Tab 1	**SB 698** by **Martin;** Identical to H 00589 Onsite Sewage Treatment and Disposal System Permits

732922	A	S		EN, Martin	Delete L.61 - 670:	01/16 12:18 PM

Tab 2	**SB 958** by **Bradley;** Identical to H 00865 Local Regulation of Drinking Straws and Stirrers

Tab 3	**SB 1066** by **Brodeur;** Identical to H 00981 Tributaries of the St. Johns River

493514	A	S	L	EN, Brodeur	Delete L.105 - 132:	01/16 01:41 PM

Tab 4	**SB 1230** by **Harrell;** Identical to H 01019 Perfluoroalkyl and Polyfluoroalkyl Substances

798038	A	S		EN, Harrell	Delete L.26 - 65:	01/16 12:33 PM

Tab 5	**SB 1288** by **Harrell;** Identical to H 01219 Waterbody Designations/Andrew "Red" Harris Shoal

852850	A	S		EN, Harrell	Delete L.13:	01/16 12:57 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES
Senator Rodriguez, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Tuesday, January 20, 2026
TIME: 1:00—3:00 p.m.
PLACE: *Toni Jennings Committee Room,* 110 Senate Building

MEMBERS: Senator Rodriguez, Chair; Senator Mayfield, Vice Chair; Senators Arrington, Avila, DiCeglie, Harrell, Polsky, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 698** Martin (Identical H 589)	Onsite Sewage Treatment and Disposal System Permits; 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, etc. EN 01/20/2026 CA RC	
2	**SB 958** Bradley (Identical H 865)	Local Regulation of Drinking Straws and Stirrers; Prohibiting local governmental entities from enacting any rule, regulation, or ordinance for drinking straws or stirrers which does not meet specified requirements; providing requirements for local governmental entities that elect to enact rules, regulations, or ordinances for drinking straws or stirrers, etc. EN 01/20/2026 CA RC	
3	**SB 1066** Brodeur (Identical H 981)	Tributaries of the St. Johns River; Citing this act as the "Northeast Florida Rivers, Springs, and Community Investment Act"; requiring the Department of Environmental Protection, by a specified date, to hire a project lead to oversee the implementation of the act; requiring the department to develop, by a specified date, a project plan for the restoration of the Ocklawaha River; providing that the project plan is an environmental restoration or enhancement project subject to a general permit from the department and water management districts; creating the Northeast Florida River and Springs Recreation and Economic Development Advisory Council, etc. EN 01/20/2026 AEG AP	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 1230** Harrell (Identical H 1019)	Perfluoroalkyl and Polyfluoroalkyl Substances; Defining the term “aqueous film-forming foam”; prohibiting, beginning on a specified date, certain use and the sale, purchase, or distribution of aqueous film-forming foam; prohibiting, beginning on a specified date, the possession and use of aqueous film-forming foam; requiring certain public entities disposing of domestic wastewater biosolids to annually conduct specified samplings and submit the results to the department, etc. EN 01/20/2026 AEG FP	
5	**SB 1288** Harrell (Identical H 1219)	Waterbody Designations/Andrew “Red” Harris Shoal; Designating the Andrew “Red” Harris Shoal; directing the Department of Environmental Protection to erect suitable markers, etc. EN 01/20/2026 AEG FP	
6	Other Related Meeting Documents		

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.)

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

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	**Pre-meeting**
2.			CA	
3.			RC	

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.

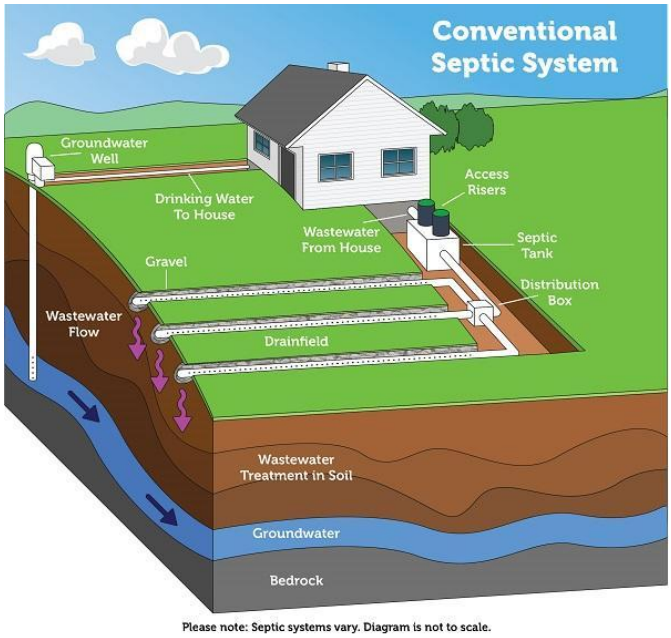
II. Present Situation:

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.[1] 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

[1] 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.[2] In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.[3]



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

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.[6] This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from OSTDSs a potential contaminant in groundwater.[7]

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),[8] and may be required in certain areas. For example, enhanced nutrient-reducing OSTDSs[9] are required for new systems within the Indian River Lagoon[10] and on lots of 1 acre or less within a basin management action plan, reasonable assurance plan, or pollution reduction plan where a

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[2] *Id.*
[3] 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. and 62-6.001(4)(e)2. and 3. *See also* Fla. Admin. Code R. 62-6.015(6)(a).
[4] 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%E2%80%99%20septic%20systems (last visited Jan. 12, 2026).
[5] DEP, *Onsite Sewage Research Projects*, https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-research-projects (last visited Jan. 12, 2026).
[6] 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).
[7] 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.
[8] 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.
[9] "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.
[10] *See* section 373.469(3)(d), F.S.

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

DEP must inspect OSTDSs before placing a system into service[15] and approve the final OSTDS installation before a building or structure may be occupied.[16] If certain alterations[17] are made, system tanks must be pumped and visually inspected.[18] 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.[19] System repairs must be inspected by DEP or a master septic tank contractor.[20] Buildings or establishments that use an aerobic treatment unit or generate commercial waste must be inspected by DEP at least annually.[21]

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.[22] 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.[23]

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.[24] The transferee must file the amended application within 60 days of the transfer of ownership.[25]

[11] Sections 373.811(2) and 403.067(7)(a)10., F.S.
[12] Section 381.0065(4)(l), F.S.
[13] "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.
[14] *See* Fla. Admin. Code R. 62-6.025(11).
[15] Fla. Admin. Code R. 62-6.003(2).
[16] Section 381.0065(4), F.S.
[17] 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.
[18] Fla. Admin. Code R. 62-6.001(4)(b).
[19] Fla. Admin. Code R. 62-6.001(4)(c).
[20] Fla. Admin. Code R. 62-6.003(3).
[21] Section 381.0065(4), F.S.
[22] *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.
[23] *Id*.
[24] *Id*.
[25] *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,[26] however they will be subject to all permitting requirements.[27]

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.[28]

Onsite Sewage Treatment and Disposal System Rule Updates

DEP has proposed amendments to the OSTDS rules[29] to ensure proper regulation of OSTDSs by addressing statutory changes, improving regulatory efficiency, and simplifying and clarifying the rules.[30] 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.[31] 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.[32]

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[33] 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.

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[26] *See* chapter 489, part III, F.S., relating to septic tank contracting.
[27] Section 381.0065(4), F.S.
[28] *Id*.
[29] Fla. Admin. Code R. 62-6.
[30] 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.
[31] *Id*.
[32] 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).
[33] 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.

732922

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Environment and Natural Resources (Martin) recommended the following:

Senate Amendment

Delete lines 61 - 670

and insert:

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

732922

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

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

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


732922

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

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

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

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

732922

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

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

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

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

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

732922

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

4. Fifty feet from any nonpotable well.

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

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

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

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

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

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

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

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

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

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

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

732922

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

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

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

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

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

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

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

a. The committee is composed of the following:

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

(II) A representative from the county health departments.

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

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

(V) A representative from the Department of Health.

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

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

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

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

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

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

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

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

732922

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

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

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

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

732922

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

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

732922

or seek review under the provisions of chapter 120.

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

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

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

6. If an engineer-designed system fails to properly

732922

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

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

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

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

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

732922

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

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

b. Suspended Solids of 10 mg/l.

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

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

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

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

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

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

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

732922

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

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

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

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

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

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

732922

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

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

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

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

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

732922

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

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

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

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

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

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

732922

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

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

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

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

732922

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

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

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

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

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

732922

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

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

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

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

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

b. The system is not a sanitary nuisance; and

c. The system has not been altered without prior authorization.

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

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

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

732922

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

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

381.0065 Onsite sewage treatment and disposal systems; regulation.—

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

By Senator Martin

33-01362-26 2026698__

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 carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the

department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. An operating permit must be obtained before the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from

registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. Notwithstanding paragraph (a), a municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

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

(b) ~~(a)~~ Subdivisions and lots in which each lot has a

minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

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

(d) ~~(c)~~ Notwithstanding paragraphs ~~(a) and~~ (b) and (c), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the department, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this

paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(e)~~(d)~~ Paragraphs ~~(a) and~~ (b) and (c) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment system is available. This paragraph does not allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

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

exceedance of a total maximum daily load.

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

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

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

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

4. Fifty feet from any nonpotable well.

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

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

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

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

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

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

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

a. Two thousand five hundred gallons per acre per day for

lots served by public water systems as defined in s. 403.852.

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

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

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

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

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

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory,

special consideration must be given to those lots platted before 1972.

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

a. The committee is composed of the following:

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

(II) A representative from the county health departments.

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

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

(V) A representative from the Department of Health.

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

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

b. Members shall be appointed for a term of 3 years, with

such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

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

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

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may not grant approval when the proposed use of the

system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

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

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

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system’s design.

2. A person electing to use an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may use an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department shall issue the permit or, if it determines that the

system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

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

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

5. The property owner shall obtain a biennial system

operating permit from the department for each system. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation.

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

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

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

1. The county, each municipality, and those special districts established for the purpose of the collection,

transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

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

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

b. Suspended Solids of 10 mg/l.

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

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

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

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

4. In areas scheduled to be served by a central sewerage system by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central

sewerage system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

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

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

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

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

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

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

(n) ~~(m)~~ A product sold in the state for use in onsite sewage treatment and disposal systems may not contain any substance in concentrations or amounts that would interfere with or prevent

the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. If a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(o) ~~(n)~~ Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(l). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

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

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

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

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

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

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

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

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

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

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

(u)1.~~(t)1.~~ The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report

quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

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

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

4. The owner of an aerobic treatment unit system shall obtain a system operating permit from the department and allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may

include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

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

(w) ~~(v)~~ Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution of 1885.

(x) ~~(w)~~ A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012.

Notwithstanding this paragraph, an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.

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

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

b. The system is not a sanitary nuisance; and

c. The system has not been altered without prior authorization.

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

(z)~~(y)~~ If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction

approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.

(aa) ~~(z)~~ An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

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

381.0065 Onsite sewage treatment and disposal systems;

regulation.—

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

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

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

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

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

(4) REMOVAL OF DESIGNATION.—

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

1. All of the work program tasks have been completed, including construction of, operation of, and connection to central wastewater management facilities pursuant to s. 403.086(11) and upgrade of onsite sewage treatment and disposal systems pursuant to s. 381.0065(4)(m) ~~s. 381.0065(4)(l)~~;

2. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent specified in subsection (2), and are consistent with and further the principles guiding development; and

3. A local government has adopted a resolution at a public hearing recommending the removal of the designation.

(7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which is adopted and incorporated herein by reference. For the purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole and specific provisions may not be construed or applied in isolation from the other provisions. However, the principles for guiding development are repealed 18 months from July 1, 1986. After repeal, any plan amendments must be consistent with the following principles:

(j) Ensuring the improvement of nearshore water quality by

requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(m) and 403.086(11) ~~ss. 381.0065(4)(l) and 403.086(11)~~, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(9) MODIFICATION TO PLANS AND REGULATIONS.—

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

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(m) ~~s. 381.0065(4)(l)~~ for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a

hurricane evacuation clearance time for permanent residents of no more than 24.5 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

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

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

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

(6) The requirements for an onsite sewage treatment and disposal system evaluation and assessment program are as 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 measure to resolve the failure of a conventional system.

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

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.)

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

BILL:	SB 958
INTRODUCER:	Senator Bradley
SUBJECT:	Local Regulation of Drinking Straws and Stirrers
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Pre-meeting**
2.			CA	
3.			RC	

I. Summary:

SB 958 contains legislative findings acknowledging that, while many businesses and communities use paper drinking straws and stirrers as a purportedly better option for public health and the environment, studies have shown that most paper straws contain harmful per- and polyfluoroalkyl substances (PFAS). Paper drinking straw regulations also marginalize residents with disabilities for whom paper straws are not an option. The bill provides that the Legislature intends to combat the harmful impacts of paper drinking straws and stirrers, provide businesses and residents with better alternatives to single-use plastic straws and stirrers, and promote statewide uniformity of drinking straw and stirrer regulations.

The bill provides that if a local government elects to regulate the use, disposition, sale, prohibition, or restriction of drinking straws or stirrers, it must require such straws and stirrers to be:

- Renewable;
- Home compostable certified;
- Industrial compostable certified; and
- Marine biodegradable.

The bill prohibits local governments from enacting rules, regulations, or ordinances that do not meet the requirements of this bill. The bill creates exceptions for (1) prepackaged drinks sold at commercial establishments; and (2) hospitals, medical care facilities, or senior care facilities. The bill requires existing local regulations that prohibit drinking straws or stirrers that meet these criteria to be amended by January 1, 2027.

The bill specifies it may not be construed as requiring local governments to regulate drinking straws or stirrers.

II. Present Situation:

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

PFAS are a large and complex class of synthetic chemicals that are resistant to heat, water, and oil.[1] Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) are two of the most widely used and studied chemicals in the PFAS group.[2] PFOA and PFOS have been replaced in the U.S. with other PFAS in recent years.[3]

PFAS have been used in a wide variety of consumer products and industrial processes since the 1940s.[4] Most people in the U.S. have been exposed to PFAS, primarily through touching, drinking, eating, or breathing in materials containing these chemicals.[5] PFAS may be present in:

- Drinking water;
- Waste sites;
- Fire extinguishing foam;
- Manufacturing facilities;
- Consumer products;
- Food packaging;
- Biosolids; and
- Food.[6]

Because PFAS do not break down in the environment, earning them the nickname "Forever Chemicals," concentrations of PFAS can accumulate in people, wildlife, and the environment over time.[7] Even at very low levels, exposure to PFAS can cause serious health problems.[8]

Our understanding of these chemicals and their impact on human health is incomplete, and PFAS regulatory and technical developments are quickly evolving.[9]

In April 2024, the Environmental Protection Agency (EPA) announced final drinking water regulations for PFOA, PFOS, and several other PFAS compounds (perfluorohexanesulfonic acid or PFHxS, perfluorononanoic acid or PFNA, GenX, and the hazard index mixture of these three PFAS plus perfluorobutanesulfonic acid or PFBS).[10] At that time, EPA established legally

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[1] DEP, *PFAS Dynamic Plan*, 3 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.
[2] Environmental Protection Agency (EPA), *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas (last visited Jan. 12, 2026).
[3] *Id.*
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] *See* EPA, *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas (last visited Jan. 12, 2026).
[8] *Id.*
[9] DEP, *PFAS Dynamic Plan*, 3 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.
[10] 89 Fed. Reg. 32532 (Apr. 26, 2024); EPA, *PFAS National Drinking Water Regulation FAQs for Drinking Water Primacy Agencies*, https://www.epa.gov/system/files/documents/2024-04/pfas_npwdr_faqsstates_4.8.24.pdf. Several lawsuits have been filed challenging the regulation. *American Water Works Ass'n. v. EPA*, No. 24-1188 (D.C. Cir. June 7, 2024); *Nat'l Ass'n of Mfrs. v. EPA*, No. 24-1191 (D.C. Cir. June 10, 2024); *The Chemours Co. FC v. EPA*, No. 24-1192 (D.C. Cir. June

enforceable Maximum Contaminant Levels (MCLs) for these PFAS in drinking water and gave public water systems until 2029 to comply with the MCLs.[11] EPA also finalized a rule to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act.[12] EPA has also updated interim guidance on PFAS destruction and disposal, restricted PFAS in federal custodial contracts, and proposed new rules under the Resource Conservation and Recovery Act to regulate additional PFAS as hazardous constituents.[13]

In May 2025, EPA announced it intends to keep the drinking water MCLs for PFOA and PFOS but rescind and reconsider the regulations for the other PFAS compounds (PFHxS, PFNA, GenX, and the hazard index mixture of these three PFAS plus PFBS).[14] EPA also announced its intent to extend the MCL compliance deadlines for PFOA and PFOS to 2031 and establish a federal exemption framework.[15]

To date, EPA has not finalized standards for PFAS in groundwater or soil. The Department of Environmental Protection (DEP) has set provisional groundwater and soil cleanup target levels for PFOA and PFOS.[16]

Drinking Straws and Stirrers

Plastic pollution threatens food safety, human health, wildlife, and coastal tourism, and contributes to climate change.[17] Once in the environment, plastics can take between 100 to 1,000 years to decompose.[18] Plastic straws are one of the many single-use plastics that litter beaches,

10, 2024). The cases have been consolidated with the American Water Works Association case as the lead. Litigation is ongoing.

[11] 89 Fed. Reg. 32532, 32533 (Apr. 26, 2024).

[12] EPA, *Designation of [PFOA and PFOS] as CERCLA Hazardous Substances*, https://www.epa.gov/superfund/designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-cercla (last visited Jan. 14, 2026).. These requires facilities to report releases of PFOA or PFOS at or above the reportable quantity (one pound) within a 24-hour period. 89 Fed. Reg. 39124, 39131 (May 8, 2024); *see also* EPA, *Designation of PFOA and PFOS as hazardous substances under CERCLA Release Reporting Requirements Factsheet*, https://www.epa.gov/epcra/designation-pfoa-and-pfos-hazardous-substances-under-cercla-release-reporting-requirements (last visited Jan. 14, 2026).

[13] *See* EPA, *Key EPA Actions to Address PFAS*, https://www.epa.gov/pfas/key-epa-actions-address-pfas (last visited Jan. 14, 2026).

[14] EPA, *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS*, https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos (last visited Jan. 14, 2026). In September 2025, as part of ongoing litigation, EPA moved the D.C. Circuit Court of Appeals to partially vacate its own drinking water regulations for the PFAS compounds other than PFOA and PFOS. *See* Respondents' Motion for Partial Vacatur, *American Water Works Ass'n v. EPA*, No. 24-1188 (D.C. Cir. Sept. 11, 2025).

[15] *Id.*

[16] DEP, *PFAS Dynamic Plan*, 10 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.

[17] Int'l Union for Conservation of Nature, *Marine Plastic Pollution*, 1 (2021), *available at* https://iucn.org/sites/default/files/2022-04/marine_plastic_pollution_issues_brief_nov21.pdf.

[18] EPA, *Impacts of Plastic Pollution*, https://www.epa.gov/plastics/impacts-plastic-pollution?utm_source=chatgpt.com (last visited Jan. 15, 2026); K.O. Babaremu, et al., *Sustainable plastic waste management in a circular economy*, Heliyon, vol. 8, 1-2 (2022), *available at* https://www.sciencedirect.com/science/article/pii/S2405844022012725.

pollute oceans, and harm wildlife.[19] Approximately 500 million straws are used in the U.S. every day.[20] Every year, the U.S. uses enough straws to wrap around the earth 2.5 times.[21]

To address concerns about plastic pollution, several cities and counties in Florida have enacted measures restricting the use, sale, or distribution of single-use plastic straws or stirrers by retail or food service establishments.[22] Several counties have enacted similar restrictions.[23] Most local ordinances carve out exceptions for prepackaged goods, medical facilities, nursing homes or assisted living facilities, and customers with medical or physical conditions that would make non-plastic alternatives unsuitable.

Local restrictions on plastic straws and broader efforts to curb plastic pollution have prompted many commercial establishments to replace plastic straws with paper and other plant-based alternatives. Paper straws are commonly promoted as an environmentally friendly option due to their biodegradability.[24] However, studies have shown that harmful chemicals like PFAS are often present in paper and plant-based straws, indicating that these products are not fully biodegradable and contribute to human ingestion of PFAS and the presence of PFAS in the environment.[25] Some paper-based products also pose potential hazards to the environment and human health.[26] Additionally, for disabled individuals who rely on plastic straws for comfort, hygiene, and ease of use, alternative materials such as paper may pose safety and sanitation risks, lack heat resistance and positional flexibility, and cost more than plastic options.[27]

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[19] Department of Environmental Protection (DEP), *Skip the Straw*, https://floridadep.gov/waste/waste/campaign/skip-straw (last visited Jan. 15, 2026).
[20] DEP, *10 Reasons to Skip the Straw*, https://floridadep.gov/sites/default/files/STSFactSheet2019.pdf (lats visited Jan. 15, 2026).
[21] *Id.*
[22] *See* City of Coconut Creek, Fla., Code of Ordinances, §§ 12-71 and 12-73; City of Dania Beach, Fla., Code of Ordinances, § 17-134; City of Deerfield Beach, Fla., Code of Ordinances, § 34-180; City of Delray Beach, Fla., Code of Ordinances, § 121.01; City of Fort Lauderdale, Fla., Code of Ordinances, § 16-141; City of Key West, Fla., Code of Ordinances, § 26-313; City of Lauderdale-by-the-Sea, Fla., Code of Ordinances, § 5-8; City of Marco Island, Fla., Code of Ordinances, § 54-39; City of Miami Beach, Fla., Code of Ordinances, § 46-213; City of Ormond Beach, Fla., Code of Ordinances, § 11-16; City of Palm Beach, Fla., Code of Ordinances, § 42-401; City of Sarasota, Fla., Code of Ordinances, § 16-61; City of St. Petersburg, Fla., Code of Ordinances, § 11-110; City of West Palm Beach, Fla., Code of Ordinances, § 34-1.
[23] *See, e.g.*, Alachua County, Fla., Code of Ordinances, § 75.211 (prohibiting single-use plastic straws and stirrers); Broward County, Fla., Code of Ordinances, § 27.172; Monroe County, Fla., Code of Ordinances, § 12-191 (prohibiting retail establishments from selling or distributing single-use plastic straws or stirrers).
[24] Alina Timshina, et al., *The last straw: Characterization of per- and polyfluoroalkyl substances in commercially-available plant-based drinking straws*, Chemosphere, vol. 277, 1 (2021), *available at* https://www.sciencedirect.com/science/article/abs/pii/S0045653521007074.
[25] Timshina, *The last straw: Characterization of per- and polyfluoroalkyl substances in commercially-available plant-based drinking straws* at 1. *See also* Pauline Boisacq, et al., *Assessment of poly- and perfluoroalkyl substances (PFAS) in commercially available drinking straws using targeted and suspect screening approaches*, 1 (2023), *available at* https://pubmed.ncbi.nlm.nih.gov/37619405/.
[26] *See* Nikolaos Simantiris, *Single-use plastic or paper products? A dilemma that requires societal change*, Cleaner Waste Systems, vol. 7, 6 (2024), *available at* https://www.sciencedirect.com/science/article/pii/S2772912523000544.
[27] Andrew B. Jenks and Kelsey M. Obringer, *The poverty of plastics bans: Environmentalism's win is a loss for disabled people*, Critical Social Policy, vol. 40 (2019), *available at* https://journals.sagepub.com/doi/10.1177/0261018319868362.

Compostable Products

Compostable products are designed to break down into usable soil amendments in an industrial composting facility or in a home compost pile or device.[28] They include items such as bags, takeout containers, bags, food packaging, cups, plates, and serviceware and can be made from plastic, paper, or plant-based materials.[29]

Compostable products are distinguishable from biodegradable products. "Biodegradable" broadly refers to material that can be broken down by microorganisms without specifying the timeframe or conditions, while "compostable" refers to products that biodegrade under specific, defined composting conditions and timeframes and meet recognized standards.[30] Therefore, while all compostable products are biodegradable, not all biodegradable products are compostable.

For a product to be labeled as compostable, it should be independently certified as meeting established industry standards, such as those developed by Advancing Standards Transforming Markets (ASTM).[31] ASTM compostability standards require testing of individual ingredients for biodegradability, physical disintegration during composting, plant toxicity, and heavy metal content.[32] There are several organizations that certify compostable products based on ASTM standards, including the Biodegradable Products Institute and TUV Austria.

Biodegradable Products Institute (BPI)

BPI is a nonprofit organization that tests and certifies products for compostability. To be eligible for BPI certification, items must be associated with desirable organic feedstocks like food scraps and yard trimmings, meet applicable ASTM standards, comply with restrictions on fluorinated chemicals such as PFAS, and include appropriate product and packaging artwork displaying the BPI certification mark.[33]

BPI offers two compostability certifications: a commercial-only certification, which certifies that items will break down in commercial compost facilities, and a commercial and home certification, which certifies that items will break down in both commercial compost facilities and in properly managed home compost bins.[34] BPI certifications are valid for three years.[35]

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[28] *See* U.S. Composting Council (USCC), *Compostable Products*, https://www.compostingcouncil.org/page/CompostableProducts (last visited Jan. 15, 2026); 16 C.F.R. § 260.7(b).
[29] USCC, *Compostable Products.*
[30] *See* BPI, *Biodegradable vs compostable*, https://bpiworld.org/biodegradable-vs-compostable (last visited Jan. 9, 2026).
[31] ASTM is a nonprofit organization that develops voluntary consensus standards used to regulate product quality and safety across various industries. *See* ASTM, *Detailed Overview*, https://www.astm.org/about/detailed-overview (last visited Jan. 12, 2026).
[32] USCC, *Compostable Products.* There are currently no ASTM standard test methods in place for evaluating the ability of a plastic to compost in a home environment. EPA, *Frequently Asked Questions about Plastic Recycling and Composting*, https://www.epa.gov/trash-free-waters/frequently-asked-questions-about-plastic-recycling-and-composting#home (last visited Jan. 15, 2026).
[33] BPI, *Compostability Certification*, https://bpiworld.org/compostability-certification (last visited Jan. 9, 2026). BPI-certified products must be free of intentionally added PFAS, contain less than 100 parts per million total organic fluorine, and satisfy technical formulation review requirements. *See id.*
[34] BPI, *Certification*, https://bpiworld.org/certification (last visited Jan. 9, 2026).
[35] BPI, *Fees*, https://bpiworld.org/fees-timeline (last visited Jan. 12, 2026).

TUV Austria OK Compost Program

TUV Austria is an international organization headquartered in Vienna that conducts testing, inspection, and certification services to verify that products and services meet applicable safety, quality, and environmental standards.[36]

Like BPI, TUV Austria offers certifications for industrial and home compostability. Products certified by TUV Austria for industrial composting are intended to break down in industrial composting facilities at high temperatures.[37] By contrast, products certified for home composting are designed to break down at lower temperatures typical of household compost systems.[38] The industrial certification requires testing for:

- Biodegradation (chemical breakdown of the polymer of fibers);
- Disintegration (physical breakdown of the product into small fragments);
- Ecotoxicity (negative effect on plants); and
- Heavy metals content.[39]

To verify product claims, TUV Austria conducts periodic controls and monitoring through web searches, sampling from manufacturer's stocks, mystery shopping, and samples sent by different stakeholders.[40] Certifications are valid for five years.[41]

Biobased Products

Biobased products provide an alternative to conventional petroleum based products and are derived from plants and other renewable agricultural, marine, and forestry materials.[42] Biobased products can include construction materials, custodial goods, and consumer-based personal care products and packaging.[43] Biobased products can also refer to intermediate-use feedstocks such as biopolymers[44] and biobased chemicals used to create commercial, industrial, or consumer goods.[45]

Programs that certify biobased products include the United States Department of Agriculture's (USDA's) BioPreferred Program and TUV Austria's OK Biobased Program.

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[36] *See generally*, TUV Austria, *TUV Austria*, https://okcert.tuvaustria.com/ (last visited Jan. 12, 2026); TUV Austria, *Solutions*, https://en.tuv.at/solutions/ (last visited Jan. 12, 2026).
[37] TUV Austria, *Solution: OK compost Home*, https://en.tuv.at/ok-compost-home-en/ (last visited Jan. 12, 2026).
[38] *Id.*
[39] TUV Austria, *Solution: OK compost Industrial: FAQ*, https://okcert.tuvaustria.com/ok-compost-industrial-en/ (last visited Jan. 12, 2026).
[40] TUV Austria, *Application & Certification Process*, 3 (2024), *available at* https://be.tuvaustria.com/wp-content/uploads/sites/73/2024/02/ID-100_Certification_process_EN.pdf.
[41] TUV Austria, *Application & Certification Process*, 3 (2024), *available at* https://be.tuvaustria.com/wp-content/uploads/sites/73/2024/02/ID-100_Certification_process_EN.pdf.
[42] U.S. Dep't of Agriculture (USDA), *BioPreferred Program: Fact Sheet*, 1 (2021), *available at* https://www.biopreferred.gov/BioPreferred/faces/pages/AboutBioPreferred.xhtml#.
[43] *Id.*
[44] Biopolymers are naturally occurring materials like wool, silk, and gelatin, and polysaccharides like cellulose and starch drawn from fungi and bacteria. *Id.*
[45] *Id.*

USDA BioPreferred Program

USDA's BioPreferred Program was first introduced in 2002 with the goal of increasing the development, purchase, and use of biobased products.[46] There are two major parts of the program: mandatory purchasing requirements for federal agencies and their contractors, and a voluntary labeling initiative for biobased products.[47] Through the voluntary labeling initiative, companies can apply for certification to display the USDA Certified Biobased Product label on a product that states its third-party tested and verified biobased content.[48] The label is intended to help consumers locate and compare biobased products.[49]

USDA has established minimum biobased content standards for many product categories.[50] A product must meet or exceed the minimum biobased content percentage in its given category to qualify for certification. Products belonging in categories for which minimum biobased content requirements have not yet been established must contain at least 25 percent biobased content.[51]

TUV Austria OK Biobased Program

TUV Austria offers certification for biobased products made from renewable raw materials.[52] To be certified, each product must meet the following requirements:

- The total carbon content of the product is at least 30 percent; and
- The carbon content of a renewable raw material (biobased) is at least 20 percent.[53]

The level of certification (one to four stars) is determined by the percentage of biobased materials in the product.[54] The certification application process for biobased products is similar to the certification process for compostable products.[55]

III. Effect of Proposed Changes:

Section 1 contains legislative findings acknowledging the following:

- Many businesses and communities in this state are using paper drinking straws and stirrers as a purportedly better option for public health and the environment. However, independent university studies have shown that most paper straws contain harmful per- and polyfluoroalkyl substances (PFAS) chemicals, exposure to which is linked to concerning health risks.

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[46] USDA, *BioPreferred Program: Fact Sheet*, 1 (2021), *available at* https://www.biopreferred.gov/BioPreferred/faces/pages/AboutBioPreferred.xhtml#.
[47] USDA, *What is the BioPreferred Program?*, https://www.biopreferred.gov/BioPreferred/faces/pages/AboutBioPreferred.xhtml# (last visited Jan. 9, 2026).
[48] USDA, *What is the BioPreferred Program?: Voluntary Labeling*, https://www.biopreferred.gov/BioPreferred/faces/pages/AboutBioPreferred.xhtml (last visited Jan. 12, 2026).
[49] *Id.*
[50] *Id.* For the purposes of the BioPreferred Program, biobased products do not include food, animal feed, or fuel. USDA, *What is the BioPreferred Program?*.
[51] *Id.*
[52] TUV Austria, *Solution: OK biobased*, https://okcert.tuvaustria.com/ok-biobased-en/ (last visited Jan. 12, 2026).
[53] *Id.*
[54] *Id.*
[55] *See* TUV Austria, *Application & Certification Process*, 1 (2024), *available at* https://be.tuvaustria.com/wp-content/uploads/sites/73/2024/02/ID-100_Certification_process_EN.pdf.

- Paper drinking straw regulations marginalize residents with disabilities for whom paper straws are not an option.
- Any regulation of drinking straws and stirrers must be based on government policy driven by science.

The bill provides that the Legislature intends to:
- Combat the harmful impacts of paper drinking straws and stirrers and provide businesses and residents of this state with better alternatives to single-use plastic straws and stirrers; and
- Promote uniformity of drinking straw and stirrer regulations throughout this state, rather than forcing businesses to comply with a patchwork of local regulations.

Section 2 creates s. 403.7034, F.S., regarding local regulation of drinking straws and stirrers. The bill prohibits local governmental entities from enacting any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, or restriction of drinking straws or stirrers which does not meet the requirements of this section.

The bill provides that, if a local governmental entity elects to enact any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, or restriction of drinking straws or stirrers, such rule, regulation, or ordinance must require that drinking straws or stirrers be:
- Renewable, defined as a product certified under (1) the U.S. Department of Agriculture's BioPreferred Program with biobased content of at least 80 percent; or (2) the TUV Austria OK Biobased Program with a four-star rating;
- Home compostable certified, defined as a product certified by a certification body as home compostable;
- Industrial compostable certified, defined as a product certified by a certification body as industrially compostable; and
- Marine biodegradable, defined as a product will completely break down, biodegrade, and return to nature by decomposing into elements found in the marine environment in less than 1 year, as shown by competent and reliable scientific evidence.

The bill defines "certification body" as recognized, independent, third-party verification body, such as the Biodegradable Products Institute or TUV Austria, which certifies products that meet Advancing Standards Transforming Markets (ASTM) standards for compostability.

The bill creates exceptions for drinking straws or stirrers sold, distributed, or used in (1) prepackaged drinks sold at a commercial establishment; and (2) hospitals, medical care facilities, or senior care facilities.

By January 1, 2027, a local governmental entity must amend any rule, regulation, or ordinance in effect as of the effective date of this act which does not permit the sale or use of drinking straws and stirrers that are renewable, home compostable certified, industrial compostable certified, or marine biodegradable to permit the sale or use of renewable, home compostable certified, industrial compostable certified and marine biodegradable drinking straws and stirrers.

The bill provides that this section may not be construed to require a local governmental entity to adopt any rule, regulation, or ordinance relating to the use, disposition, sale, prohibition, or restriction of drinking straws or stirrers.

Section 3 directs the Division of Law Revision to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

Section 4 provides that the bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The municipality/county mandates provision of Art. VII, s. 18(a) of the Florida Constitution may apply to this bill. The Florida Constitution limits the ability of the State to impose unfunded mandates on local governments. This bill requires local governments to expend funds to update regulations that are inconsistent with this bill. However, the law would likely have an insignificant fiscal impact. Therefore, an exemption from Art. VII, s. 18(a) of the Florida Constitution likely applies.

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:

Private entities subject to applicable local regulations may incur indeterminate costs to transition to drinking straws and stirrers that are renewable, compostable certified, and marine biodegradable.

C. Government Sector Impact:

Public entities subject to applicable local regulations may incur indeterminate costs to update applicable regulations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 403.7034 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.

By Senator Bradley

6-01099A-26 2026958__

A bill to be entitled

An act relating to local regulation of drinking straws and stirrers; providing legislative findings and intent; creating s. 403.7034, F.S.; defining terms; prohibiting local governmental entities from enacting any rule, regulation, or ordinance for drinking straws or stirrers which does not meet specified requirements; providing requirements for local governmental entities that elect to enact rules, regulations, or ordinances for drinking straws or stirrers; providing applicability; providing construction; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. (1) The Legislature finds that:

(a) Many businesses and communities in this state are using paper drinking straws and stirrers as a purportedly better option for public health and the environment. However, independent university studies have shown that most paper straws contain harmful PFAS chemicals, exposure to which is linked to concerning health risks.

(b) Paper drinking straw regulations marginalize residents with disabilities for whom paper straws are not an option.

(c) Any regulation of drinking straws and stirrers must be based on government policy driven by science.

(2) The Legislature intends to:

(a) Combat the harmful impacts of paper drinking straws and

stirrers and provide businesses and residents of this state with better alternatives to single-use plastic straws and stirrers; and

(b) Promote uniformity of drinking straw and stirrer regulations throughout this state, rather than forcing businesses to comply with a patchwork of local regulations.

Section 2. Section 403.7034, Florida Statutes, is created to read:

403.7034 Local regulation of drinking straws and stirrers.—

(1) As used in this section, the term:

(a) "Certification body" means a recognized, independent, third-party verification body, such as the Biodegradable Products Institute or TUV Austria, which certifies products that meet ASTM standards for compostability.

(b) "Home compostable certified" means a product certified by a certification body as home compostable.

(c) "Industrial compostable certified" means a product certified by a certification body as industrially compostable.

(d) "Marine biodegradable" means a product will completely break down, biodegrade, and return to nature by decomposing into elements found in the marine environment in less than 1 year, as shown by competent and reliable scientific evidence.

(e) "Renewable" means a product certified under:

1. The USDA BioPreferred Program with biobased content of at least 80 percent; or

2. The TUV Austria OK biobased program with a 4-star rating.

(2) A local governmental entity may not enact any rule, regulation, or ordinance regarding the use, disposition, sale,

prohibition, or restriction of drinking straws or stirrers which does not meet the requirements of this section. By January 1, 2027, a local governmental entity shall amend any such rule, regulation, or ordinance in effect as of the effective date of this act which does not permit the sale or use of drinking straws and stirrers that are renewable, home compostable certified, industrial compostable certified, or marine biodegradable to permit the sale or use of renewable, home compostable certified, industrial compostable certified and marine biodegradable drinking straws and stirrers.

(3) If a local governmental entity elects to enact any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, or restriction of drinking straws or stirrers, such rule, regulation, or ordinance must require that drinking straws or stirrers be:

(a) Renewable;

(b) Home compostable certified;

(c) Industrial compostable certified; and

(d) Marine biodegradable.

(4) This section does not apply to a drinking straw or stirrer sold, distributed, or used in any of the following:

(a) A prepackaged drink sold at a commercial establishment.

(b) A hospital, a medical care facility, or a senior care facility.

(5) This section may not be construed to require a local governmental entity to adopt any rule, regulation, or ordinance relating to the use, disposition, sale, prohibition, or restriction of drinking straws or stirrers.

Section 3. The Division of Law Revision is directed to

replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

Section 4. This act shall take effect upon becoming a law.

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.)

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

BILL:	SB 1066
INTRODUCER:	Senator Brodeur
SUBJECT:	Tributaries of the St. Johns River
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Pre-meeting**
2.			AEG	
3.			AP	

I. Summary:

SB 1066 creates the Northeast Florida Rivers, Springs, and Community Investment Act. It requires the Department of Environmental Protection (DEP) to develop a project plan by July 1, 2027, for the restoration of the Ocklawaha River. The project plan must provide for restoration and increased resiliency and recreation benefits of the Ocklawaha and St. Johns Rivers and Silver Springs. Subject to available funding, the restoration project must be completed by December 31, 2032.

The bill directs DEP to develop and implement an outdoor recreation plan and a related grant program by January 1, 2028. The recreation plan must identify and implement projects that increase access to the rivers and springs for recreational activities. Projects on state-owned lands must be completed by December 31, 2035. The grant program must assist river communities in Clay, Marion, Putnam, and St. Johns counties to implement the recreation plan.

The bill directs the Department of Commerce to develop and implement an economic development program for Marion and Putnam Counties by January 1, 2028. The program must support projects that encourage job creation, capital investment, and strengthening and diversification of each county's economy.

The bill also establishes the Northeast Florida River and Springs Recreation and Economic Development Advisory Council within DEP. The council must submit an advisory report by February 1, 2027, which provides recommendations for projects to be included in the outdoor recreation plan, guidelines to govern the grant and economic development programs, and measures to minimize the restoration plan's impact on property owners and businesses.

The bill directs DEP to hire a project lead by August 31, 2026, to oversee implementation of this act.

II. Present Situation:

St. Johns River

St. Johns River is the largest river in Florida, and one of the few rivers in the United States that flows north.[1] From its source in the marshes south of Melbourne to its mouth in Mayport, the river drops a total of less than 30 feet, or about one inch per mile. The incoming tide from the Atlantic Ocean causes the river to reverse its flow twice a day, and in periods of low water, tides may cause a reverse flow as far south as Lake Monroe, 161 miles upstream from the river's mouth. High and sustained northeasterly winds can result in many days of reversed flow. For these reasons, it is difficult for the river current to naturally flush pollutants.[2]

The St. Johns River is divided into three watersheds, also known as drainage basins.[3] Because the river flows north, the upper basin is the area to the south that forms its marshy headwaters in Indian River and Brevard counties. The middle basin is the area in central Florida where the river widens, forming lakes Harney, Jesup, Monroe, and George. The lower basin is the area in northeast Florida from Putnam County to the river's mouth in Duval County, where the river empties into the Atlantic Ocean.[4] The Ocklawaha River, with contributions from Silver Springs and Silver River, is the largest tributary entering the St. Johns River.[5]

Silver River and Silver Springs

Silver Springs is a first-magnitude spring that forms the headwaters of the Silver River.[6] There are 30 springs in the Silver Springs group. The flow of Silver Springs is supplied by a vast system of fractures and solution channels in the limestone and dolomite of the Floridan aquifer, with approximately 45 percent of the flow originating from Mammoth Spring (also known as the Main Spring) and additional flow from smaller springs and boils downstream. The Silver River flows eastward for about five miles through a dense cypress swamp before entering the Ocklawaha River.[7]

Silver Springs faces significant challenges, including increased nutrient pollution, algae growth, and declines in fish communities.[8] In addition, spring discharge has declined over 30 percent

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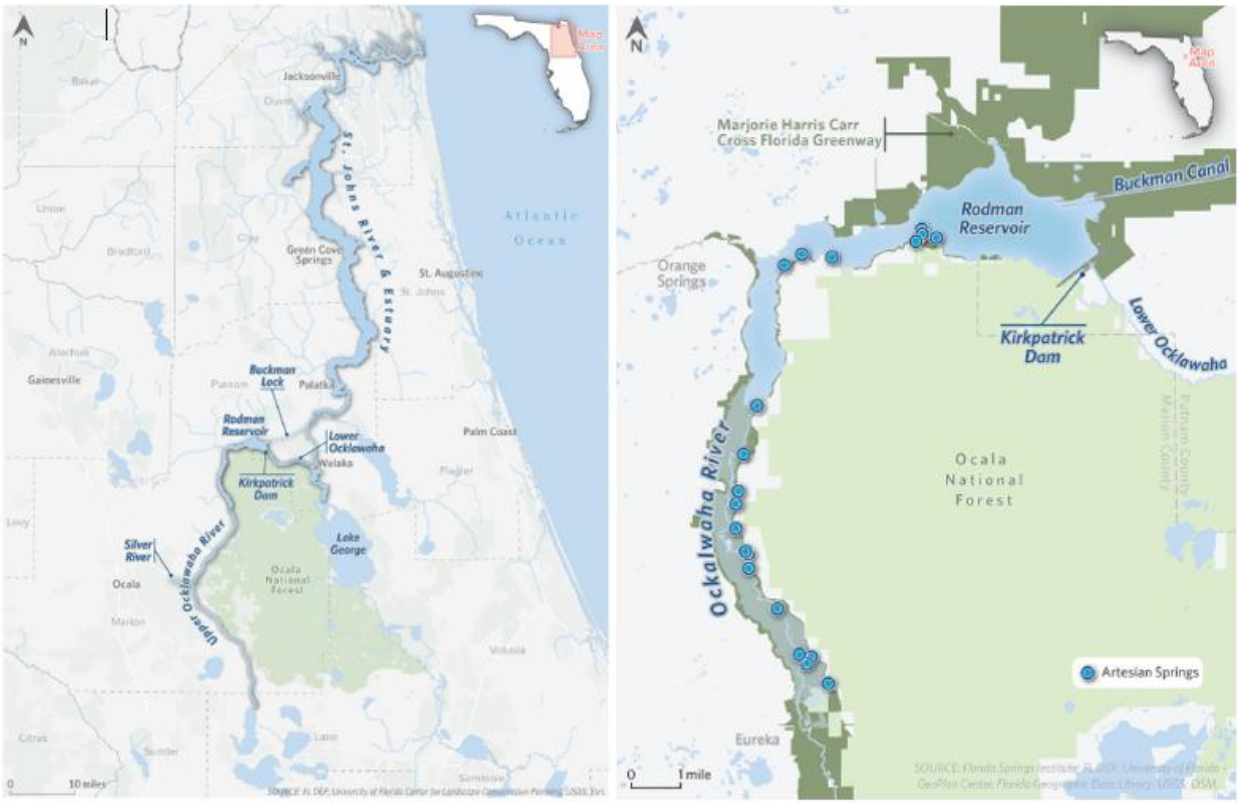
[1] St. Johns River Water Management District (SJRWMD), *The St. Johns River*, https://www.sjrwmd.com/waterways/st-johns-river/ (last visited Jan. 13, 2025).
[2] *Id.*
[3] SJRWMD, *The St. Johns River*, https://www.sjrwmd.com/waterways/st-johns-river/ (last visited Jan. 13, 2025).
[4] *Id.*
[5] SJRWMD, *A Story of the St. Johns River: The big picture*, 3 (2024), *available at* https://aws.sjrwmd.com/SJRWMD/waterways/SJR-big-picture-fact-sheet-2024.pdf.
[6] SJRWMD, *Silver Springs*, https://www.sjrwmd.com/waterways/springs/silver/ (last visited Jan. 13, 2026).
[7] *Id.*
[8] Howard Odum, *Trophic Structure and Productivity of Silver Springs, Florida*, 55-112 (1957), *available at* https://esajournals.onlinelibrary.wiley.com/doi/10.2307/1948571; Robert L. Knight, 101, 147 (1980), *available at* https://ufdc.ufl.edu/AA00022031/00001/images; Douglas A. Munch, et al., *Fifty-Year Retrospective Study of the Ecology of Silver Springs, Florida*, viii, xiii, xv (2006), *available at* https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB2010107711.xhtml.

since the 1930s, a shift that can be attributed to changing rainfall and recharge patterns and groundwater withdrawal.[9]

Ocklawaha River

The Ocklawaha River was historically a free-flowing river system connecting Central Florida to the St. Johns River, supporting extensive floodplain forests, springs, fish and wildlife habitat, and recreation.[10] Construction of the Kirkpatrick (Rodman) Dam[11] and Rodman Reservoir as part of the Cross Florida Barge Canal[12] altered the river by flooding approximately 7,500 acres, submerging more than 20 freshwater springs, and eliminating roughly 16 miles of the natural river channel.[13] Although the canal project was halted in 1981 and officially deauthorized in



[9] Andrew B. Sutherland, et al., *Minimum Flows Determination for Silver Springs, Marion County, Florida*, SJRWMD, 5 (2017), *available at* https://static.sjrwmd.com/sjrwmd/secure/technicalreports/TP/SJ2017-2.pdf.

[10] *See generally* A. Quinton White Jr., et al., *Ocklawaha River Restoration: Science and Economics Report*, 11 (2024), *available at* https://www.researchgate.net/publication/390798234_Ocklawaha_River_Restoration_Science_and_Economics_Report.

[11] The Florida Legislature officially renamed the Rodman Dam the George Kirkpatrick Dam in 1998.

[12] The Cross Florida Barge Canal was intended to connect the Gulf of Mexico and the Atlantic Ocean through an inland shipping route across Florida. After the project was halted, the abandoned corridor became the Marjorie Harris Carr Cross Florida Greenway. Today, the Greenway stretches more than 70,000 acres across 110 miles of Central Florida. Florida Museum, *Florida Environmental History: The Cross Florida Barge Canal*, https://www.floridamuseum.ufl.edu/earth-systems/blog/florida-environmental-history-the-cross-florida-barge-canal/ (last visited Jan. 13, 2025).

[13] *See* Florida Tax Watch, *A River (No Longer) Runs Through It: Ocklawaha River Restoration*, 2 (2022), *available at* https://floridataxwatch.org/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=210&moduleid=35706&articleid=19140&documentid=1020.

1991, the dam and reservoir remain in place, causing extensive hydrological and ecological impacts.[14]

Rodman Reservoir and Kirkpatrick Dam

The Rodman Reservoir is an approximately 9,500-acre man-made impoundment of the Ocklawaha River that was constructed as part of the former Cross Florida Barge Canal Project.[15] The reservoir has a drainage basin of 2,800 square miles, with its headwaters in the Green Swamp and Lake Apopka.[16] Access to the reservoir is controlled by the Buckman Lock, while the Kirkpatrick Dam controls the reservoir's level.[17] The 7,200 foot long earthen dam has a four-gate spillway designed to discharge up to 36,000 cubic feet of water per second from reservoir.[18] The Rodman Reservoir and Kirkman Dam's spillway tailwaters support recreational and subsistence fisheries, including Florida bass and black crappie.[19]

The construction of the dam and reservoir has resulted in significant adverse impacts to the Ocklawaha River and floodplain, including: (1) chronic inundation of the floodplain and degradation of water quality in the Rodman Reservoir and upper river; (2) reduced downstream fish and shellfish productivity, (3) elimination of critical plant and wildlife dispersal corridors due to fragmentation of the Ocklawaha River and floodplain habitat; and (4) increased exotic and nuisance plant species from stagnant water levels and flow velocities created by the Kirkpatrick Dam.[20] In addition, the U.S. Army Corps of Engineers has classified the dam and reservoir as a potential high hazard to the downstream area in the event of failure or mis-operation of the dam or facilities.[21] It has been estimated that the 11,000-acre inundation area contains approximately 538 properties that, if flooded, could result in loss of life and represent a total loss of $57.4 million.[22]

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[14] *See* DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*, 1-3 – 1-4, 1-8 (1997), *available at* https://drive.google.com/file/d/1hb07T_nRkQmZRxrF6XJXg7s5dZxBXS8-/view. White, *Ocklawaha River Restoration: Science and Economics Report* at 4, 6 (depicting maps of the Ocklawaha River).

[15] DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan (2017-2027)*, 152 (2018), *available at* https://floridadep.gov/parks/parks-office-park-planning/documents/marjorie-harris-carr-cross-florida-greenway-2018-approved.

[16] *Id.* at 212.

[17] *Id.* at 37.

[18] *Id.* at 211.

[19] *See id.*; Florida Fish and Wildlife Conservation Commission (FWC), *Rodman Reservoir*, https://myfwc.com/fishing/freshwater/sites-forecasts/ne/rodman-reservoir/ (last visited Jan. 14, 2026); DEP, *Rodman Recreation Area*, https://www.floridastateparks.org/parks-and-trails/rodman-recreation-area (last visited Jan. 14, 2026).

[20] DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit* at 1-8.

[21] U.S. Army Corps of Engineers (USACE), *National Inventory of Dams: Kirkpatrick Dam and Rodman Reservoir*, https://nid.sec.usace.army.mil/nid/#/dams/system/FL00156/inspections (last visited Jan. 13, 2026). *See generally* Federal Emergency Management Agency, *Fact Sheet 2.3: Mitigation of Dams and Reservoirs*, 1 (2022), *available at* https://www.fema.gov/sites/default/files/documents/fema_p-2181-fact-sheet-2-3-dams-and-reservoirs.pdf (providing description of dam hazard potential classifications).

[22] White, *Ocklawaha River Restoration: Science and Economics Report* at 7, 49. *See* URS Corporation, *Emergency Action Plan: Kirkpatrick Dam and Rodman Reservoir,* 27-36 (2005), *available at* https://drive.google.com/file/d/1GAWXaDS7-V_hKUdfQY1AjxW5mwf3bNn4/view; DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 152.

Ocklawaha River Restoration

Since the 1970s, numerous groups have advocated for removing the Kirkpatrick Dam and restoration of the Rodman Reservoir to the Ocklawaha River floodplain due to ecological damage to the floodplain and surrounding ecosystems.[23] In 1993, the Florida Legislature directed the Department of Environmental Protection (DEP) to study the environmental and economic efficacy of several alternatives, including:

- Full restoration of the Ocklawaha River: Restoring river hydrology and floodplain function to preconstruction conditions through breaching of the dam, with limited removal and/or alteration of structures and alteration of topography.
- Partial restoration of the Ocklawaha River: Restoring river hydrology and floodplain function to preconstruction conditions through breaching of the dam, with limited removal and/or alteration of structures and alteration of topography.
- Total retention of the Rodman Reservoir: Retaining the reservoir at its current size and depth, with active management to enhance fish and/or wildlife. Removal and/or alteration of structures and topography would be limited.
- Partial retention of the Rodman reservoir: Reducing the size of the reservoir to the extent that a part of the river can be restored and a part of the reservoir can be retained.[24]

In 1997, following a recommendation from the St. Johns River Water Management District, DEP submitted a joint application for a state environmental resource permit and federal dredge and fill permit to implement the partial restoration of the Ocklawaha River.[25] Partial restoration was determined to be the most cost-effective alternative for addressing the overall objectives of the restoration project.[26] The major components of the proposed partial restoration include:

- Drawdown of the reservoir to be accomplished in three phases;
- Limited construction of channel stabilization and erosion control structures in the Ocklawaha River;
- Limited planting of native plant species to provide for erosion control;
- Partial leveling of the exposed barge canal side-cast spoil berms;
- Restoration of the historic Ocklawaha River channel flow by filling the barge canal where it intersects the river channel;
- Restoration of the historic Deep Creek channel flow by filling the barge canal where it intersects the creek channel;
- Restoration of the historic Camp Branch floodplain and channel flow by filling the barge canal where it intersects the creek channel;
- Closure and securing of the Buckman Lock;
- Removal of 2,000 feet of the Kirkpatrick Dam (earthen portion);
- Partial filling and restoration of the spillway tailrace to natural grade;
- Development and implementation of a cultural resources operating plan.[27]

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[23] DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 151.

[24] *See* ch. 93-213, s.54, Laws of Fla.; DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*, 1-7 (1997), *available at* https://drive.google.com/file/d/1hb07T_nRkQmZRxrF6XJXg7s5dZxBXS8-/view.

[25] *See* DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*.

[26] *Id.* at 1-7.

[27] DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 152; U.S. Dep't of Agriculture (USDA) Forest Service, *Final Environmental Impact Statement for the Occupancy and Use of*

In 2001, the U.S. Department of Agriculture's Forest Service issued an Environmental Impact Statement recommending the partial restoration alternative.[28] To date, no action has been taken to implement that recommendation.

Restoration of the Ocklawaha River has the potential to produce a range of benefits, including increased freshwater flow, the return of historic fish communities, and enhanced access for other species that support spring and river ecosystem health.[29] Restoration is also expected to restore the flow of approximately 20 nearby springs that could support public use and tourism.[30] Increased flow from the Ocklawaha River to the Lower St. Johns River and estuary would reduce saltwater intrusion, improve water quality and freshwater food webs, and contribute to eelgrass growth and dispersal in the Lower St. Johns River.[31]

Additional benefits include restoration of floodplain forest habitat and reestablishment of historic connectivity through the floodplain forest, which provides sufficient contiguous habitat for many native vertebrate species in the region.[32] Restoration would also eliminate public tax expenditures associated with the operation and maintenance of the Buckman Lock, reduce costs related to the management of exotic and nuisance vegetation, and enhance recreational opportunities along the restored river.[33]

Restoration of the river would also remove structural flood hazards associated with dam failure.[34] While breaching the dam would result in the loss of the reservoir and spillway flows that supports existing fisheries, recreational enhancements, such as improved Ocklawaha and Lower St. Johns River access for boat and shore-based anglers, could offset some of the impacts to fishermen.[35]

State Advisory Bodies

Advisory councils are a type of advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy

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National Forest Lands and Ocklawaha River Restoration, 3-2 – 3-3 (2001), on file with the Senate Committee on Environment and Natural Resources.

[28] USDA, *Final Environmental Impact Statement for the Occupancy and Use of National Forest Lands and Ocklawaha River Restoration*, (2001).

[29] Nathaniel P. Hitt, et al., *Dam Removal Increases American Eel Abundance in Distant Headwater Streams*, 1171-1179 (2012), *available at* https://academic.oup.com/tafs/article-abstract/141/5/1171/7877588?redirectedFrom=fulltext; Frank Jordan, SJRWMD, *Environmental Studies Concerning Four Alternatives for Rodman Reservoir and the Lower Ocklawaha River*, 6 (1994), *available at* https://drive.google.com/file/d/13pcShL42Uw4xcEdDSnAAT_CW06ndlrl9/view; Sutherland, *Minimum Flows Determination for Silver Springs, Marion County, Florida* at 5-21.

[30] White, *Ocklawaha River Restoration: Science and Economics Report* at 6.

[31] *Id.* at 7.

[32] USDA, *Final Environmental Impact Statement for the Occupancy and Use of National Forest Lands and Ocklawaha River Restoration* at 1-6.

[33] *Id.* at 2-5.

[34] Florida Tax Watch, *A River (No Longer) Runs Through It: Ocklawaha River Restoration*, 7 (2022), *available at* https://floridataxwatch.org/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=210&moduleid=35706&articleid=19140&documentid=1020; White, *Ocklawaha River Restoration: Science and Economics Report* at 16-17.

[35] White, *Ocklawaha River Restoration: Science and Economics Report* at 6.

alternatives.[36] Advisory bodies must be established, evaluated, or maintained in accordance with the following provisions:

- They may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose.
- They must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of a public purpose.
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies.[37]

An advisory body may not be created unless:

- It meets a statutorily defined purpose;
- Its powers and responsibilities conform with the statutory definitions for governmental units;[38]
- Its members, unless expressly provided otherwise in the State Constitution, are appointed for four-year staggered terms; and
- Its members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses.[39]

Unless an exemption is otherwise specifically provided by law, all meetings of an advisory body must be public.[40] Minutes, including a record of all votes cast, must be maintained for all meetings.[41]

A law creating an advisory body must provide for it repeal of on October 2 of the third year after enactment unless the law is reviewed and saved from repeal through reenactment by the Legislature.[42]

III. Effect of Proposed Changes:

Section 1 provides that this act may cited as the "Northeast Florida Rivers, Springs, and Community Investment Act."

Section 2 creates s. 373.464, F.S., regarding Ocklawaha River restoration, recreation, and economic development. The bill requires the Department of Environmental Protection (DEP), no later than August 31, 2026, to hire a full-time equivalent contractor or employee, whose position title will be project lead, to oversee the implementation of this act. The project lead must have subject matter expertise in conservation and recreation planning.

[36] Section 20.03(7), F.S.
[37] Section 20.052, F.S.
[38] *See* section 20.03, F.S., for definitions of governmental units.
[39] Section 20.052(4), F.S.
[40] Section 20.052(5)(c), F.S.
[41] *Id.*
[42] Section 20.052(8), F.S.

Restoration Project Plan

The bill provides that, by July 1, 2027, DEP must develop a project plan for the restoration of the Ocklawaha River. The project plan must provide for restoration and increased resiliency and recreation benefits of the Ocklawaha and St. Johns Rivers and Silver Springs. The project plan must:

- Be consistent with the partial restoration plan described in the 2001 Final Environmental Impact Statement prepared by the United States Department of Agriculture Forest Service for DEP's Ocklawaha River Restoration Project, as described in DEP's Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit, dated November 24, 1997.
- Include engineering and design updates, including topographic and bathymetric surveys, and precise estimates of material to be dredged or excavated.
- Provide recommendations for road and bridge construction that is compatible with the partial restoration plan and ensures continued access for the communities west of the project.
- Include estimates by fiscal year of the cost of implementing the project plan and potential sources of funding for such costs.

The bill provides that, notwithstanding any law or rule, the project plan for the restoration of the Ocklawaha River is an environmental restoration or enhancement project subject to a general permit from DEP and water management districts for environmental restoration or enhancement.

The bill provides that, subject to the provision of state, federal, or other funds, DEP must complete the restoration project by December 31, 2032.

Advisory Council

The bill establishes the Northeast Florida River and Springs Recreation and Economic Development Advisory Council. The council would be assigned to, and administratively housed within, DEP. The bill requires the project lead to serve as the council chair, and the members must meet at the call of the project lead. Members must serve without compensation but are entitled to reimbursement for per diem and travel expenses. Council members must serve 4-year terms, except that the initial terms must be staggered. The council must be composed of 15 members. Nine of the council members must be appointed by and serve at the pleasure of the Governor and must include:

- Two representatives of river recreation-related businesses local to Marion or Putnam Counties.
- Two representatives of outdoor recreation user groups, one of whom represents fishing interests local to Marion or Putnam Counties.
- One representative of the department's Office of Greenways and Trails.
- One representative of the Florida Fish and Wildlife Conservation Commission's (FWC's) Division of Freshwater Fisheries Management.
- One representative of FWC's Imperiled Species Management Section.
- One representative of the Department of Commerce.
- One representative of an environmental community support organization who has subject matter expertise on springs or rivers.

Six of the council members must be appointed by the boards of county commissioners for the following counties:

- Putnam County must appoint two members, one of whom must oversee parks and recreation for the county.
- Marion County must appoint two members, one of whom must oversee parks and recreation for the county.
- Clay County must appoint one member.
- St. Johns County must appoint one member.

The bill directs the council to submit an advisory report to the Governor, Legislature, and DEP by February 1, 2027. The report must include all of the following:

- Recommendations for projects to be included in the outdoor recreation plan created by this bill, including priorities for state-funded land projects.
- Recommendations to DEP for the creation of guidelines to govern the grant program created by this bill.
- Recommendations to the Department of Commerce for the creation of guidelines to administer the economic development program created by this bill.
- Recommendations for measures to minimize the impact of the restoration plan on property owners or businesses directly affected by the restoration project.

The bill repeals this subsection on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Outdoor Recreation Plan

The bill directs DEP to develop an outdoor recreation plan in collaboration with FWC, the Northeast Florida River and Springs Recreation and Economic Development Advisory Council, and the local governments of river communities in Clay, Marion, Putnam, and St. Johns Counties. The plan must identify and implement projects for enhanced and expanded river and springs access for recreational activities, such as fishing, hunting, swimming, wildlife viewing, paddling, and hiking. Such projects must be compatible with the project plan and applicable statutes. The outdoor recreation plan must be made available for public comment before its implementation.

The bill requires DEP to implement the outdoor recreation plan by January 1, 2028. Subject to the provision of state, federal, or other funds, DEP must complete projects on state-owned lands identified in the plan by December 31, 2035.

Grant Program

The bill provides that, by January 1, 2028, DEP must develop a grant program for river communities in Clay, Marion, Putnam, and St. Johns Counties to implement the outdoor recreation plan. The grant program must be compatible with the project plan and outdoor recreation plan. DEP must implement the grant program by January 1, 2028.

Economic Development Program

The bill directs the Department of Commerce to develop guidelines and processes for an economic development program for Marion and Putnam Counties. The economic development program must support projects that encourage job creation, capital investment, and strengthening and diversification of each county's economy. It must be compatible with the project plan, the outdoor recreation plan, and the grant program. The Department of Commerce must implement the economic development program by January 1, 2028.

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:

The Department of Environmental Protection may incur indeterminate costs to hire a project lead and develop and implement the restoration project plan, outdoor recreation plan, and grant program. The Department of Commerce may incur indeterminate costs to develop the economic development program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 373.464 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.

493514

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Environment and Natural Resources (Brodeur) recommended the following:

Senate Amendment

Delete lines 105 - 132
and insert:
2. The council shall be composed of the following 16 members:
a. Nine members of the council shall be appointed by and serve at the pleasure of the Governor and shall include:
(I) Two representatives of river recreation-related businesses local to Marion or Putnam Counties.

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(II) Two representatives of outdoor recreation user groups, one of whom represents fishing interests local to Marion or Putnam Counties.

(III) One representative of the department's Office of Greenways and Trails.

(IV) One representative of the Florida Fish and Wildlife Conservation Commission's Division of Freshwater Fisheries Management.

(V) One representative of the Florida Fish and Wildlife Conservation Commission's Imperiled Species Management Section.

(VI) One representative of the Department of Commerce.

(VII) One representative of an environmental community support organization who has subject matter expertise on springs or rivers.

b. Six members of the council shall be appointed by the boards of county commissioners for the following counties:

(I) Putnam County shall appoint two members, one of whom oversees parks and recreation for the county.

(II) Marion County shall appoint two members, one of whom oversees parks and recreation for the county.

(III) Clay County shall appoint one member.

(IV) St. Johns County shall appoint one member.

c. One member shall be the commanding officer of Naval Air Station Jacksonville or his or her designee.

By Senator Brodeur

10-00324C-26 20261066__

A bill to be entitled

An act relating to tributaries of the St. Johns River; providing a short title; creating s. 373.464, F.S.; requiring the Department of Environmental Protection, by a specified date, to hire a project lead to oversee the implementation of the act; requiring that the project lead have certain expertise; requiring the department to develop, by a specified date, a project plan for the restoration of the Ocklawaha River; specifying requirements for the project plan; providing that the project plan is an environmental restoration or enhancement project subject to a general permit from the department and water management districts; requiring the department to complete the project plan by a specified date, subject to the provision of funds; creating the Northeast Florida River and Springs Recreation and Economic Development Advisory Council; assigning the council to the Department of Environmental Protection; providing that the project lead is the chair of the council; providing for council membership, meetings, and duties; requiring the council to submit an advisory report to the Governor, the Legislature, and the department by a specified date; specifying requirements for the advisory report; providing for future repeal; requiring the department to develop an outdoor recreation plan, in collaboration with certain commissions, councils, and local governments of river communities; specifying requirements for the outdoor

recreation plan; requiring the department to implement the plan by a specified date; requiring the department to complete projects on state-owned lands in the outdoor recreation plan by a specified date, subject to certain funding; requiring the department to develop a grant program for a specified purpose; requiring that the grant program be compatible with certain plans; requiring the department to implement the grant program by a specified date; requiring the Department of Commerce to develop guidelines and processes for and implement an economic development program for Marion and Putnam Counties for a specified purpose by a specified date; requiring that the economic development plan be compatible with certain plans and programs; requiring the Department of Commerce to implement the economic development program by a specified date; providing an effective date.

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

Section 1. This act may cited as the "Northeast Florida Rivers, Springs, and Community Investment Act."

Section 2. Section 373.464, Florida Statutes, is created to read:

373.464 Ocklawaha River restoration, recreation, and economic development.—

(1) PROJECT LEAD.—The department shall, no later than August 31, 2026, hire a full-time equivalent contractor or employee, whose position title will be project lead, to oversee

the implementation of this act. The project lead must have subject matter expertise in conservation and recreation planning.

(2) PROJECT PLAN.—

(a) By July 1, 2027, the department shall develop a project plan for the restoration of the Ocklawaha River. The project plan must provide for restoration and increased resiliency and recreation benefits of the Ocklawaha and St. Johns Rivers and Silver Springs. The project plan must be consistent with the partial restoration plan described in the 2001 Final Environmental Impact Statement prepared by the United States Department of Agriculture Forest Service for the department's Ocklawaha River Restoration Project, as described in the department's Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit, dated November 24, 1997. The project plan must include engineering and design updates, including topographic and bathymetric surveys, and precise estimates of material to be dredged or excavated. In addition, the project plan must provide recommendations for road and bridge construction that is compatible with the partial restoration plan and ensures continued access for the communities west of the project. The project plan must include estimates by fiscal year of the cost of implementing the project plan and potential sources of funding for such costs.

(b) Notwithstanding any law or rule, the project plan for the restoration of the Ocklawaha River is an environmental restoration or enhancement project subject to a general permit from the department and water management districts for environmental restoration or enhancement pursuant to rule 62-

330.405, F.A.C., and rule 62-330.485, F.A.C.

(c) Subject to the provision of state, federal, or other funds, the department shall complete the restoration project by December 31, 2032.

(3) NORTHEAST FLORIDA RIVER AND SPRINGS RECREATION AND ECONOMIC DEVELOPMENT ADVISORY COUNCIL.—

(a) *Establishment of the council.*—

1. The Northeast Florida River and Springs Recreation and Economic Development Advisory Council, an advisory council as defined in s. 20.03(7), is established and assigned to the department. The council shall be administratively housed within the department. The project lead shall serve as the council chair, and the members shall meet at the call of the project lead. Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061. Council members shall serve 4-year terms, except that the initial terms shall be staggered.

2. The council shall be composed of the following 15 members:

a. Nine members of the council shall be appointed by and serve at the pleasure of the Governor and shall include:

(I) Two representatives of river recreation-related businesses local to Marion or Putnam Counties.

(II) Two representatives of outdoor recreation user groups, one of whom represents fishing interests local to Marion or Putnam Counties.

(III) One representative of the department's Office of Greenways and Trails.

(IV) One representative of the Florida Fish and Wildlife

Conservation Commission's Division of Freshwater Fisheries Management.

(V) One representative of the Florida Fish and Wildlife Conservation Commission's Imperiled Species Management Section.

(VI) One representative of the Department of Commerce.

(VII) One representative of an environmental community support organization who has subject matter expertise on springs or rivers.

b. Six members of the council shall be appointed by the boards of county commissioners for the following counties:

(I) Putnam County shall appoint two members, one of whom must oversee parks and recreation for the county.

(II) Marion County shall appoint two members, one of whom must oversee parks and recreation for the county.

(III) Clay County shall appoint one member.

(IV) St. Johns County shall appoint one member.

(b) *Report.*—The council shall submit an advisory report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department by February 1, 2027. The report must include all of the following:

1. Recommendations for projects to be included in the outdoor recreation plan created in subsection (4), including priorities for state-funded land projects.

2. Recommendations to the department for the creation of guidelines to govern the grant program created in subsection (5).

3. Recommendations to the Department of Commerce for the creation of guidelines to administer the economic development program created in subsection (6).

4. Recommendations for measures to minimize the impact of the restoration plan on property owners or businesses directly affected by the restoration project.

(c) *Repeal.*—In accordance with s. 20.052(8), this subsection is repealed October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

(4) OUTDOOR RECREATION PLAN.—

(a) The department, in collaboration with the Fish and Wildlife Conservation Commission, the Northeast Florida River and Springs Recreation and Economic Development Advisory Council, and the local governments of river communities in Clay, Marion, Putnam, and St. Johns Counties, shall develop an outdoor recreation plan.

(b) The outdoor recreation plan must identify and implement projects for enhanced and expanded river and springs access for recreational activities, such as fishing, hunting, swimming, wildlife viewing, paddling, and hiking. Such projects must be compatible with the project plan and applicable statutes. The outdoor recreation plan must be made available for public comment before its implementation.

(c) The department shall implement the outdoor recreation plan by January 1, 2028.

(d) Subject to the provision of state, federal, or other funds, the department shall complete projects on state-owned lands identified in the outdoor recreation plan by December 31, 2035.

(5) GRANT PROGRAM.—

(a) By January 1, 2028, the department shall develop a grant program for river communities in Clay, Marion, Putnam, and

St. Johns Counties to implement the outdoor recreation plan.

(b) The grant program must be compatible with the project plan and outdoor recreation plan.

(c) The department shall implement the grant program by January 1, 2028.

(6) ECONOMIC DEVELOPMENT PROGRAM.—

(a) The Department of Commerce shall develop guidelines and processes for an economic development program for Marion and Putnam Counties. The economic development program must support projects that encourage job creation, capital investment, and strengthening and diversification of each county's economy.

(b) The economic development program must be compatible with the project plan, the outdoor recreation plan, and the grant program.

(c) The Department of Commerce shall implement the economic development program by January 1, 2028.

Section 3. This act shall take effect upon becoming a law.

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.)

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

BILL:	SB 1230
INTRODUCER:	Senator Harrell
SUBJECT:	Perfluoroalkyl and Polyfluoroalkyl Substances
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Pre-meeting**
2.			AEG	
3.			FP	

I. Summary:

SB 1230 provides that, effective July 1, 2026, aqueous film-forming foam (AFFF) containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) may not be used for any nonemergency instruction, training, or testing, and all entities in possession of AFFF must report inventories to the Department of Environmental Protection (DEP). Effective July 1, 2027, the bill prohibits the sale, purchase, or distribution of AFFF in Florida and requires all entities with remaining inventories to submit a disposal plan to DEP.

Effective July 1, 2028, the bill prohibits the possession and use of AFFF in the state. The bill creates exceptions for (1) federal aviation facilities required to comply with applicable federal rules; (2) military applications where alternatives do not exist; and (3) emergency firefighting situations where alternative firefighting foam is not available.

The bill directs DEP to adopt rules governing the containment, collection, and disposal of AFFF; maintain a registry of firefighting foam alternatives that do not contain PFAS; and provide technical assistance and grants to support the transition to PFAS-free products. The bill also authorizes DEP to administer grants or cost-share programs to assist local fire departments and airports with this transition.

A person who violates the bill is subject to civil penalties of up to $10,000 per violation per day, with additional penalties for failure to report inventories or submit disposal plans. The bill authorizes DEP to seek injunctive relief to enforce compliance.

The bill further requires public entities that dispose of domestic wastewater biosolids and have a designed average daily flow of 25,000 gallons or more to conduct at least one annual biosolids sampling for PFAS and submit the results to DEP.

II. Present Situation:

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

PFAS are a large and complex class of synthetic chemicals that are resistant to heat, water, and oil.[1] Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) are two of the most widely used and studied chemicals in the PFAS group.[2] PFOA and PFOS have been replaced in the United States with other PFAS in recent years.[3]

PFAS have been used in a wide variety of consumer products and industrial processes since the 1940s.[4] Most people in the U.S. have been exposed to PFAS, primarily through touching, drinking, eating, or breathing in materials containing these chemicals.[5] PFAS may be present in:

- Drinking water in public drinking water systems and private wells;
- Waste sites, including soil and water at or near landfills, disposal sites, and hazardous waste sites;
- Fire extinguishing foam (aqueous film-forming foams or AFFFs) used in training and emergency response events at airports and firefighting training facilities;
- Manufacturing facilities, including chrome plating, electronics, and certain textile and paper manufacturers that produce or use PFAS;
- Consumer products, including stain- or water-repellent, or non-stick products, paints, sealants, and some personal care products;
- Food packaging, including grease-resistant paper, microwave popcorn bags, pizza boxes, and candy wrappers;
- Biosolids, including fertilizer from wastewater treatment plants used on agricultural lands; and
- Food, including fish caught from PFAS-contaminated water and dairy products from livestock exposed to PFAS.[6]

Because PFAS do not break down in the environment, earning them the nickname "Forever Chemicals," concentrations of PFAS can accumulate in people, wildlife, and the environment over time.[7] Even at very low levels, exposure to PFAS can cause serious health problems, including:

- Reproductive effects such as decreased fertility or increased high blood pressure in pregnant women.
- Developmental effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes.

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[1] Department of Environmental Protection (DEP), *PFAS Dynamic Plan*, 3 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.
[2] Environmental Protection Agency (EPA), *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas (last visited Jan. 12, 2026).
[3] *Id.*
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] *See* EPA, *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas (last visited Jan. 12, 2026).

- Increased risk of some cancers, including prostate, kidney, and testicular cancers.
- Reduced ability of the body's immune system to fight infections, including reduced vaccine response.
- Interference with the body's natural hormones.
- Increased cholesterol levels and/or risk of obesity.[8]

Our understanding of these chemicals and their impact on human health is incomplete, and PFAS regulatory and technical developments are quickly evolving.[9]

PFAS Regulations and Guidance

In April 2024, the Environmental Protection Agency (EPA) announced final drinking water regulations for PFOA, PFOS, and several other PFAS compounds (perfluorohexanesulfonic acid or PFHxS, perfluorononanoic acid or PFNA, GenX, and the hazard index mixture of these three PFAS plus perfluorobutanesulfonic acid or PFBS).[10] At that time, EPA established legally enforceable Maximum Contaminant Levels (MCLs) for these PFAS in drinking water and gave public water systems until 2029 to comply with the MCLs.[11] EPA also finalized a rule to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act.[12] EPA has also updated interim guidance on PFAS destruction and disposal, restricted PFAS in federal custodial contracts, and proposed new rules under the Resource Conservation and Recovery Act to regulate additional PFAS as hazardous constituents.[13]

In May 2025, EPA announced it intends to keep the drinking water MCLs for PFOA and PFOS but rescind and reconsider the regulations for the other PFAS compounds (PFHxS, PFNA, GenX, and the hazard index mixture of these three PFAS plus PFBS).[14] EPA also announced its

[8] *Id.*
[9] DEP, *PFAS Dynamic Plan* at 3.
[10] 89 Fed. Reg. 32532 (Apr. 26, 2024); EPA, *PFAS National Drinking Water Regulation FAQs for Drinking Water Primacy Agencies*, https://www.epa.gov/system/files/documents/2024-04/pfas_npwdr_faqsstates_4.8.24.pdf. Several lawsuits have been filed challenging the regulation. *American Water Works Ass'n. v. EPA*, No. 24-1188 (D.C. Cir. June 7, 2024); *Nat'l Ass'n of Mfrs. v. EPA*, No. 24-1191 (D.C. Cir. June 10, 2024); *The Chemours Co. FC v. EPA*, No. 24-1192 (D.C. Cir. June 10, 2024). The cases have been consolidated with the American Water Works Association case as the lead. Litigation is ongoing.
[11] 89 Fed. Reg. 32532, 32533 (Apr. 26, 2024).
[12] EPA, *Designation of [PFOA and PFOS] as CERCLA Hazardous Substances*, https://www.epa.gov/superfund/designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-cercla (last visited Jan. 14, 2026). These requires facilities to report releases of PFOA or PFOS at or above the reportable quantity (one pound) within a 24-hour period. 89 Fed. Reg. 39124, 39131 (May 8, 2024); *see also* EPA, *Designation of PFOA and PFOS as hazardous substances under CERCLA Release Reporting Requirements Factsheet*, https://www.epa.gov/epcra/designation-pfoa-and-pfos-hazardous-substances-under-cercla-release-reporting-requirements (last visited Jan. 14, 2026).
[13] *See* EPA, *Key EPA Actions to Address PFAS*, https://www.epa.gov/pfas/key-epa-actions-address-pfas (last visited Jan. 14, 2026).
[14] EPA, *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS*, https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos (last visited Jan. 14, 2026). In September 2025, as part of ongoing litigation, EPA moved the D.C. Circuit Court of Appeals to partially vacate its drinking water regulations for PFAS compounds other than PFOA and PFOS. *See* Respondents' Motion for Partial Vacatur, *American Water Works Ass'n v. EPA*, No. 24-1188 (D.C. Cir. Sept. 11, 2025).

intent to extend the MCL compliance deadlines for PFOA and PFOS to 2031 and establish a federal exemption framework.[15]

To date, EPA has not finalized standards for PFAS in groundwater or soil. The Department of Environmental Protection (DEP) has set provisional groundwater and soil cleanup target levels for PFOA and PFOS.[16]

PFAS Destruction and Disposal

EPA has identified three existing and potentially available destruction and disposal technologies that may be effective for managing PFAS and PFAS-containing materials: thermal treatment, landfilling, and underground injection.[17]

Thermal treatment devices include hazardous waste combustors, municipal waste combustors, sewage sludge incinerators, and activated carbon reactivation furnaces.[18] Thermal treatment units generally use high-temperature combustion and incineration to destroy organic materials and control organic pollutants.[19] However, there is limited data on the effectiveness of completely removing PFAS through thermal treatment and further research is needed to gain a better understanding of what may be possible in practice as current research has largely been confined to laboratory or pilot studies.[20] Moreover, emissions from thermal treatment activities may contain PFAS if adequate combustion conditions are not achieved or if adequate acid gas scrubbers or other pollution control devices are not used.[21]

Landfills might serve as long-term containment sites; however, it is unclear how effective they are at containing PFAS.[22] While hazardous waste landfills are more effective at minimizing PFAS release into the environment than other landfill types, most modern municipal solid waste (MSW) landfills, when constructed and operated with appropriate controls (e.g., a flexible membrane liner system and leachate and landfill gas collection and management systems), can also help contain PFAS.[23] Research indicates that although MSW landfills contain PFAS for the most part, up to 5 percent of the PFAS may be released in the landfill gas, and 11 percent may be released in the leachate annually.[24] Additionally, leachate may be sent to wastewater treatment plants that are not capable of treating or destroying PFAS; therefore, the PFAS in landfill leachate may be released to the environment.[25] Because landfills are a method for containment

[15] EPA, *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS*.
[16] DEP, *PFAS Dynamic Plan*, 10 (2022), *available at* https://floridadep.gov/sites/default/files/Dynamic_Plan_March_2022.pdf.
[17] EPA, *Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS]*, 42 (2024), *available at* https://www.epa.gov/system/files/documents/2024-04/2024-interim-guidance-on-pfas-destruction-and-disposal.pdf.
[18] *Id.* at 59.
[19] *Id.* at 43.
[20] *Id.* at 47-51, 58-59.
[21] *Id.* at 55.
[22] *Id.*
[23] *Id.* at 66.
[24] *See* Thabet Tolaymat, et al., *A critical review of perfluoroalkyl and polyfluoroalkyl substances (PFAS) landfill disposal in the United States*, Science of the Total Environment, vol. 905, 1 (2023), *available at* https://www.sciencedirect.com/science/article/abs/pii/S0048969723058126?via%3Dihub.
[25] EPA, *Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS]* at 66.

and not destruction of PFAS, PFAS are anticipated to persist in landfills for the life of the compounds, which could be many centuries.[26]

Underground injection wells may be a feasible and effective disposal option to minimize release of PFAS into the environment, and EPA has determined the use of Class I[27] non-hazardous industrial waste and hazardous waste wells for high concentration liquid PFAS waste has a lower potential for environmental release when compared to other PFAS destruction and disposal options.[28] However, underground injection wells are only suited for the disposal of liquids and are restricted to locations with suitable geology.[29] The limited number of wells currently receiving PFAS and accepting off-site waste, well location, and waste transportation logistics may significantly limit the type and quantity of PFAS-containing fluids appropriate for underground injection.[30] In addition, understanding of the long-term fate and transport properties of PFAS (including precursors) in the injection zone is currently limited and further research is needed.[31]

In addition to these existing technologies, EPA has tested several emerging technologies, including mechanochemical degradation,[32] pyrolysis,[33] and supercritical water oxidation,[34] particularly for the disposal of AFFF (discussed in further detail below).[35] However, further research is needed to confirm the efficacy of these technologies and evaluate their performance for PFAS-containing materials beyond AFFF.[36]

Aqueous Film-Forming Foam (AFFF)

PFAS are common in firefighting foams that have been stored and used for fire suppression, fire training, and flammable vapor suppression.[37] These firefighting agents include Class B fluorine-containing firefighting foams, such as AFFF. When mixed with water and discharged, the fluorinated foam forms an aqueous film that quickly cuts off the oxygen to the fire, extinguishing

[26] *Id.* at 66, 82.
[27] Class I wells inject into geologic formations below the lowermost USDW and are further subdivided into four categories: municipal wastewater, radioactive waste, hazardous waste, and non-hazardous industrial waste disposal wells. *Id.* at 92.
[28] *Id.*
[29] *Id.*
[30] *Id.*
[31] *Id.* at 97-98.
[32] Mechanochemical degradation is a treatment technology that uses a high-energy ball-milling device, with the option of co-milling reagents, to produce highly reactive conditions to degrade contaminants. *Id.* at 119.
[33] Pyrolysis is a process that decomposes materials at moderately elevated temperatures in an oxygen-free environment. *Id.* at 120.
[34] Supercritical water oxidation is a process that occurs when the temperature and pressure of water is above the critical point. Above the critical point, oxidation processes are accelerated. *Id.* at 120.
[35] *Id.* at 119-120. At this time, EPA is neither recommending nor discouraging the use of any emerging technology for managing PFAS-containing materials. *Id.* at 121.
[36] *Id.* at 121.
[37] Interstate Technology Regulatory Council (ITRC), *PFAS*, https://pfas-1.itrcweb.org/3-firefighting-foams/ (last visited Jan. 16, 2026). *See generally* EPA, *Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS]* at 23.

it and preventing it from relighting.[38] In the United States, AFFF is used at federal facilities, civil airports, and oil refineries.[39] Civilian fire departments also use or have used AFFF.[40]

AFFFs are complex mixtures that contain both known and unidentified PFAS.[41] Uncontrolled releases of AFFF to the environment can result in adverse environmental impacts, particularly when the foam reaches drinking water sources, groundwater, or surface waters. Depending on the location and circumstances of a discharge, potential impacts include acute aquatic toxicity, increased biological and chemical oxygen demand, and nutrient loading.[42] Studies demonstrate AFFF use at airports is a source of PFAS in soil and groundwater.[43]

DEP has taken steps to assess AFFF contamination at fire training facilities throughout Florida. In 2018, DEP conducted a statewide survey of 45 certified fire training facilities to collect information on each facility's use of AFFFs and the source of its drinking water.[44] The survey also identified the likely locations of nearby public and private potable wells. DEP then completed environmental assessments at 26 fire training facilities where AFFF use was confirmed or suspected. Where contamination was identified, DEP will assist the facility in developing a cleanup plan to remove or contain the contamination and prevent future environmental impacts and human exposure.[45]

Biosolids

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida's water resources. The majority of Florida's domestic wastewater is controlled and treated by centralized treatment facilities regulated by DEP. Florida has approximately 2,000 permitted domestic wastewater treatment facilities.[46]

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids[47] accumulates in the wastewater treatment plant and must be removed periodically to keep the

[38] ITRC, *PFAS.*
[39] EPA, *Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS]* at 24.
[40] *Id.*
[41] ITRC, *PFAS.*
[42] *Id.*
[43] Lutz Ahrens, et al., *Stockholm Arlanda Airport as a source of per- and polyfluoroalkyl substances to water, sediment and fish*, Chemosphere, vol. 129, 33-38 (2015), *available at* https://www.sciencedirect.com/science/article/abs/pii/S0045653514005281?via%3Dihub; Xavier Dauchy, et al., *Per- and polyfluoroalkyl substances in firefighting foam concentrates and water samples collected near sites impacted by the use of these foams*, Chemosphere, vol. 183, 53-61 (2017), *available at* https://www.sciencedirect.com/science/article/abs/pii/S0045653517307580?via%3Dihub.
[44] DEP, *Fire Training Facility Preliminary Site Assessments*, https://floridadep.gov/waste/waste-cleanup/content/fire-training-facility-preliminary-site-assessments (last visited Jan. 14, 2026).
[45] *Id.*
[46] DEP, *General facts and statistics about wastewater in Florida,* https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida (last visited Jan. 14, 2026).
[47] Section 373.4595, F.S., defines biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

plant operating properly.[48] Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP.[49] The collected residue is high in organic content and contains moderate amounts of nutrients.[50]

DEP has stated that wastewater treatment facilities produce about 340,000 dry tons of biosolids each year.[51] Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application to pasture or agricultural lands.[52] Biosolids are subject to regulatory requirements established by DEP to protect public health and the environment.[53]

Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, appliers, and distributors[54] and include permit requirements for both treatment facilities and biosolids application sites.[55]

There is increasing concern over the presence of PFAS in biosolids. While many PFASs have been found in biosolids, PFOA and PFOS are among the most abundant.[56] PFAS in biosolids is the result of the continued manufacture and use of these compounds throughout society, including by households, as well as industrial discharges of PFAS to wastewater.[57] EPA's Office of Water, the Environmental Council of the States, and the National Association of State Departments of Agriculture have jointly developed Principles for Preventing and Managing PFAS in Biosolids.[58]

III. Effect of Proposed Changes:

Section 1 creates s. 376.911, F.S., regarding aqueous film-forming foam (AFFF). The bill defines AFFF as any firefighting foam containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) as defined by the United States Environmental Protection Agency.

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[48] DEP, *Domestic wastewater biosolids*. https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids (last visited Jan. 14, 2026).
[49] Fla. Admin. Code R. 62-640.200(6).
[50] *Id*.
[51] DEP, *Biosolids in Florida*, 5 (2019), *available at* https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf.
[52] *Id*.
[53] Fla. Admin. Code R. 62-640.
[54] Fla. Admin. Code R. 62-640.100.
[55] Fla. Admin. Code R. 62-640.300.
[56] EPA, *EPA Biosolids PFOA & PFOS Problem Formulation Meeting Summary*, 1 (2020), *available at* https://www.epa.gov/sites/default/files/2021-02/documents/biosolids-pfoa-pfos-meeting-summary-nov-2020.pdf.
[57] EPA, et al., *Joint Principles for Preventing and Managing PFAS in Biosolids*, 1 (2023), *available at* https://www.epa.gov/system/files/documents/2023-07/Joint-Principles-Preventing-Managing-PFAS.pdf.
[58] EPA, *Joint Principles for Preventing and Managing PFAS in Biosolids*, https://www.epa.gov/biosolids/joint-principles-preventing-and-managing-pfas-biosolids (last visited Jan. 16, 2026).

The bill provides that, effective July 1, 2026, AFFF may not be used for any nonemergency instruction, training, or testing. All entities in possession of AFFF must report inventories to the Department of Environmental Protection (DEP). The bill further provides that, effective July 1, 2027:

- The sale, purchase, or distribution of AFFF within this state is prohibited.
- All entities with remaining inventories of AFFF must submit a disposal plan to DEP.

The bill prohibits the possession and use of AFFF in this state effective July 1, 2028. This prohibition does not apply to:

- Federal aviation facilities required to comply with federal rules that regulate the certification and operation of airports.
- Military applications where alternatives do not exist.
- Emergency firefighting situations where alternative firefighting foam is not available.

The bill directs DEP to:

- Adopt rules for containment, collection, and disposal of AFFF.
- Maintain a registry of firefighting foam alternatives that do not contain PFAS.
- Provide technical assistance and grants for transition to products that do not contain PFAS.

The bill allows DEP to administer grants or cost-share programs to assist local fire departments and airports in transitioning to products that do not contain PFAS.

The bill provides that a person who violates this act is subject to:

- Civil penalties not to exceed $10,000 for each violation for each day the violation persists.
- Additional penalties for failure to report inventories or submit disposal plans.

The bill allows DEP to seek injunctive relief to enforce compliance with this section of law.

Section 2 amends s. 403.086, F.S., regarding sewage disposal facilities. The bill requires all public entities disposing of domestic wastewater biosolids that have a designed average daily flow of 25,000 or more gallons per day to annually conduct at least one biosolids sampling for PFAS, including PFOA and PFOS, and submit the results to DEP. The sampling must be conducted in accordance with DEP rules regulating biosolids management.

Section 3 provides an effective date of July 1, 2026.

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:

Private entities may incur indeterminate costs associated with transitioning to aqueous film-forming foam (AFFF) that does not contain perfluoroalkyl and polyfluoroalkyl substances, reporting AFFF inventories to the Department of Environmental Protection (DEP), and developing a disposal plan.

C. Government Sector Impact:

DEP may incur indeterminate costs to adopt rules on AFFF, maintain a registry of alternative firefighting foams, and provide technical assistance and grants for transitioning to PFAS-free AFFF. Public entities that dispose of domestic wastewater biosolids may incur indeterminate costs for annual PFAS testing.

VI. Technical Deficiencies:

The bill refers to "the department" on lines 40, 49, 58, and 67. For clarity, the term should be defined to mean the Department of Environmental Protection. Additionally, the term "additional penalties" may be unclear as to the amount of the penalty that would apply for failure to report inventories or submit disposal plans.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.086 of the Florida Statutes.
This bill creates section 376.911 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.

798038

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Environment and Natural Resources (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 26 - 65

and insert:

(1)(a) As used in this section, the term "aqueous film-forming foam" means any firefighting foam containing intentionally added perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid and perfluorooctane sulfonate as defined by the United States Environmental Protection Agency.

798038

(b) As used in this section, the term "department" means the Department of Environmental Protection.

(2) Effective July 1, 2026:

(a) Aqueous film-forming foam may not be used for any nonemergency instruction, training, or testing.

(b) All entities in possession of aqueous film-forming foam must report inventories to the department.

(3) Effective July 1, 2027:

(a) The sale, purchase, or distribution of aqueous film-forming foam within this state is prohibited.

(b) All entities with remaining inventories of aqueous film-forming foam must submit a disposal plan to the department.

(4) Effective July 1, 2028, possession and use of aqueous film-forming foam is prohibited in this state.

(5) The prohibition under subsection (4) does not apply to:

(a) Federal aviation facilities required to comply with 14 C.F.R. part 139.

(b) Military applications where alternatives do not exist.

(c) Emergency firefighting situations where alternative firefighting foam is not available.

(6) The department shall:

(a) Adopt rules for containment, collection, and disposal of aqueous film-forming foam.

(b) Maintain a registry of firefighting foam alternatives that do not contain perfluoroalkyl and polyfluoroalkyl substances.

(c) Provide technical assistance and grants for transition to products that do not contain perfluoroalkyl and polyfluoroalkyl substances.

798038

(7) The department may administer grants or cost-share programs to assist local fire departments and airports in transitioning to products that do not contain perfluoroalkyl and polyfluoroalkyl substances.

(8) A person who violates this act is subject to:

(a) Civil penalties not to exceed $10,000 for each violation for each day the violation persists.

(b) Additional penalties not to exceed $10,000 for each violation for each day for failure to report inventories

================ T I T L E A M E N D M E N T ================

And the title is amended as follows:

Delete lines 3 - 4

and insert:

substances; creating s. 376.911, F.S.; defining terms; prohibiting,

By Senator Harrell

31-01361A-26 20261230__

A bill to be entitled

An act relating to perfluoroalkyl and polyfluoroalkyl substances; creating s. 376.911, F.S.; defining the term "aqueous film-forming foam"; prohibiting, beginning on a specified date, certain use and the sale, purchase, or distribution of aqueous film-forming foam; requiring, beginning on a specified date, certain entities to submit aqueous film-forming foam inventories and disposal plans to the Department of Environmental Protection; prohibiting, beginning on a specified date, the possession and use of aqueous film-forming foam; providing applicability; providing duties of the department; authorizing the department to administer certain grants or cost-share programs; providing penalties and injunctive relief; amending s. 403.086, F.S.; requiring certain public entities disposing of domestic wastewater biosolids to annually conduct specified samplings and submit the results to the department; providing an effective date.

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

Section 1. Section 376.911, Florida Statutes, is created to read:

376.911 Aqueous film-forming foam.—

(1) As used in this section, the term "aqueous film-forming foam" means any firefighting foam containing intentionally added perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid and perfluorooctane sulfonate as defined

by the United States Environmental Protection Agency.

(2) Effective July 1, 2026:

(a) Aqueous film-forming foam may not be used for any nonemergency instruction, training, or testing.

(b) All entities in possession of aqueous film-forming foam must report inventories to the department.

(3) Effective July 1, 2027:

(a) The sale, purchase, or distribution of aqueous film-forming foam within this state is prohibited.

(b) All entities with remaining inventories of aqueous film-forming foam must submit a disposal plan to the department.

(4) Effective July 1, 2028, possession and use of aqueous film-forming foam is prohibited in this state.

(5) The prohibition under subsection (4) does not apply to:

(a) Federal aviation facilities required to comply with 14 C.F.R. part 139.

(b) Military applications where alternatives do not exist.

(c) Emergency firefighting situations where alternative firefighting foam is not available.

(6) The department shall:

(a) Adopt rules for containment, collection, and disposal of aqueous film-forming foam.

(b) Maintain a registry of firefighting foam alternatives that do not contain perfluoroalkyl and polyfluoroalkyl substances.

(c) Provide technical assistance and grants for transition to products that do not contain perfluoroalkyl and polyfluoroalkyl substances.

(7) The department may administer grants or cost-share

programs to assist local fire departments and airports in transitioning to products that do not contain perfluoroalkyl and polyfluoroalkyl substances.

(8) A person who violates this act is subject to:

(a) Civil penalties not to exceed $10,000 for each violation for each day the violation persists.

(b) Additional penalties for failure to report inventories or submit disposal plans.

(9) The department may seek injunctive relief to enforce compliance with this section.

Section 2. Subsection (12) is added to section 403.086, Florida Statutes, to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(12) All public entities disposing of domestic wastewater biosolids that have a designed average daily flow of 25,000 or more gallons per day must annually conduct at least one biosolids sampling for perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid and perfluorooctane sulfonate, and submit the results to the department. The sampling must be conducted in accordance with department rules adopted under s. 403.0855.

Section 3. This act shall take effect July 1, 2026.

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.)

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

BILL:	SB 1288
INTRODUCER:	Senator Harrell
SUBJECT:	Waterbody Designations/Andrew "Red" Harris Shoal
DATE:	January 16, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	**Pre-meeting**
2.			AEG	
3.			FP	

I. Summary:

SB 1288 designates Shoal S13 in Jupiter Inlet as the Andrew "Red" Harris Shoal and directs the Florida Department of Environmental Protection to erect suitable markers denoting the shoal's designation.

II. Present Situation:

Andrew "Red" Harris

Andrew "Red" Harris was born and raised in the Town of Jupiter, FL.[1] In 2011 he earned a degree in risk management and insurance from Florida State University and started his own group insurance brokerage agency. Outside of his work in insurance, Harris was an avid outdoorsman and sportsman who excelled at basketball, golf, scuba diving, free diving, wake surfing, skiing, and snowboarding.[2]

Andrew Harris was tragically killed in a boating accident in 2014. He is survived by his parents, his brother, and his sister. He is remembered as an extremely generous and caring son, brother, and friend.[3]

[1] Taylor & Modeen Funeral Home, *Obituary for Andrew "Red" Harris*, https://www.taylorandmodeenflorida.com/obituaries/Andrew-Harris-35976/#!/Obituary (last visited Jan. 14, 2026).
[2] *Id*.
[3] *Id*.

Andrew "Red" Harris Foundation

The Andrew "Red" Harris Foundation was founded in 2014 in honor of Andrew "Red" Harris and his love of fishing and diving.[4] The Foundation focuses on building artificial reefs in Palm Beach County.[5] As of 2023, the Foundation had built mile-long artificial reef trails offshore of the towns of Jupiter and Juno Beach and deployed 42 barge-loads of artificial reef material.[6]

The Foundation has also donated 15 seven-foot-tall artificial reef structures to the Blue Heron Bridge Snorkel Trail at Phil Foster Park in Riviera Beach, FL, as well as a 17-foot-tall replica of the Jupiter Lighthouse, pictured on the right, which is located on the Jupiter artificial reef trail.[7]

The Foundation is also the primary supporter of a project to restore three mangrove islands in the Jupiter Narrows area near the Village of Tequesta.[8] The mangrove island closest to Cato's Bridge in Tequesta is the island that this bill will designate the Andrew "Red" Harris Shoal.

Shoal S13

Shoal S13 is a spoil island near Cato's Bridge in the Village of Tequesta, FL. Spoil islands are manmade islands typically created as a byproduct of channel dredging.[9] The dredge material is called "spoil." Spoil deposited in piles along the edge of channels can eventually break the surface of the water and becomes a spoil island.[10] Spoil islands can be valuable and distinct habitats, with diverse plants and animals.[11]

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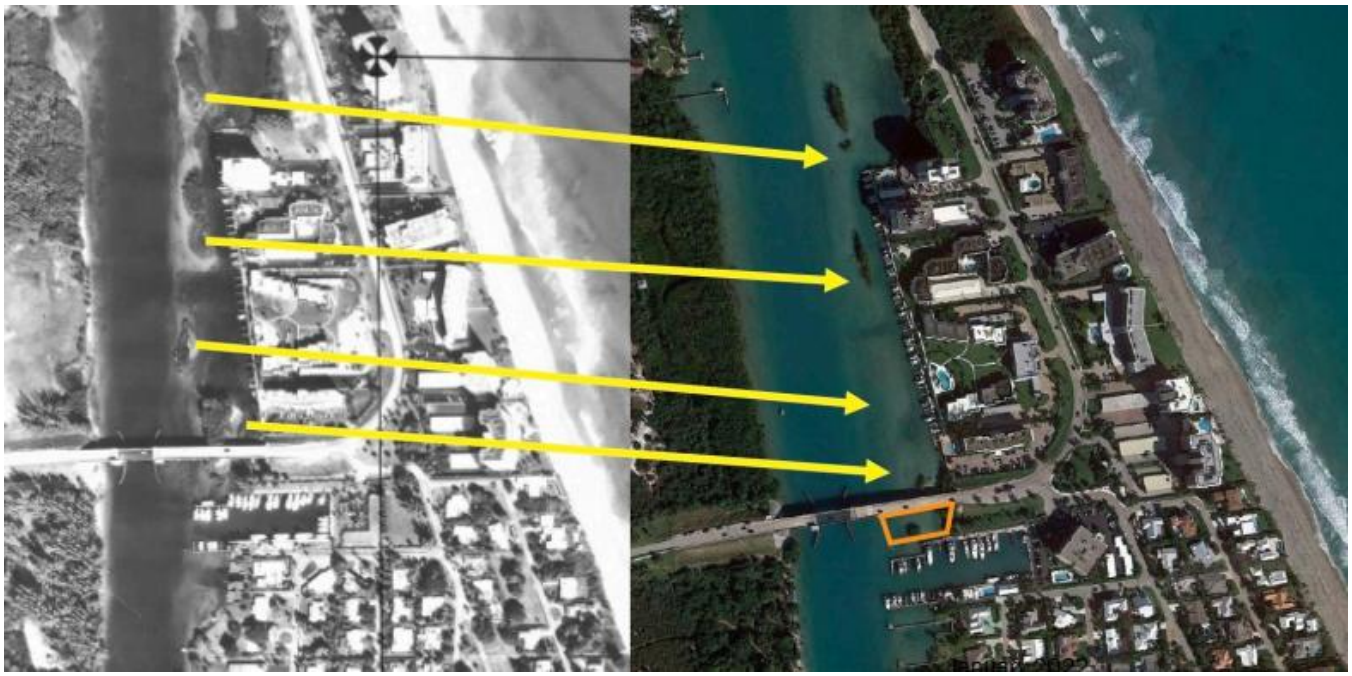
[4] Andrew "Red" Harris Foundation, *History*, https://andrewredharrisfoundation.org/history/ (last visited Jan. 14, 2026); The Guy Harvey Foundation, *An Unexpected Expert*, https://guyharveyfoundation.org/issues/an-unexpected-expert/ (last visited Jan. 14, 2026).
[5] Andrew "Red" Harris Foundation, *What We Do*, https://andrewredharrisfoundation.org/what-we-do/ (last visited Jan. 14, 2026).
[6] *Id*.
[7] *Id*.; The Guy Harvey Foundation, *An Unexpected Expert* (showing the image on this page).
[8] Andrew "Red" Harris Foundation, *Restoring the Mangroves Near Cato's Bridge*, https://andrewredharrisfoundation.org/restoring-the-mangroves-near-catos-bridge/ (last visited Jan. 14, 2026).
[9] Friends of the Spoil Islands, *Spoil Island Project Home*, https://www.fosifl.org/spoil-island-project-home/ (last visited Jan. 14, 2026).
[10] *Id*.
[11] University of Florida Institute of Food and Agricultural Sciences, *Spoil Islands*, https://fmel.ifas.ufl.edu/general-information/natural-habitats-at-fmel/spoil-islands/ (last visited Jan. 14, 2026).

The map below shows the degradation of the spoil islands north of Cato's Bridge from 1977 to 2022.[12] Shoal S13 is the spoil island closest to the bridge.



III. Effect of Proposed Changes:

Section 1 creates s. 258.603, F.S., to designate Shoal S13 within the Jupiter Inlet as the Andrew "Red" Harris Shoal. It directs the Florida Department of Environmental Protection to erect suitable markers to denote the shoal's designation.

Section 2 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[12] Jupiter Narrows Conservation Alliance, *Project Summary Multi-Year Budget*, 1 (2024), available at https://andrewredharrisfoundation.org/wp-content/uploads/2024/09/JNCA-Project-Summary_multi-year-budget.pdf.

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:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 258.603 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.

852850

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Environment and Natural Resources (Harrell) recommended the following:

Senate Amendment

Delete line 13
and insert:
(1) Shoal S13, a mangrove island adjacent to the Intracoastal Waterway within Jupiter Sound, is designated as the

By Senator Harrell

31-01450-26 20261288__

A bill to be entitled

An act relating to waterbody designations; creating s. 258.603, F.S.; designating the Andrew "Red" Harris Shoal; directing the Department of Environmental Protection to erect suitable markers; providing an effective date.

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

Section 1. Section 258.603, Florida Statutes, is created to read:

258.603 Andrew "Red" Harris Shoal designated.—

(1) Shoal S13 within the Jupiter Inlet is designated as the "Andrew "Red" Harris Shoal."

(2) The Department of Environmental Protection is directed to erect suitable markers designating the "Andrew "Red" Harris Shoal" as described in subsection (1).

Section 2. This act shall take effect July 1, 2026.