

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

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BILL: SB 698

INTRODUCER: Senator Martin

SUBJECT: Onsite Sewage Treatment and Disposal System Permits

DATE: January 16, 2026 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	<u>Pre-meeting</u>
2.		CA	
3.		RC	

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## I. Summary:

SB 698 provides that, if a building or plumbing permit is issued for a single-family residence that requires the use of an onsite sewage treatment and disposal system (OSTDS), a municipality or political subdivision of the state may not require an owner or builder to obtain a construction permit for the OSTDS as a condition of issuing the building or plumbing permit.

The bill also provides that any new rules relating to the use and installation of an onsite wastewater system that are adopted by the Florida Department of Environmental Protection will not apply to permit applications submitted within 120 days after the date the rules are adopted.

## II. Present Situation:

### Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (OSTDSs), commonly referred to as “septic systems,” generally consist of two basic parts: the septic tank and the drainfield.<sup>1</sup> Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the 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. The drainfield also filters the wastewater

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<sup>1</sup> Florida Department of Environmental Protection (DEP), *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Jan. 12, 2026); U.S. Environmental Protection Agency (EPA), *How Septic Systems Work*, <https://www.epa.gov/septic/how-septic-systems-work> (last visited Jan. 12, 2026); EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Jan. 12, 2026) (showing the graphic provided in the analysis).

as gravity draws the water down through the soil layers.<sup>2</sup> In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.<sup>3</sup>

There are an estimated 2.6 million OSTDSs in Florida, providing wastewater disposal for 30 percent of the state's population.<sup>4</sup> The vast majority of these OSTDS are conventional systems.<sup>5</sup>

Conventional OSTDSs do not reduce nitrogen from raw sewage. In Florida, approximately 30 to 40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.<sup>6</sup> This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from OSTDSs a potential contaminant in groundwater.<sup>7</sup>

Different types of advanced OSTDSs can remove greater amounts of nitrogen than a typical septic system (often referred to as "advanced" or "nutrient-reducing" septic systems),<sup>8</sup> and may be required in certain areas. For example, enhanced nutrient-reducing OSTDSs<sup>9</sup> are required for new systems within the Indian River Lagoon<sup>10</sup> and on lots of 1 acre or less within a basin management action plan, reasonable assurance plan, or pollution reduction plan where a



<sup>2</sup> *Id.*

<sup>3</sup> Fla. Admin. Code R. 62-6.006(2). For system repairs and alterations to add sewage flow, where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high water table, the bottom of the drainfield must be maintained at the existing separation or a minimum of 12 inches above the wet season high water table, whichever is greater. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield must be brought into full compliance with all new system standards. Fla. Admin. Code R. 62-6.001(4)(e)2. and 3. *See also* Fla. Admin. Code R. 62-6.015(6)(a).

<sup>4</sup> DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%2E%20%99%20septic%20systems> (last visited Jan. 12, 2026).

<sup>5</sup> DEP, *Onsite Sewage Research Projects*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-research-projects> (last visited Jan. 12, 2026).

<sup>6</sup> DOH, *Florida Onsite Sewage Nitrogen Reduction Strategies Study, Final Report 2008-2015*, 21 (Dec. 2015), available at <https://wakullaspringsalliance.org/wp-content/uploads/2016/11/Fla-OSTDS-N-Reduction-Strategies.DOH2015.pdf>; *See* Fla. Admin. Code R. 64E-6.006(2).

<sup>7</sup> University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (2020), available at <http://edis.ifas.ufl.edu/pdffiles/SS/SS55000.pdf>.

<sup>8</sup> DEP, *Nitrogen-Reducing Systems for Areas Affected by the Florida Springs and Aquifer Protection Act* (updated May 2021), available at [https://floridadep.gov/sites/default/files/Nitrogen\\_Reducing\\_Systems\\_for%20\\_Springs\\_Protection\\_0.pdf](https://floridadep.gov/sites/default/files/Nitrogen_Reducing_Systems_for%20_Springs_Protection_0.pdf).

<sup>9</sup> "Enhanced nutrient-reducing OSTDS" means an OSTDS approved by DEP as capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from onsite sewage tank or tanks and drainfield. Section 373.469(2)(b), F.S.

<sup>10</sup> *See* section 373.469(3)(d), F.S.

sewerage system is not available.<sup>11</sup> There are also special treatment requirements for the Florida Keys.<sup>12</sup> In addition, performance-based treatment systems<sup>13</sup> must meet specific treatment standards.<sup>14</sup>

DEP must inspect OSTDSs before placing a system into service<sup>15</sup> and approve the final OSTDS installation before a building or structure may be occupied.<sup>16</sup> If certain alterations<sup>17</sup> are made, system tanks must be pumped and visually inspected.<sup>18</sup> If an existing system was approved within the preceding five years, a new inspection is not required unless there is a record of failure of the system.<sup>19</sup> System repairs must be inspected by DEP or a master septic tank contractor.<sup>20</sup> Buildings or establishments that use an aerobic treatment unit or generate commercial waste must be inspected by DEP at least annually.<sup>21</sup>

### ***Onsite Sewage Treatment and Disposal System Permits***

State law requires a person to receive a DEP-approved permit to construct, repair, modify, abandon, or operate an OSTDS.<sup>22</sup> Once received, a permit to construct an OSTDS is valid for 18 months after it is issued and DEP may provide one 90-day extension. A permit to repair an OSTDS is valid for 90 days after it is issued.<sup>23</sup>

A construction or repair permit for an OSTDS may be transferred to another person if all information pertaining to the siting, location, and installation conditions or repair of an OSTDS remains the same and if the transferee files an amended application providing the updated information and proof of property ownership.<sup>24</sup> The transferee must file the amended application within 60 days of the transfer of ownership.<sup>25</sup>

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<sup>11</sup> Sections 373.811(2) and 403.067(7)(a)10., F.S.

<sup>12</sup> Section 381.0065(4)(l), F.S.

<sup>13</sup> “Performance-based treatment system” means a specialized OSTDS designed by a professional engineer with a background in wastewater engineering, licensed in the state of Florida, using appropriate application of sound engineering principles to achieve specified levels of CBOD5 (carbonaceous biochemical oxygen demand after five days), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), or fecal coliform found in domestic or commercial sewage waste, to a specific and measurable established performance standard. Fla. Admin. Code R. 62-6.025(7). If a site restricts home construction because of setbacks or authorized sewage flow, a system can be designed by an engineer to meet strict levels of effluent pollutant reductions. The three levels of performance-based treatment systems are secondary treatment, advanced secondary treatment, and advanced wastewater treatment.

<sup>14</sup> See Fla. Admin. Code R. 62-6.025(11).

<sup>15</sup> Fla. Admin. Code R. 62-6.003(2).

<sup>16</sup> Section 381.0065(4), F.S.

<sup>17</sup> This includes alterations that change the conditions under which the system was permitted, sewage characteristics, or increase sewage flow. DEP approval is required prior to such alterations. Fla. Admin. Code R. 62-6.001(4), F.S.

<sup>18</sup> Fla. Admin. Code R. 62-6.001(4)(b).

<sup>19</sup> Fla. Admin. Code R. 62-6.001(4)(c).

<sup>20</sup> Fla. Admin. Code R. 62-6.003(3).

<sup>21</sup> Section 381.0065(4), F.S.

<sup>22</sup> *Id.* DEP may issue OSTDS permits, except that the issuance of a permit to work seaward of the coastal construction control line is contingent upon receipt of any required coastal construction control line permit from DEP.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

A property owner who personally performs construction, maintenance, or repairs to an OSTDS serving their own owner-occupied, single-family residence does not have to be registered as a septic tank contractor,<sup>26</sup> however they will be subject to all permitting requirements.<sup>27</sup>

State law prohibits a municipality or political subdivision of the state from issuing a building or plumbing permit for any building that requires the use of an OSTDS, unless the owner or builder has received a construction permit for the OSTDS from DEP.<sup>28</sup>

### ***Onsite Sewage Treatment and Disposal System Rule Updates***

DEP has proposed amendments to the OSTDS rules<sup>29</sup> to ensure proper regulation of OSTDSs by addressing statutory changes, improving regulatory efficiency, and simplifying and clarifying the rules.<sup>30</sup> The rule development addresses requirements for permit application processing, OSTDS installation and location, abandonment, construction materials, standards for tanks, registration of a septic tank or a master septic tank contractor, renewal of registration certificates, disciplinary standards and penalties for registered persons, certification of partnerships and corporations, and fees related to OSTDS regulations.<sup>31</sup> DEP has published draft rules and forms, as well as the agenda and recording from its December 5, 2025 public rule workshop on its website.<sup>32</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 381.0065, F.S., to create an exception to current law for single family homes. Specifically, if a building or plumbing permit is for a single-family residence that requires the use of an onsite sewage treatment and disposal system (OSTDS), a municipality or political subdivision of the state may not require the owner or builder to receive a construction permit from the Florida Department of Environmental Protection (DEP) for the OSTDS as a condition of issuing the building or plumbing permit.

The bill makes conforming changes.

**Section 2** amends s. 381.0065, F.S., effective July 1, 2026, to provide that any new rules relating to the use and installation of onsite wastewater systems that are adopted by DEP<sup>33</sup> do not apply to permit applications submitted within 120 days after the date such rules are adopted.

**Section 3** amends s. 380.0552, F.S., to make conforming changes to several statutory citations.

**Section 4** amends s. 381.00651, F.S., to make a conforming change to one statutory citation.

<sup>26</sup> See chapter 489, part III, F.S., relating to septic tank contracting.

<sup>27</sup> Section 381.0065(4), F.S.

<sup>28</sup> *Id.*

<sup>29</sup> Fla. Admin. Code R. 62-6.

<sup>30</sup> Fla. Admin. Register, *Notice of Development of Rulemaking Ch. 62-6* (Nov. 2025), available at <https://flrules.org/gateway/ruleno.asp?id=62-6.004&PDate=11/20/2025&Section=1>.

<sup>31</sup> *Id.*

<sup>32</sup> DEP, *Water Resource Management Rules in Development: Onsite Sewage Program*, <https://floridadep.gov/water/water/content/water-resource-management-rules-development#OSP%20-%20OSTDS> (last visited Jan. 13, 2026).

<sup>33</sup> This is specific to rules adopted by DEP under section 381.0065, F.S., relating to OSTDSs.

**Section 5** provides that, except as otherwise expressly provided in the bill, the act will take effect upon becoming a law. Only Section 2 of the bill will not take effect immediately upon becoming law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

Section 1 of the bill makes a change to conform to the addition of the exception by adding “notwithstanding paragraph (a).” It may be clearer to use “except as provided in paragraph (a).”

Section 2 of the bill uses the term “onsite wastewater systems” instead of “onsite sewage treatment and disposal systems.” It may be clearer to use the second term.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 381.0065, 380.0552, and 381.00651 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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