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

250           (III) A representative from the home building industry

251 recommended by the Florida Home Builders Association.

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

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

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

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

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

266 3. The variance review and advisory committee is not  
267 responsible for reviewing water well permitting. However, the  
268 committee shall consider all requirements of law related to  
269 onsite sewage treatment and disposal systems when making  
270 recommendations on variance requests for onsite sewage treatment  
271 and disposal system permits.

272 (j)(i) A construction permit may not be issued for an  
273 onsite sewage treatment and disposal system in any area zoned or  
274 used for industrial or manufacturing purposes, or its  
275 equivalent, where a publicly owned or investor-owned sewage

276 treatment system is available, or where a likelihood exists that  
277 the system will receive toxic, hazardous, or industrial waste.  
278 An existing onsite sewage treatment and disposal system may be  
279 repaired if a publicly owned or investor-owned sewage treatment  
280 system is not available within 500 feet of the building sewer  
281 stub-out and if system construction and operation standards can  
282 be met. This paragraph does not require publicly owned or  
283 investor-owned sewage treatment systems to accept anything other  
284 than domestic wastewater.

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

293 2. Each person who owns or operates a business or facility  
294 in an area zoned or used for industrial or manufacturing  
295 purposes, or its equivalent, or who owns or operates a business  
296 that has the potential to generate toxic, hazardous, or  
297 industrial wastewater or toxic or hazardous chemicals, and uses  
298 an onsite sewage treatment and disposal system that is installed  
299 on or after July 5, 1989, must obtain an annual system operating  
300 permit from the department. A person who owns or operates a

301 business that uses an onsite sewage treatment and disposal  
302 system that was installed and approved before July 5, 1989, does  
303 not need to obtain a system operating permit. However, upon  
304 change of ownership or tenancy, the new owner or operator must  
305 notify the department of the change, and the new owner or  
306 operator must obtain an annual system operating permit,  
307 regardless of the date that the system was installed or  
308 approved.

309 3. The department shall periodically review and evaluate  
310 the continued use of onsite sewage treatment and disposal  
311 systems in areas zoned or used for industrial or manufacturing  
312 purposes, or its equivalent, and may require the collection and  
313 analyses of samples from within and around such systems. If the  
314 department finds that toxic or hazardous chemicals or toxic,  
315 hazardous, or industrial wastewater have been or are being  
316 disposed of through an onsite sewage treatment and disposal  
317 system, the department shall initiate enforcement actions  
318 against the owner or tenant to ensure adequate cleanup,  
319 treatment, and disposal.

320 (k) (j) An onsite sewage treatment and disposal system  
321 designed by a professional engineer registered in the state and  
322 certified by such engineer as complying with performance  
323 criteria adopted by the department must be approved by the  
324 department subject to the following:

325 1. The performance criteria applicable to engineer-

326 designed systems must be limited to those necessary to ensure  
327 that such systems do not adversely affect the public health or  
328 significantly degrade the groundwater or surface water. Such  
329 performance criteria shall include consideration of the quality  
330 of system effluent, the proposed total sewage flow per acre,  
331 wastewater treatment capabilities of the natural or replaced  
332 soil, water quality classification of the potential surface-  
333 water-receiving body, and the structural and maintenance  
334 viability of the system for the treatment of domestic  
335 wastewater. However, performance criteria shall address only the  
336 performance of a system and not a system's design.

337 2. A person electing to use an engineer-designed system  
338 shall, upon completion of the system design, submit such design,  
339 certified by a registered professional engineer, to the county  
340 health department. The county health department may use an  
341 outside consultant to review the engineer-designed system, with  
342 the actual cost of such review to be borne by the applicant.  
343 Within 5 working days after receiving an engineer-designed  
344 system permit application, the county health department shall  
345 request additional information if the application is not  
346 complete. Within 15 working days after receiving a complete  
347 application for an engineer-designed system, the county health  
348 department shall issue the permit or, if it determines that the  
349 system does not comply with the performance criteria, shall  
350 notify the applicant of that determination and refer the

351 application to the department for a determination as to whether  
352 the system should be approved, disapproved, or approved with  
353 modification. The department engineer's determination shall  
354 prevail over the action of the county health department. The  
355 applicant shall be notified in writing of the department's  
356 determination and of the applicant's rights to pursue a variance  
357 or seek review under the provisions of chapter 120.

358 3. The owner of an engineer-designed performance-based  
359 system must maintain a current maintenance service agreement  
360 with a maintenance entity permitted by the department. The  
361 maintenance entity shall inspect each system at least twice each  
362 year and shall report quarterly to the department on the number  
363 of systems inspected and serviced. The reports may be submitted  
364 electronically.

365 4. The property owner of an owner-occupied, single-family  
366 residence may be approved and permitted by the department as a  
367 maintenance entity for his or her own performance-based  
368 treatment system upon written certification from the system  
369 manufacturer's approved representative that the property owner  
370 has received training on the proper installation and service of  
371 the system. The maintenance service agreement must conspicuously  
372 disclose that the property owner has the right to maintain his  
373 or her own system and is exempt from contractor registration  
374 requirements for performing construction, maintenance, or  
375 repairs on the system but is subject to all permitting

376 requirements.

377 5. The property owner shall obtain a biennial system  
378 operating permit from the department for each system. The  
379 department shall inspect the system at least annually, or on  
380 such periodic basis as the fee collected permits, and may  
381 collect system-effluent samples if appropriate to determine  
382 compliance with the performance criteria. The fee for the  
383 biennial operating permit shall be collected beginning with the  
384 second year of system operation.

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

389 (l) (k) An innovative system may be approved in conjunction  
390 with an engineer-designed site-specific system that is certified  
391 by the engineer to meet the performance-based criteria adopted  
392 by the department.

393 (m) (l) For the Florida Keys, the department shall adopt a  
394 special rule for the construction, installation, modification,  
395 operation, repair, maintenance, and performance of onsite sewage  
396 treatment and disposal systems which considers the unique soil  
397 conditions and water table elevations, densities, and setback  
398 requirements. On lots where a setback distance of 75 feet from  
399 surface waters, saltmarsh, and buttonwood association habitat  
400 areas cannot be met, an injection well, approved and permitted

401 by the department, may be used for disposal of effluent from  
402 onsite sewage treatment and disposal systems. The following  
403 additional requirements apply to onsite sewage treatment and  
404 disposal systems in Monroe County:

405 1. The county, each municipality, and those special  
406 districts established for the purpose of the collection,  
407 transmission, treatment, or disposal of sewage shall ensure, in  
408 accordance with the specific schedules adopted by the  
409 Administration Commission under s. 380.0552, the completion of  
410 onsite sewage treatment and disposal system upgrades to meet the  
411 requirements of this paragraph.

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

417 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
418 b. Suspended Solids of 10 mg/l.

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

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

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

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

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

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

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

444 5. Onsite sewage treatment and disposal systems must be  
445 monitored for total nitrogen and total phosphorus concentrations  
446 as required by department rule.

447 6. The department shall enforce proper installation,  
448 operation, and maintenance of onsite sewage treatment and  
449 disposal systems pursuant to this chapter, including ensuring  
450 that the appropriate level of treatment described in

451 subparagraph 2. is met.

452       7. The authority of a local government, including a  
453 special district, to mandate connection of an onsite sewage  
454 treatment and disposal system is governed by s. 4, chapter 99-  
455 395, Laws of Florida.

456       8. Notwithstanding any other law, an onsite sewage  
457 treatment and disposal system installed after July 1, 2010, in  
458 unincorporated Monroe County, excluding special wastewater  
459 districts, that complies with the standards in subparagraph 2.  
460 is not required to connect to a central sewerage system until  
461 December 31, 2020.

462       (n) (m) A product sold in the state for use in onsite  
463 sewage treatment and disposal systems may not contain any  
464 substance in concentrations or amounts that would interfere with  
465 or prevent the successful operation of such system, or that  
466 would cause discharges from such systems to violate applicable  
467 water quality standards. The department shall publish criteria  
468 for products known or expected to meet the conditions of this  
469 paragraph. If a product does not meet such criteria, such  
470 product may be sold if the manufacturer satisfactorily  
471 demonstrates to the department that the conditions of this  
472 paragraph are met.

473       (o) (n) Evaluations for determining the seasonal high-water  
474 table elevations or the suitability of soils for the use of a  
475 new onsite sewage treatment and disposal system shall be

476 performed by department personnel, professional engineers  
477 registered in the state, or such other persons with expertise,  
478 as defined by rule, in making such evaluations. Evaluations for  
479 determining mean annual flood lines shall be performed by those  
480 persons identified in paragraph (2)(1). The department shall  
481 accept evaluations submitted by professional engineers and such  
482 other persons as meet the expertise established by this section  
483 or by rule unless the department has a reasonable scientific  
484 basis for questioning the accuracy or completeness of the  
485 evaluation.

486 (p) An application for an onsite sewage treatment and  
487 disposal system permit shall be completed in full, signed by the  
488 owner or the owner's authorized representative, or by a  
489 contractor licensed under chapter 489, and shall be accompanied  
490 by all required exhibits and fees. Specific documentation of  
491 property ownership is not required as a prerequisite to the  
492 review of an application or the issuance of a permit. The  
493 issuance of a permit does not constitute determination by the  
494 department of property ownership.

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

499 (r) This section does not limit the power of a  
500 municipality or county to enforce other laws for the protection

501 of the public health and safety.

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

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

513       1. The absorption surface of the drainfield may not be  
514 subject to flooding based on 10-year flood elevations. Provided,  
515 however, for lots or parcels created by the subdivision of land  
516 in accordance with applicable local government regulations  
517 before January 17, 1990, if an applicant cannot construct a  
518 drainfield system with the absorption surface of the drainfield  
519 at an elevation equal to or above 10-year flood elevation, the  
520 department shall issue a permit for an onsite sewage treatment  
521 and disposal system within the 10-year floodplain of rivers,  
522 streams, and other bodies of flowing water if all of the  
523 following criteria are met:

524       a. The lot is at least one-half acre in size;  
525       b. The bottom of the drainfield is at least 36 inches

526 above the 2-year flood elevation; and  
527 c. The applicant installs a waterless, incinerating, or  
528 organic waste composting toilet and a graywater system and  
529 drainfield in accordance with department rules; an aerobic  
530 treatment unit and drainfield in accordance with department  
531 rules; a system that is capable of reducing effluent nitrate by  
532 at least 50 percent in accordance with department rules; or a  
533 system other than a system using alternative drainfield  
534 materials in accordance with department rules. The United States  
535 Department of Agriculture Soil Conservation Service soil maps,  
536 State of Florida Water Management District data, and Federal  
537 Emergency Management Agency Flood Insurance maps are resources  
538 that shall be used to identify flood-prone areas.

539 2. The use of fill or mounding to elevate a drainfield  
540 system out of the 10-year floodplain of rivers, streams, or  
541 other bodies of flowing water may not be permitted if such a  
542 system lies within a regulatory floodway of the Suwannee and  
543 Aucilla Rivers. In cases where the 10-year flood elevation does  
544 not coincide with the boundaries of the regulatory floodway, the  
545 regulatory floodway will be considered for the purposes of this  
546 subsection to extend at a minimum to the 10-year flood  
547 elevation.

548 (u)1.(t)1. The owner of an aerobic treatment unit system  
549 shall maintain a current maintenance service agreement with an  
550 aerobic treatment unit maintenance entity permitted by the

551 department. The maintenance entity shall inspect each aerobic  
552 treatment unit system at least twice each year and shall report  
553 quarterly to the department on the number of aerobic treatment  
554 unit systems inspected and serviced. The reports may be  
555 submitted electronically.

556 2. The property owner of an owner-occupied, single-family  
557 residence may be approved and permitted by the department as a  
558 maintenance entity for his or her own aerobic treatment unit  
559 system upon written certification from the system manufacturer's  
560 approved representative that the property owner has received  
561 training on the proper installation and service of the system.  
562 The maintenance entity service agreement must conspicuously  
563 disclose that the property owner has the right to maintain his  
564 or her own system and is exempt from contractor registration  
565 requirements for performing construction, maintenance, or  
566 repairs on the system but is subject to all permitting  
567 requirements.

568 3. A septic tank contractor licensed under part III of  
569 chapter 489, if approved by the manufacturer, may not be denied  
570 access by the manufacturer to aerobic treatment unit system  
571 training or spare parts for maintenance entities. After the  
572 original warranty period, component parts for an aerobic  
573 treatment unit system may be replaced with parts that meet  
574 manufacturer's specifications but are manufactured by others.  
575 The maintenance entity shall maintain documentation of the

576 substitute part's equivalency for 2 years and shall provide such  
577 documentation to the department upon request.

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

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

589 (w)-(v) Any permit issued and approved by the department  
590 for the installation, modification, or repair of an onsite  
591 sewage treatment and disposal system shall transfer with the  
592 title to the property in a real estate transaction. A title may  
593 not be encumbered at the time of transfer by new permit  
594 requirements by a governmental entity for an onsite sewage  
595 treatment and disposal system which differ from the permitting  
596 requirements in effect at the time the system was permitted,  
597 modified, or repaired. An inspection of a system may not be  
598 mandated by a governmental entity at the point of sale in a real  
599 estate transaction. This paragraph does not affect a septic tank  
600 phase-out deferral program implemented by a consolidated

601 government as defined in s. 9, Art. VIII of the State  
602 Constitution of 1885.

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

616 (y)1.-(x)1. An onsite sewage treatment and disposal system  
617 is not considered abandoned if the system is disconnected from a  
618 structure that was made unusable or destroyed following a  
619 disaster and if the system was properly functioning at the time  
620 of disconnection and was not adversely affected by the disaster.  
621 The onsite sewage treatment and disposal system may be  
622 reconnected to a rebuilt structure if:

623 a. The reconnection of the system is to the same type of  
624 structure which contains the same number of bedrooms or fewer,  
625 if the square footage of the structure is less than or equal to

626 110 percent of the original square footage of the structure that  
627 existed before the disaster;

628 b. The system is not a sanitary nuisance; and  
629 c. The system has not been altered without prior  
630 authorization.

631 2. An onsite sewage treatment and disposal system that  
632 serves a property that is foreclosed upon is not considered  
633 abandoned.

634 (z)~~(y)~~ If an onsite sewage treatment and disposal system  
635 permittee receives, relies upon, and undertakes construction of  
636 a system based upon a validly issued construction permit under  
637 rules applicable at the time of construction but a change to a  
638 rule occurs within 5 years after the approval of the system for  
639 construction but before the final approval of the system, the  
640 rules applicable and in effect at the time of construction  
641 approval apply at the time of final approval if fundamental site  
642 conditions have not changed between the time of construction  
643 approval and final approval.

644 (aa)~~(z)~~ An existing-system inspection or evaluation and  
645 assessment, or a modification, replacement, or upgrade of an  
646 onsite sewage treatment and disposal system is not required for  
647 a remodeling addition or modification to a single-family home if  
648 a bedroom is not added. However, a remodeling addition or  
649 modification to a single-family home may not cover any part of  
650 the existing system or encroach upon a required setback or the

651 unobstructed area. To determine if a setback or the unobstructed  
652 area is impacted, the local health department shall review and  
653 verify a floor plan and site plan of the proposed remodeling  
654 addition or modification to the home submitted by a remodeler  
655 which shows the location of the system, including the distance  
656 of the remodeling addition or modification to the home from the  
657 onsite sewage treatment and disposal system. The local health  
658 department may visit the site or otherwise determine the best  
659 means of verifying the information submitted. A verification of  
660 the location of a system is not an inspection or evaluation and  
661 assessment of the system. The review and verification must be  
662 completed within 7 business days after receipt by the local  
663 health department of a floor plan and site plan. If the review  
664 and verification is not completed within such time, the  
665 remodeling addition or modification to the single-family home,  
666 for the purposes of this paragraph, is approved.

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

669 381.0065 Onsite sewage treatment and disposal systems;  
670 regulation.—

671 (10) ADOPTION OF NEW RULES.—Any new rules for the use and  
672 installation of onsite sewage treatment and disposal systems  
673 adopted by the department under this section do not apply to  
674 permit applications submitted within 120 days after the date  
675 such rules are adopted.

676       **Section 3. Paragraph (i) of subsection (2), paragraph (b)**  
677       **of subsection (4), paragraph (j) of subsection (7), and**  
678       **paragraph (a) of subsection (9) of section 380.0552, Florida**  
679       **Statutes, are amended to read:**

680       380.0552 Florida Keys Area; protection and designation as  
681       area of critical state concern.—

682       (2) LEGISLATIVE INTENT.—It is the intent of the  
683       Legislature to:

684       (i) Protect and improve the nearshore water quality of the  
685       Florida Keys through federal, state, and local funding of water  
686       quality improvement projects, including the construction and  
687       operation of wastewater management facilities that meet the  
688       requirements of ss. 381.0065(4)(m) and 403.086(11) ss.  
689       381.0065(4)(l) and 403.086(11), as applicable.

690       (4) REMOVAL OF DESIGNATION.—

691       (b) Beginning November 30, 2010, the state land planning  
692       agency shall annually submit a written report to the  
693       Administration Commission describing the progress of the Florida  
694       Keys Area toward completing the work program tasks specified in  
695       commission rules. The land planning agency shall recommend  
696       removing the Florida Keys Area from being designated as an area  
697       of critical state concern to the commission if it determines  
698       that:

699       1. All of the work program tasks have been completed,  
700       including construction of, operation of, and connection to

701 central wastewater management facilities pursuant to s.  
702 403.086(11) and upgrade of onsite sewage treatment and disposal  
703 systems pursuant to s. 381.0065(4)(m) ~~s. 381.0065(4)(l)~~;  
704 2. All local comprehensive plans and land development  
705 regulations and the administration of such plans and regulations  
706 are adequate to protect the Florida Keys Area, fulfill the  
707 legislative intent specified in subsection (2), and are  
708 consistent with and further the principles guiding development;  
709 and  
710 3. A local government has adopted a resolution at a public  
711 hearing recommending the removal of the designation.  
712 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,  
713 and local agencies and units of government in the Florida Keys  
714 Area shall coordinate their plans and conduct their programs and  
715 regulatory activities consistent with the principles for guiding  
716 development as specified in chapter 27F-8, Florida  
717 Administrative Code, as amended effective August 23, 1984, which  
718 is adopted and incorporated herein by reference. For the  
719 purposes of reviewing the consistency of the adopted plan, or  
720 any amendments to that plan, with the principles for guiding  
721 development, and any amendments to the principles, the  
722 principles shall be construed as a whole and specific provisions  
723 may not be construed or applied in isolation from the other  
724 provisions. However, the principles for guiding development are  
725 repealed 18 months from July 1, 1986. After repeal, any plan

726 amendments must be consistent with the following principles:

727 (j) Ensuring the improvement of nearshore water quality by  
728 requiring the construction and operation of wastewater  
729 management facilities that meet the requirements of ss.  
730 381.0065(4)(m) and 403.086(11) ~~ss. 381.0065(4)(1)~~ and  
731 ~~403.086(11)~~, as applicable, and by directing growth to areas  
732 served by central wastewater treatment facilities through permit  
733 allocation systems.

734 (9) MODIFICATION TO PLANS AND REGULATIONS.—

735 (a) Any land development regulation or element of a local  
736 comprehensive plan in the Florida Keys Area may be enacted,  
737 amended, or rescinded by a local government, but the enactment,  
738 amendment, or rescission becomes effective only upon approval by  
739 the state land planning agency. The state land planning agency  
740 shall review the proposed change to determine if it is in  
741 compliance with the principles for guiding development specified  
742 in chapter 27F-8, Florida Administrative Code, as amended  
743 effective August 23, 1984, and must approve or reject the  
744 requested changes within 60 days after receipt. Amendments to  
745 local comprehensive plans in the Florida Keys Area must also be  
746 reviewed for compliance with the following:

747 1. Construction schedules and detailed capital financing  
748 plans for wastewater management improvements in the annually  
749 adopted capital improvements element, and standards for the  
750 construction of wastewater treatment and disposal facilities or

751 collection systems that meet or exceed the criteria in s.  
752 403.086(11) for wastewater treatment and disposal facilities or  
753 s. 381.0065(4) (m) ~~s. 381.0065(4)(1)~~ for onsite sewage treatment  
754 and disposal systems.

755 2. Goals, objectives, and policies to protect public  
756 safety and welfare in the event of a natural disaster by  
757 maintaining a hurricane evacuation clearance time for permanent  
758 residents of no more than 24.5 hours. The hurricane evacuation  
759 clearance time shall be determined by a hurricane evacuation  
760 study conducted in accordance with a professionally accepted  
761 methodology and approved by the state land planning agency. For  
762 purposes of hurricane evacuation clearance time:

763 a. Mobile home residents are not considered permanent  
764 residents.

765 b. The City of Key West Area of Critical State Concern  
766 established by chapter 28-36, Florida Administrative Code, shall  
767 be included in the hurricane evacuation study and is subject to  
768 the evacuation requirements of this subsection.

769 **Section 4. Paragraph (c) of subsection (6) of section  
770 381.00651, Florida Statutes, is amended to read:**

771 381.00651 Periodic evaluation and assessment of onsite  
772 sewage treatment and disposal systems.—

773 (6) The requirements for an onsite sewage treatment and  
774 disposal system evaluation and assessment program are as  
775 follows:

(c) Repair of systems.—The local ordinance may not require a repair, modification, or replacement of a system as a result of an evaluation unless the evaluation identifies a system failure. For purposes of this subsection, the term "system failure" means a condition existing within an onsite sewage treatment and disposal system which results in the discharge of untreated or partially treated wastewater onto the ground surface or into surface water or that results in the failure of building plumbing to discharge properly and presents a sanitary nuisance. A system is not in failure if the system does not have a minimum separation distance between the drainfield and the wettest season water table or if an obstruction in a sanitary line or an effluent screen or filter prevents effluent from flowing into a drainfield. If a system failure is identified and several allowable remedial measures are available to resolve the failure, the system owner may choose the least costly allowable remedial measure to fix the system. There may be instances in which a pump-out is sufficient to resolve a system failure. Allowable remedial measures to resolve a system failure are limited to what is necessary to resolve the failure and must meet, to the maximum extent practicable, the requirements of the repair code in effect when the repair is made, subject to the exceptions specified in s. 381.065(4)(h) s. 381.0065(4)(g). An engineer-designed performance-based treatment system to reduce nutrients may not be required as an alternative remediation

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801 measure to resolve the failure of a conventional system.

802 **Section 5.** Except as otherwise expressly provided in this  
803 act, this act shall take effect upon becoming a law.