



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2026	.	
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The Committee on Environment and Natural Resources (Martin) recommended the following:

1                   **Senate Amendment**

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3                   Delete lines 61 - 670

4 and insert:

5 permitting requirements. Except as provided in paragraph (a), a  
6 municipality or political subdivision of the state may not issue  
7 a building or plumbing permit for any building that requires the  
8 use of an onsite sewage treatment and disposal system unless the  
9 owner or builder has received a construction permit for such  
10 system from the department. A building or structure may not be



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11 occupied and a municipality, political subdivision, or any state  
12 or federal agency may not authorize occupancy until the  
13 department approves the final installation of the onsite sewage  
14 treatment and disposal system. A municipality or political  
15 subdivision of the state may not approve any change in occupancy  
16 or tenancy of a building that uses an onsite sewage treatment  
17 and disposal system until the department has reviewed the use of  
18 the system with the proposed change, approved the change, and  
19 amended the operating permit.

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

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



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

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

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

66 (e)~~(d)~~ Paragraphs (a)~~(a)~~ and (b) and (c) do not apply to any  
67 proposed residential subdivision with more than 50 lots or to  
68 any proposed commercial subdivision with more than 5 lots where



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69 a publicly owned or investor-owned sewage treatment system is  
70 available. This paragraph does not allow development of  
71 additional proposed subdivisions in order to evade the  
72 requirements of this paragraph.

73 (f)~~(e)~~ The department shall adopt rules relating to the  
74 location of onsite sewage treatment and disposal systems,  
75 including establishing setback distances, to prevent groundwater  
76 contamination and surface water contamination and to preserve  
77 the public health. The rules must consider conventional and  
78 enhanced nutrient-reducing onsite sewage treatment and disposal  
79 system designs, impaired or degraded water bodies, domestic  
80 wastewater and drinking water infrastructure, potable water  
81 sources, nonpotable wells, stormwater infrastructure, the onsite  
82 sewage treatment and disposal system remediation plans developed  
83 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the  
84 recommendations of the onsite sewage treatment and disposal  
85 systems technical advisory committee established pursuant to  
86 former s. 381.00652. The rules must also allow a person to apply  
87 for and receive a variance from a rule requirement upon  
88 demonstration that the requirement would cause an undue hardship  
89 and granting the variance would not cause or contribute to the  
90 exceedance of a total maximum daily load.

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

- 94 1. Seventy-five feet from a private potable well.
- 95 2. Two hundred feet from a public potable well serving a  
96 residential or nonresidential establishment having a total  
97 sewage flow of greater than 2,000 gallons per day.



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

101        4. Fifty feet from any nonpotable well.

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

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

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

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

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

119        1. Any residential lot that was platted and recorded on or  
120 after January 1, 1972, or that is part of a residential  
121 subdivision that was approved by the appropriate permitting  
122 agency on or after January 1, 1972, and that was eligible for an  
123 onsite sewage treatment and disposal system construction permit  
124 on the date of such platting and recording or approval shall be  
125 eligible for an onsite sewage treatment and disposal system  
126 construction permit, regardless of when the application for a



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127 permit is made. If rules in effect at the time the permit  
128 application is filed cannot be met, residential lots platted and  
129 recorded or approved on or after January 1, 1972, shall, to the  
130 maximum extent possible, comply with the rules in effect at the  
131 time the permit application is filed. At a minimum, however,  
132 those residential lots platted and recorded or approved on or  
133 after January 1, 1972, but before January 1, 1983, shall comply  
134 with those rules in effect on January 1, 1983, and those  
135 residential lots platted and recorded or approved on or after  
136 January 1, 1983, shall comply with those rules in effect at the  
137 time of such platting and recording or approval. In determining  
138 the maximum extent of compliance with current rules that is  
139 possible, the department shall allow structures and  
140 appurtenances thereto which were authorized at the time such  
141 lots were platted and recorded or approved.

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

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

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

151 (i)1.(h)1. The department may grant variances in hardship  
152 cases which may be less restrictive than the provisions  
153 specified in this section. If a variance is granted and the  
154 onsite sewage treatment and disposal system construction permit  
155 has been issued, the variance may be transferred with the system



156 construction permit, if the transferee files, within 60 days  
157 after the transfer of ownership, an amended construction permit  
158 application providing all corrected information and proof of  
159 ownership of the property and if the same variance would have  
160 been required for the new owner of the property as was  
161 originally granted to the original applicant for the variance. A  
162 fee is not associated with the processing of this supplemental  
163 information. A variance may not be granted under this section  
164 until the department is satisfied that:

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

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

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

174

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

179 2. The department shall appoint and staff a variance review  
180 and advisory committee, which shall meet monthly to recommend  
181 agency action on variance requests. The committee shall make its  
182 recommendations on variance requests at the meeting in which the  
183 application is scheduled for consideration, except for an  
184 extraordinary change in circumstances, the receipt of new



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185 information that raises new issues, or when the applicant  
186 requests an extension. The committee shall consider the criteria  
187 in subparagraph 1. in its recommended agency action on variance  
188 requests and shall also strive to allow property owners the full  
189 use of their land where possible.

190 a. The committee is composed of the following:

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

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

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

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

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

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

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

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

210 3. The variance review and advisory committee is not  
211 responsible for reviewing water well permitting. However, the  
212 committee shall consider all requirements of law related to  
213 onsite sewage treatment and disposal systems when making



214 recommendations on variance requests for onsite sewage treatment  
215 and disposal system permits.

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

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

237 2. Each person who owns or operates a business or facility  
238 in an area zoned or used for industrial or manufacturing  
239 purposes, or its equivalent, or who owns or operates a business  
240 that has the potential to generate toxic, hazardous, or  
241 industrial wastewater or toxic or hazardous chemicals, and uses  
242 an onsite sewage treatment and disposal system that is installed



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243 on or after July 5, 1989, must obtain an annual system operating  
244 permit from the department. A person who owns or operates a  
245 business that uses an onsite sewage treatment and disposal  
246 system that was installed and approved before July 5, 1989, does  
247 not need to obtain a system operating permit. However, upon  
248 change of ownership or tenancy, the new owner or operator must  
249 notify the department of the change, and the new owner or  
250 operator must obtain an annual system operating permit,  
251 regardless of the date that the system was installed or  
252 approved.

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

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

269       1. The performance criteria applicable to engineer-designed  
270 systems must be limited to those necessary to ensure that such  
271 systems do not adversely affect the public health or



272 significantly degrade the groundwater or surface water. Such  
273 performance criteria shall include consideration of the quality  
274 of system effluent, the proposed total sewage flow per acre,  
275 wastewater treatment capabilities of the natural or replaced  
276 soil, water quality classification of the potential surface-  
277 water-receiving body, and the structural and maintenance  
278 viability of the system for the treatment of domestic  
279 wastewater. However, performance criteria shall address only the  
280 performance of a system and not a system's design.

281 2. A person electing to use an engineer-designed system  
282 shall, upon completion of the system design, submit such design,  
283 certified by a registered professional engineer, to the county  
284 health department. The county health department may use an  
285 outside consultant to review the engineer-designed system, with  
286 the actual cost of such review to be borne by the applicant.  
287 Within 5 working days after receiving an engineer-designed  
288 system permit application, the county health department shall  
289 request additional information if the application is not  
290 complete. Within 15 working days after receiving a complete  
291 application for an engineer-designed system, the county health  
292 department shall issue the permit or, if it determines that the  
293 system does not comply with the performance criteria, shall  
294 notify the applicant of that determination and refer the  
295 application to the department for a determination as to whether  
296 the system should be approved, disapproved, or approved with  
297 modification. The department engineer's determination shall  
298 prevail over the action of the county health department. The  
299 applicant shall be notified in writing of the department's  
300 determination and of the applicant's rights to pursue a variance



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301 or seek review under the provisions of chapter 120.

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

309 4. The property owner of an owner-occupied, single-family  
310 residence may be approved and permitted by the department as a  
311 maintenance entity for his or her own performance-based  
312 treatment system upon written certification from the system  
313 manufacturer's approved representative that the property owner  
314 has received training on the proper installation and service of  
315 the system. The maintenance service agreement must conspicuously  
316 disclose that the property owner has the right to maintain his  
317 or her own system and is exempt from contractor registration  
318 requirements for performing construction, maintenance, or  
319 repairs on the system but is subject to all permitting  
320 requirements.

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

329 6. If an engineer-designed system fails to properly



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330 function or fails to meet performance standards, the system  
331 shall be re-engineered, if necessary, to bring the system into  
332 compliance with the provisions of this section.

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

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

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

356 2. Onsite sewage treatment and disposal systems must cease  
357 discharge by December 31, 2015, or must comply with department  
358 rules and provide the level of treatment which, on a permitted



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359 annual average basis, produces an effluent that contains no more  
360 than the following concentrations:

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

362 b. Suspended Solids of 10 mg/l.

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

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

369

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

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

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

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

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



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

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

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

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

406        (n) (m) A product sold in the state for use in onsite sewage  
407 treatment and disposal systems may not contain any substance in  
408 concentrations or amounts that would interfere with or prevent  
409 the successful operation of such system, or that would cause  
410 discharges from such systems to violate applicable water quality  
411 standards. The department shall publish criteria for products  
412 known or expected to meet the conditions of this paragraph. If a  
413 product does not meet such criteria, such product may be sold if  
414 the manufacturer satisfactorily demonstrates to the department  
415 that the conditions of this paragraph are met.

416        (o) (n) Evaluations for determining the seasonal high-water



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

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

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

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

445 (s)-(r) In the siting of onsite sewage treatment and



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446 disposal systems, including drainfields, shoulders, and slopes,  
447 guttering may not be required on single-family residential  
448 dwelling units for systems located greater than 5 feet from the  
449 roof drip line of the house. If guttering is used on residential  
450 dwelling units, the downspouts shall be directed away from the  
451 drainfield.

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

456 1. The absorption surface of the drainfield may not be  
457 subject to flooding based on 10-year flood elevations. Provided,  
458 however, for lots or parcels created by the subdivision of land  
459 in accordance with applicable local government regulations  
460 before January 17, 1990, if an applicant cannot construct a  
461 drainfield system with the absorption surface of the drainfield  
462 at an elevation equal to or above 10-year flood elevation, the  
463 department shall issue a permit for an onsite sewage treatment  
464 and disposal system within the 10-year floodplain of rivers,  
465 streams, and other bodies of flowing water if all of the  
466 following criteria are met:

467 a. The lot is at least one-half acre in size;  
468 b. The bottom of the drainfield is at least 36 inches above  
469 the 2-year flood elevation; and

470 c. The applicant installs a waterless, incinerating, or  
471 organic waste composting toilet and a graywater system and  
472 drainfield in accordance with department rules; an aerobic  
473 treatment unit and drainfield in accordance with department  
474 rules; a system that is capable of reducing effluent nitrate by



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475 at least 50 percent in accordance with department rules; or a  
476 system other than a system using alternative drainfield  
477 materials in accordance with department rules. The United States  
478 Department of Agriculture Soil Conservation Service soil maps,  
479 State of Florida Water Management District data, and Federal  
480 Emergency Management Agency Flood Insurance maps are resources  
481 that shall be used to identify flood-prone areas.

482 2. The use of fill or mounding to elevate a drainfield  
483 system out of the 10-year floodplain of rivers, streams, or  
484 other bodies of flowing water may not be permitted if such a  
485 system lies within a regulatory floodway of the Suwannee and  
486 Aucilla Rivers. In cases where the 10-year flood elevation does  
487 not coincide with the boundaries of the regulatory floodway, the  
488 regulatory floodway will be considered for the purposes of this  
489 subsection to extend at a minimum to the 10-year flood  
490 elevation.

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

499 2. The property owner of an owner-occupied, single-family  
500 residence may be approved and permitted by the department as a  
501 maintenance entity for his or her own aerobic treatment unit  
502 system upon written certification from the system manufacturer's  
503 approved representative that the property owner has received



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504 training on the proper installation and service of the system.  
505 The maintenance entity service agreement must conspicuously  
506 disclose that the property owner has the right to maintain his  
507 or her own system and is exempt from contractor registration  
508 requirements for performing construction, maintenance, or  
509 repairs on the system but is subject to all permitting  
510 requirements.

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

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

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

532 (w) (v) Any permit issued and approved by the department for



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

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

558 (y)1.-(x)1. An onsite sewage treatment and disposal system  
559 is not considered abandoned if the system is disconnected from a  
560 structure that was made unusable or destroyed following a  
561 disaster and if the system was properly functioning at the time



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562 of disconnection and was not adversely affected by the disaster.  
563 The onsite sewage treatment and disposal system may be  
564 reconnected to a rebuilt structure if:

565 a. The reconnection of the system is to the same type of  
566 structure which contains the same number of bedrooms or fewer,  
567 if the square footage of the structure is less than or equal to  
568 110 percent of the original square footage of the structure that  
569 existed before the disaster;

570 b. The system is not a sanitary nuisance; and  
571 c. The system has not been altered without prior  
572 authorization.

573 2. An onsite sewage treatment and disposal system that  
574 serves a property that is foreclosed upon is not considered  
575 abandoned.

576 (z) If an onsite sewage treatment and disposal system  
577 permittee receives, relies upon, and undertakes construction of  
578 a system based upon a validly issued construction permit under  
579 rules applicable at the time of construction but a change to a  
580 rule occurs within 5 years after the approval of the system for  
581 construction but before the final approval of the system, the  
582 rules applicable and in effect at the time of construction  
583 approval apply at the time of final approval if fundamental site  
584 conditions have not changed between the time of construction  
585 approval and final approval.

586 (aa) An existing-system inspection or evaluation and  
587 assessment, or a modification, replacement, or upgrade of an  
588 onsite sewage treatment and disposal system is not required for  
589 a remodeling addition or modification to a single-family home if  
590 a bedroom is not added. However, a remodeling addition or



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

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

611 381.0065 Onsite sewage treatment and disposal systems;  
612 regulation.—

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