

Tab 1	SB 698 by Martin ; Identical to H 00589 Onsite Sewage Treatment and Disposal System Permits					
732922	A	S	RCS	EN, Martin	Delete L.61 - 670:	01/20 02:44 PM
Tab 2	SB 958 by Bradley ; Identical to H 00865 Local Regulation of Drinking Straws and Stirrers					
493514	A	S	LRCS	EN, Brodeur	Delete L.105 - 132:	01/20 02:44 PM
Tab 4	SB 1230 by Harrell ; Identical to H 01019 Perfluoroalkyl and Polyfluoroalkyl Substances					
798038	A	S	RCS	EN, Harrell	Delete L.26 - 65:	01/20 02:44 PM
Tab 5	SB 1288 by Harrell ; Identical to H 01219 Waterbody Designations/Andrew "Red" Harris Shoal					
852850	A	S	RCS	EN, Harrell	Delete L.13:	01/20 02:44 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)	<p>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.</p> <p>EN 01/20/2026 Fav/CS CA RC</p>	Fav/CS Yeas 7 Nays 1
2	SB 958 Bradley (Identical H 865)	<p>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.</p> <p>EN 01/20/2026 Favorable CA RC</p>	Favorable Yeas 8 Nays 0
3	SB 1066 Brodeur (Identical H 981)	<p>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.</p> <p>EN 01/20/2026 Fav/CS AEG AP</p>	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, January 20, 2026, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1230	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.	Fav/CS Yea 8 Nays 0
EN	01/20/2026 Fav/CS	AEG FP	
5	SB 1288	Waterbody Designations/Andrew "Red" Harris Shoal; Designating the Andrew "Red" Harris Shoal; directing the Department of Environmental Protection to erect suitable markers, etc.	Fav/CS Yea 8 Nays 0
EN	01/20/2026 Fav/CS	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: CS/SB 698

INTRODUCER: Environment and Natural Resources and Senator Martin

SUBJECT: Onsite Sewage Treatment and Disposal System Permits

DATE: January 20, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	Fav/CS
2.		CA	
3.		RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/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 OSTDS 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

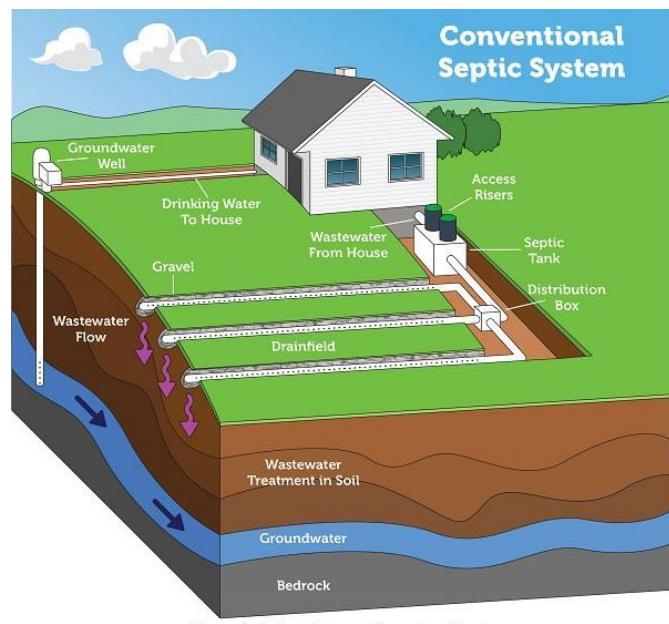
¹ Florida Department of Environmental Protection (DEP), *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Jan. 12, 2026); U.S. Environmental Protection Agency (EPA), *How Septic Systems Work*, <https://www.epa.gov/septic/how-septic-systems-work> (last visited Jan. 12,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

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 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 OSTDSs⁹ are required for



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. 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%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.

new systems within the Indian River Lagoon¹⁰ and on lots of 1 acre or less within a basin management action plan, reasonable assurance plan, or pollution reduction plan where a sewerage system is not available.¹¹ There are also special treatment requirements for the Florida Keys.¹² In addition, performance-based treatment systems¹³ must meet specific treatment standards.¹⁴

DEP must inspect OSTDSs before placing a system into service¹⁵ and approve the final OSTDS installation before a building or structure may be occupied.¹⁶ If certain alterations¹⁷ 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

¹⁰ See section 373.469(3)(d), F.S.

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 rules²⁹ 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 OSTDS that are adopted by DEP³³ 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.

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:

None.

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.)

CS by Environment and Natural Resources on January 20, 2026:

The committee substitute makes clarifying and technical changes to the bill. The amendment clarifies language regarding the exception for single family homes by changing “notwithstanding paragraph (a)” to “except as provided in paragraph (a).” Further, the amendment changes “onsite wastewater systems” to “onsite sewage treatment and disposal systems” to conform the term to statutory norms.

B. Amendments:

None.

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



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment**

2

3 Delete lines 61 - 670

4 and insert:

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



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

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

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



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

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

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

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



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

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

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

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



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

101 4. Fifty feet from any nonpotable well.

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

174

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

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



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

190 a. The committee is composed of the following:

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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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



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301 or seek review under the provisions of chapter 120.

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

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

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

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



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

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

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

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

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



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

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

362 b. Suspended Solids of 10 mg/l.

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

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

369

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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

By Senator Martin

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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

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

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

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

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

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

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

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

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

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

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

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146 exceedance of a total maximum daily load.

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

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

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

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

157 4. Fifty feet from any nonpotable well.

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

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

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

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

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

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

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

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

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204 lots served by public water systems as defined in s. 403.852.
205 b. One thousand five hundred gallons per acre per day for
206 lots served by water systems regulated under s. 381.0062.

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

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

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

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

230
231 Where soil conditions, water table elevation, and setback
232 provisions are determined by the department to be satisfactory,

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233 special consideration must be given to those lots platted before
234 1972.

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

246 a. The committee is composed of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

377 5. The property owner shall obtain a biennial system

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

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

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

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

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

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

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

417 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
418 b. Suspended Solids of 10 mg/l.
419 c. Total Nitrogen, expressed as N, of 10 mg/l or a
420 reduction in nitrogen of at least 70 percent. A system that has
421 been tested and certified to reduce nitrogen concentrations by
422 at least 70 percent shall be deemed to be in compliance with
423 this standard.
424 d. Total Phosphorus, expressed as P, of 1 mg/l.

425
426 In addition, onsite sewage treatment and disposal systems
427 discharging to an injection well must provide basic disinfection
428 as defined by department rule.

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

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

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

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

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

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

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

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

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

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

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

472 (o) Evaluations for determining the seasonal high-water
473 table elevations or the suitability of soils for the use of a
474 new onsite sewage treatment and disposal system shall be
475 performed by department personnel, professional engineers
476 registered in the state, or such other persons with expertise,
477 as defined by rule, in making such evaluations. Evaluations for
478 determining mean annual flood lines shall be performed by those
479 persons identified in paragraph (2)(1). The department shall
480 accept evaluations submitted by professional engineers and such
481 other persons as meet the expertise established by this section
482 or by rule unless the department has a reasonable scientific
483 basis for questioning the accuracy or completeness of the
484 evaluation.

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

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

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

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

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

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

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523 a. The lot is at least one-half acre in size;
524 b. The bottom of the drainfield is at least 36 inches above
525 the 2-year flood elevation; and
526 c. The applicant installs a waterless, incinerating, or
527 organic waste composting toilet and a graywater system and
528 drainfield in accordance with department rules; an aerobic
529 treatment unit and drainfield in accordance with department
530 rules; a system that is capable of reducing effluent nitrate by
531 at least 50 percent in accordance with department rules; or a
532 system other than a system using alternative drainfield
533 materials in accordance with department rules. The United States
534 Department of Agriculture Soil Conservation Service soil maps,
535 State of Florida Water Management District data, and Federal
536 Emergency Management Agency Flood Insurance maps are resources
537 that shall be used to identify flood-prone areas.

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

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

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

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

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

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

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

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

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

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

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

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

621 a. The reconnection of the system is to the same type of
622 structure which contains the same number of bedrooms or fewer,
623 if the square footage of the structure is less than or equal to
624 110 percent of the original square footage of the structure that
625 existed before the disaster;

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

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

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

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

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

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

667 381.0065 Onsite sewage treatment and disposal systems;

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668 regulation.—

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

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

678 380.0552 Florida Keys Area; protection and designation as
679 area of critical state concern.—

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

682 (i) Protect and improve the nearshore water quality of the
683 Florida Keys through federal, state, and local funding of water
684 quality improvement projects, including the construction and
685 operation of wastewater management facilities that meet the
686 requirements of ss. 381.0065(4)(m) and 403.086(11) ss.
687 ~~381.0065(4)(1) and 403.086(11)~~, as applicable.

688 (4) REMOVAL OF DESIGNATION.—

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

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697 1. All of the work program tasks have been completed,
698 including construction of, operation of, and connection to
699 central wastewater management facilities pursuant to s.
700 403.086(11) and upgrade of onsite sewage treatment and disposal
701 systems pursuant to s. 381.0065(4)(m) ~~s. 381.0065(4)(l)~~;

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

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

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

725 (j) Ensuring the improvement of nearshore water quality by

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

732 (9) MODIFICATION TO PLANS AND REGULATIONS.—

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

745 1. Construction schedules and detailed capital financing
746 plans for wastewater management improvements in the annually
747 adopted capital improvements element, and standards for the
748 construction of wastewater treatment and disposal facilities or
749 collection systems that meet or exceed the criteria in s.
750 403.086(11) for wastewater treatment and disposal facilities or
751 s. 381.0065(4)(m) ~~s. 381.0065(4)(1)~~ for onsite sewage treatment
752 and disposal systems.

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

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

761 a. Mobile home residents are not considered permanent
762 residents.

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

767 Section 4. Paragraph (c) of subsection (6) of section
768 381.00651, Florida Statutes, is amended to read:

769 381.00651 Periodic evaluation and assessment of onsite
770 sewage treatment and disposal systems.—

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

774 (c) *Repair of systems.*—The local ordinance may not require
775 a repair, modification, or replacement of a system as a result
776 of an evaluation unless the evaluation identifies a system
777 failure. For purposes of this subsection, the term “system
778 failure” means a condition existing within an onsite sewage
779 treatment and disposal system which results in the discharge of
780 untreated or partially treated wastewater onto the ground
781 surface or into surface water or that results in the failure of
782 building plumbing to discharge properly and presents a sanitary
783 nuisance. A system is not in failure if the system does not have

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784 a minimum separation distance between the drainfield and the
785 wettest season water table or if an obstruction in a sanitary
786 line or an effluent screen or filter prevents effluent from
787 flowing into a drainfield. If a system failure is identified and
788 several allowable remedial measures are available to resolve the
789 failure, the system owner may choose the least costly allowable
790 remedial measure to fix the system. There may be instances in
791 which a pump-out is sufficient to resolve a system failure.
792 Allowable remedial measures to resolve a system failure are
793 limited to what is necessary to resolve the failure and must
794 meet, to the maximum extent practicable, the requirements of the
795 repair code in effect when the repair is made, subject to the
796 exceptions specified in s. 381.065(4)(h) ~~s. 381.0065(4)(g)~~. An
797 engineer-designed performance-based treatment system to reduce
798 nutrients may not be required as an alternative remediation
799 measure to resolve the failure of a conventional system.

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

1/20/25

Meeting Date

The Florida Senate

APPEARANCE RECORD

Environment & Natural Resources

Committee

Name Rusty Payton

Deliver both copies of this form to
Senate professional staff conducting the meeting

598

Bill Number or Topic

Amendment Barcode (if applicable)

850-561-1073

Address 1319 Thomaswood Drive
Street
Tallahassee FL 32317

Email rpayton@fhba.com

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

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I am appearing without
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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

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S-001 (08/10/2021)

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	Favorable
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

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-perfluoroctanoic-acid-pfoa-and-perfluoroctanesulfonic-acid-pfos-cercla> (last visited Jan. 14, 2026).. These require 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

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> (last 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

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 biopolymers⁴⁴ 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.

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.

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.

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

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

6-01099A-26

2026958

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

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

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

38 403.7034 Local regulation of drinking straws and stirrers.—

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

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

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

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

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

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

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

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

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

6-01099A-26

2026958

59 prohibition, or restriction of drinking straws or stirrers which
60 does not meet the requirements of this section. By January 1,
61 2027, a local governmental entity shall amend any such rule,
62 regulation, or ordinance in effect as of the effective date of
63 this act which does not permit the sale or use of drinking
64 straws and stirrers that are renewable, home compostable
65 certified, industrial compostable certified, or marine
66 biodegradable to permit the sale or use of renewable, home
67 compostable certified, industrial compostable certified and
68 marine biodegradable drinking straws and stirrers.

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

- 74 (a) Renewable;
- 75 (b) Home compostable certified;
- 76 (c) Industrial compostable certified; and
- 77 (d) Marine biodegradable.

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

80 (a) A prepackaged drink sold at a commercial establishment.
81 (b) A hospital, a medical care facility, or a senior care
82 facility.

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

87 Section 3. The Division of Law Revision is directed to

6-01099A-26

2026958

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

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

1.20.2026

The Florida Senate

DUPLICATE

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date
Environment and Natural Resources

SB 958

Bill Number or Topic

Committee

Name **Kate DeLoach**

Phone **850-671-4401**

Amendment Barcode (if applicable)

Address **123 S Adams Street**

Email **Deloach@thesoutherngroup.com**

Street

Tallahassee

Florida

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

WinCup

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (f1senate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

1.20. 2b

Meeting Date

APPEARANCE RECORD

959

Bill Number or Topic

Enviro + Natural Resources

Committee

Name Laura - Lee Minutello Minutes10 Phone _____

Address 2413 Cole Dr STE 200 Email lauram6@disabilityrightsfl.org
Street

Tallahassee FL 32301
City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Disability Rights FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

1-20-26

Meeting Date

ENR

Committee

Name TRavis Moore

958

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 777.421-6902

Address

Street

Email

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Springs Council

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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: CS/SB 1066

INTRODUCER: Environment and Natural Resources Committee and Senator Brodeur

SUBJECT: Tributaries of the St. Johns River

DATE: January 20, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Barriero	Rogers	EN	Fav/CS
2.		AEG	
3.		AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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

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>.

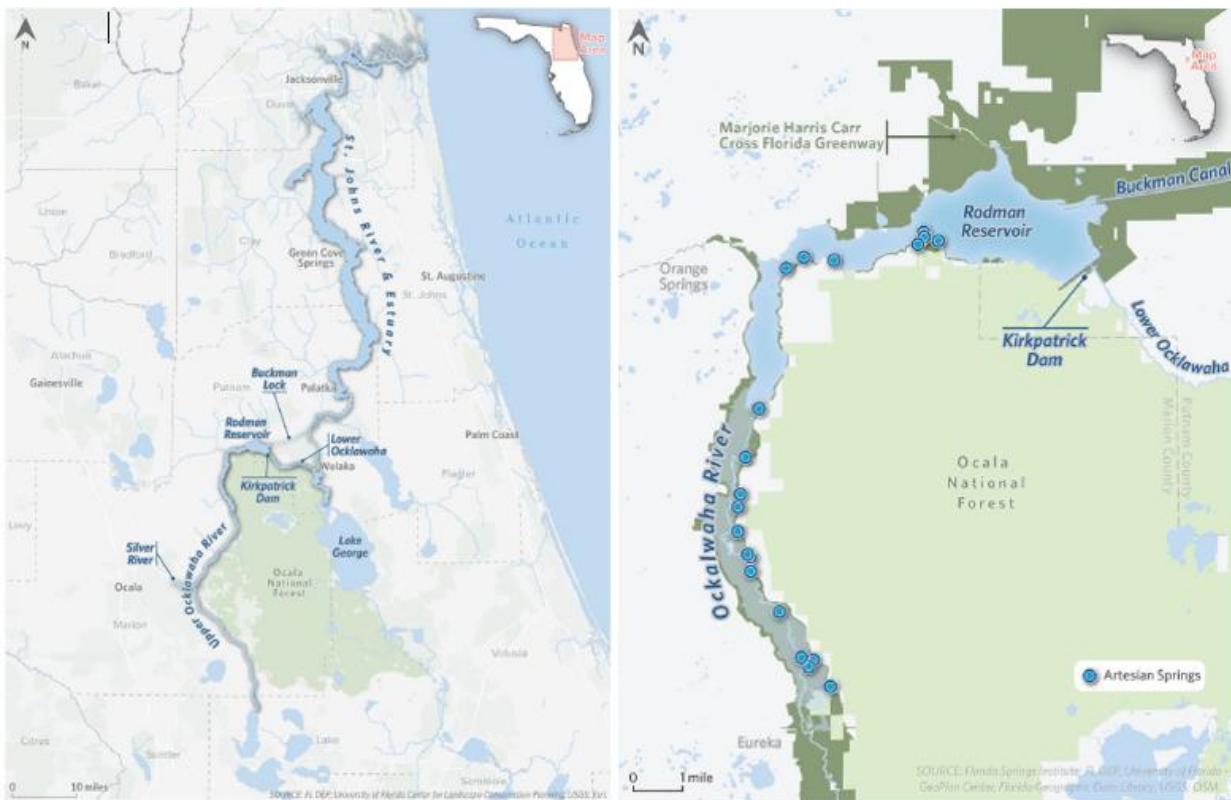
⁶ SJRWMD, *Silver Springs*, <https://www.sjrwmd.com/waterways/springs/silver/> (last visited Jan. 13, 2026).

⁷ *Id.*

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 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) Dam¹¹ and Rodman Reservoir as part of the Cross Florida Barge Canal¹² altered the river by flooding approximately 7,500 acres,



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>.

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).

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 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

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

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->

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;

²³ [V_hKUdfQY1AjxW5mwf3bNn4/view](https://drive.google.com/file/d/1h07T_nRkQmZRxrF6XJXg7s5dZxBXS8-/view); DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 152.

²⁴ DEP, *Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area Unit Management Plan* at 151.

²⁵ 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/1h07T_nRkQmZRxrF6XJXg7s5dZxBXS8-/view.

²⁶ See DEP, *Joint Application for Environmental Resource Permit and Federal Dredge and Fill Permit*.

²⁶ *Id.* at 1-7.

- Development and implementation of a cultural resources operating plan.²⁷

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

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 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_CW06ndl19/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://floridatxwatch.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.

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 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 its repeal 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 be 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

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.

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.

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 16 members. One member must be the commanding officer of Naval Air Station Jacksonville or his or her designee. 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.)

CS by Environment and Natural Resources on Jan. 20, 2026:

Added the commanding officer of Naval Air Station Jacksonville as one of the members on the Northeast Florida River and Springs Recreation and Economic Development Advisory Council.

B. Amendments:

None.

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



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment**

2 Delete lines 105 - 132

3 and insert:

4 2. The council shall be composed of the following 16
5 members:

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

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



493514

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

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

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

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

21 (VI) One representative of the Department of Commerce.

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

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

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

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

31 (III) Clay County shall appoint one member.

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

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

By Senator Brodeur

10-00324C-26

20261066

10-00324C-26

20261066

30 recreation plan; requiring the department to implement
31 the plan by a specified date; requiring the department
32 to complete projects on state-owned lands in the
33 outdoor recreation plan by a specified date, subject
34 to certain funding; requiring the department to
35 develop a grant program for a specified purpose;
36 requiring that the grant program be compatible with
37 certain plans; requiring the department to implement
38 the grant program by a specified date; requiring the
39 Department of Commerce to develop guidelines and
40 processes for and implement an economic development
41 program for Marion and Putnam Counties for a specified
42 purpose by a specified date; requiring that the
43 economic development plan be compatible with certain
44 plans and programs; requiring the Department of
45 Commerce to implement the economic development program
46 by a specified date; providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. This act may cited as the "Northeast Florida
51 Rivers, Springs, and Community Investment Act."

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

54 373.464 Ocklawaha River restoration, recreation, and
55 economic development.—

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

10-00324C-26

20261066

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

62 (2) PROJECT PLAN.—

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

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

10-00324C-26

20261066

88 330.405, F.A.C., and rule 62-330.485, F.A.C.89 (c) Subject to the provision of state, federal, or other
90 funds, the department shall complete the restoration project by
91 December 31, 2032.92 (3) NORTHEAST FLORIDA RIVER AND SPRINGS RECREATION AND
93 ECONOMIC DEVELOPMENT ADVISORY COUNCIL.—94 (a) Establishment of the council.—
95 1. The Northeast Florida River and Springs Recreation and
96 Economic Development Advisory Council, an advisory council as
97 defined in s. 20.03(7), is established and assigned to the
98 department. The council shall be administratively housed within
99 the department. The project lead shall serve as the council
100 chair, and the members shall meet at the call of the project
101 lead. Members shall serve without compensation but are entitled
102 to reimbursement for per diem and travel expenses pursuant to s.
103 112.061. Council members shall serve 4-year terms, except that
104 the initial terms shall be staggered.105 2. The council shall be composed of the following 15
106 members:107 a. Nine members of the council shall be appointed by and
108 serve at the pleasure of the Governor and shall include:109 (I) Two representatives of river recreation-related
110 businesses local to Marion or Putnam Counties.111 (II) Two representatives of outdoor recreation user groups,
112 one of whom represents fishing interests local to Marion or
113 Putnam Counties.114 (III) One representative of the department's Office of
115 Greenways and Trails.116 (IV) One representative of the Florida Fish and Wildlife

10-00324C-26

20261066

117 Conservation Commission's Division of Freshwater Fisheries
118 Management.
119 (V) One representative of the Florida Fish and Wildlife
120 Conservation Commission's Imperiled Species Management Section.
121 (VI) One representative of the Department of Commerce.
122 (VII) One representative of an environmental community
123 support organization who has subject matter expertise on springs
124 or rivers.
125 b. Six members of the council shall be appointed by the
126 boards of county commissioners for the following counties:
127 (I) Putnam County shall appoint two members, one of whom
128 must oversee parks and recreation for the county.
129 (II) Marion County shall appoint two members, one of whom
130 must oversee parks and recreation for the county.
131 (III) Clay County shall appoint one member.
132 (IV) St. Johns County shall appoint one member.
133 (b) Report.—The council shall submit an advisory report to
134 the Governor, the President of the Senate, the Speaker of the
135 House of Representatives, and the department by February 1,
136 2027. The report must include all of the following:
137 1. Recommendations for projects to be included in the
138 outdoor recreation plan created in subsection (4), including
139 priorities for state-funded land projects.
140 2. Recommendations to the department for the creation of
141 guidelines to govern the grant program created in subsection
142 (5).
143 3. Recommendations to the Department of Commerce for the
144 creation of guidelines to administer the economic development
145 program created in subsection (6).

10-00324C-26

20261066

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

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

152 (4) OUTDOOR RECREATION PLAN.-

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

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

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

168 (d) Subject to the provision of state, federal, or other
169 funds, the department shall complete projects on state-owned
170 lands identified in the outdoor recreation plan by December 31,
171 2035.

172 (5) GRANT PROGRAM.-

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

10-00324C-26

20261066

175 St. Johns Counties to implement the outdoor recreation plan.

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

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

180 (6) ECONOMIC DEVELOPMENT PROGRAM.—

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

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

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

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

1/20/2026

Meeting Date
Environment and Natural Resources

Committee

Name **E**Elizabeth Alvi

Address **2001 Thomasville Road**
Street

Tallahassee **FL** **32308**

City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Audubon Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://senate.gov/2020-2022JointRules.pdf) (senate.gov)

The Florida Senate

APPEARANCE RECORD

1066

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-999-1028**

Email **beth.alvi@audubon.org**

The Florida Senate

APPEARANCE RECORD

11/20/2021

Meeting Date

ENR

Committee

Name Kim Dinkins 1000Friends of FL Phone _____

Address 308 N Monroe

Street

Tallahassee FL

City

State

Zip

Email kdinkins@1000fov.org

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

1000fov

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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ENR

Committee

The Florida Senate
APPEARANCE RECORD

1066

Bill Number or Topic

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Amendment Barcode (if applicable)

Name Travis Moore Phone 727.421.6902

Address P.O. Box 2020 Email travis@moore-relations
Street

St. Petersburg FL 33731

City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

- FL Springs Council
- Defenders of Wildlife

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

1/20/2026

Meeting Date

APPEARANCE RECORD

1066

Bill Number or Topic

Environment and Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting*Aydeen jad*Name 2800 University Soraya Aidinejad Phone 904 256 7591Address 2800 University Blvd N

Street

Email soraya@stjohnsriverkeeper.org

Jacksonville

FL

32211

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

 I am appearing without compensation or sponsorship. I am a registered lobbyist, representing: I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: *St. Johns Riverkeeper*

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Jan 20, 2026

Meeting Date

Environmental & Natural Resources

Committee

Name Gail Hankinson Phone 404-683-0998

Address 809 N. Bronough Street Email
Street

Tallahassee FL 32303

City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

I own a house in Marion County.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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The Florida Senate

1-20-2026

Meeting Date

ENR

Committee

APPEARANCE RECORD

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SB 1066

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jo Layman

Phone 352-299-1002

Address 4567 NE 6 ST

Street

Ocala FL

34470

City

State

Zip

Email j.layman52@icloud.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

1-20-26

APPEARANCE RECORD

1006

Meeting Date

Bill Number or Topic

Environment & Natl Res

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Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name J.R. Newbold

Phone

386-922-6393

Address 504 Old Hwy 17

Email

johnnewbold43@yahoo.com

Street

State

Zip

City

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

 I am appearing without compensation or sponsorship. I am a registered lobbyist, representing: I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

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S-001 (08/10/2021)

1/20/2026

The Florida Senate

Meeting Date

Environment and Natural Resources

Committee

APPEARANCE RECORD

1066

Bill Number or Topic

Name Richard Lindstrom

Amendment Barcode (if applicable)

Phone 8502516112Address 119 South Monroe St. Suite 202
StreetEmail lindstrom@rutledge-ecenia.comCity Tallahassee State FL Zip 32301Speaking: For Against Information**OR**Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

 I am appearing without compensation or sponsorship. I am a registered lobbyist, representing:

Save the Manatee Club

 I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

1/20/25

Meeting Date

The Florida Senate

APPEARANCE RECORD

5B
Rodman 1064

Bill Number or Topic

Comm.tee on Env. & Natl's.

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Senate professional staff conducting the meeting

Committee

Name Joshua Alexander

Phone

386 937-1803

Amendment Barcode (if applicable)

Address 244 Port Canaveral Dr

Email

Street

East Palatka FL

32131

City

State

Zip

County Commissioner

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (f1senate.gov)

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S-001 (08/10/2021)

1/20/25

Meeting Date

Environment & Natural Resources

Committee

The Florida Senate
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SB 1066

Bill Number or Topic

Name Karen Chadwick

Amendment Barcode (if applicable)
386-983-1256

Address 179 W. Strickland Rd

Email karenchadwick95@yahoo.com

Street

Interlachen

City

32148

State

Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

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1/20/26

Meeting Date

APPEARANCE RECORD

SB1066

Bill Number or Topic

Env & Natural Resources

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Committee

Name Vernon MyersPhone 386-546-7489

Amendment Barcode (if applicable)

Address 247 Port Can Fort DriveEmail VernonMyers@comcast.net

Street

E. Palatka Fl32131

City

State

Zip

Speaking: For Against Information**OR** Waive Speaking: In Support Against**PLEASE CHECK ONE OF THE FOLLOWING:** I am appearing without compensation or sponsorship. I am a registered lobbyist, representing: I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

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S-001 (08/10/2021)

1120126

Meeting Date

Enviro + Nat Res

Committee

Name Sarah Gledhill

Florida Wildlife Federation

Phone

904-342-6490

Address P.O. Box 6870

Street

City

State

Zip

Email

sgledhill@sustaining.org

Speaking: For Against Information

OR

Waive Speaking: In Support Against

I am appearing without compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Wildlife Federation

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

1/20/26

Meeting Date ENR

The Florida Senate

APPEARANCE RECORD

SB 1064

Bill Number or Topic

Senate Env. & Natural Resources
Committee

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Amendment Barcode (if applicable)

Name Margaret Spontak

Phone (352) 229-2884

Address 2807 SE 19th CD
Street

Email mhspontak@gmail.com

Ocala FL 34471

City State Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (fisenate.gov)

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S-001 (08/10/2021)

1/20/26
Meeting Date
ENR

Committee

Name Jaye Baillie

Address 9443 NE 307th St
Street

City Salt Springs

State FL

Baillie

Baillie

Phone

352-329-2006

Email jaye.baillie@gmail.com

Zip 32124

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

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S-001 (08/10/2021)

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: CS/SB 1230

INTRODUCER: Environment and Natural Resources Committee and Senator Harrell

SUBJECT: Perfluoroalkyl and Polyfluoroalkyl Substances

DATE: January 20, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Barriero	Rogers	EN	Fav/CS
2.		AEG	
3.		FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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 and additional penalties of up to \$10,000 per violation per day 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:

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).

- 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.
- 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-perfluoroctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-cercla> (last visited Jan. 14, 2026). These require 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,

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

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).

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>.

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 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 I²⁷ 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

²⁵ EPA, *Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS]* at 66.

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 biosolids⁴⁷ 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/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/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, applicators, and distributors⁵⁴ 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. The bill defines “department” as the Department of Environmental Protection (DEP).

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.floridastormwater.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 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 not to exceed \$10,000 for each violation for each day 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:

None.

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.)

CS by Environment and Natural Resources on Jan. 20, 2026:

- Clarified that “the department” means the Department of Environmental Protection.
- Clarified that additional penalties for failure to report inventories or submit disposal plans may not exceed \$10,000 per day for each violation.

B. Amendments:

None.

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



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2026	.	
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	.	
	.	

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

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 26 - 65

4 and insert:

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



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

13 (2) Effective July 1, 2026:

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

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

18 (3) Effective July 1, 2027:

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

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

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

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

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

28 (b) Military applications where alternatives do not exist.

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

31 (6) The department shall:

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

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

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



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

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

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

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

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

50 And the title is amended as follows:

51 Delete lines 3 - 4

52 and insert:

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

By Senator Harrell

31-01361A-26

20261230

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

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

25 376.911 Aqueous film-forming foam.-
26 (1) As used in this section, the term "aqueous film-forming
27 foam" means any firefighting foam containing intentionally added
28 perfluoroalkyl and polyfluoroalkyl substances, including
29 perfluorooctanoic acid and perfluorooctane sulfonate as defined

31-01361A-26

20261230

30 by the United States Environmental Protection Agency.

31 (2) Effective July 1, 2026:

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

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

36 (3) Effective July 1, 2027:

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

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

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

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

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

46 (b) Military applications where alternatives do not exist.

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

49 (6) The department shall:

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

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

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

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

31-01361A-26

20261230

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

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

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

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

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

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

71 403.086 Sewage disposal facilities; advanced and secondary
72 waste treatment.—

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

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

Jan 20, 2026

Meeting Date

The Florida Senate

APPEARANCE RECORD

1230

Bill Number or Topic

Committee

Name Fire Chief Tripp Barrs Phone (727) 547-4510
President, Florida Fire Chiefs Assoc.

Address 1070 Montgomery Rd, Unit 20 Email wbarrs@mytreasureisland.org

Street

Altamonte Springs, Fl

State

Zip

City

Speaking: For Against Information

OR

Waive Speaking: In Support Against

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I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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: CS/SB 1288

INTRODUCER: Environment and Natural Resources and Senator Harrell

SUBJECT: Waterbody Designations/Andrew “Red” Harris Shoal

DATE: January 20, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	Fav/CS
2.		AEG	
3.		FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1288 designates Shoal S13 in Jupiter Sound 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 to become a spoil island.¹⁰ Spoil islands can be valuable and distinct habitats, with diverse plants and animals.¹¹



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).

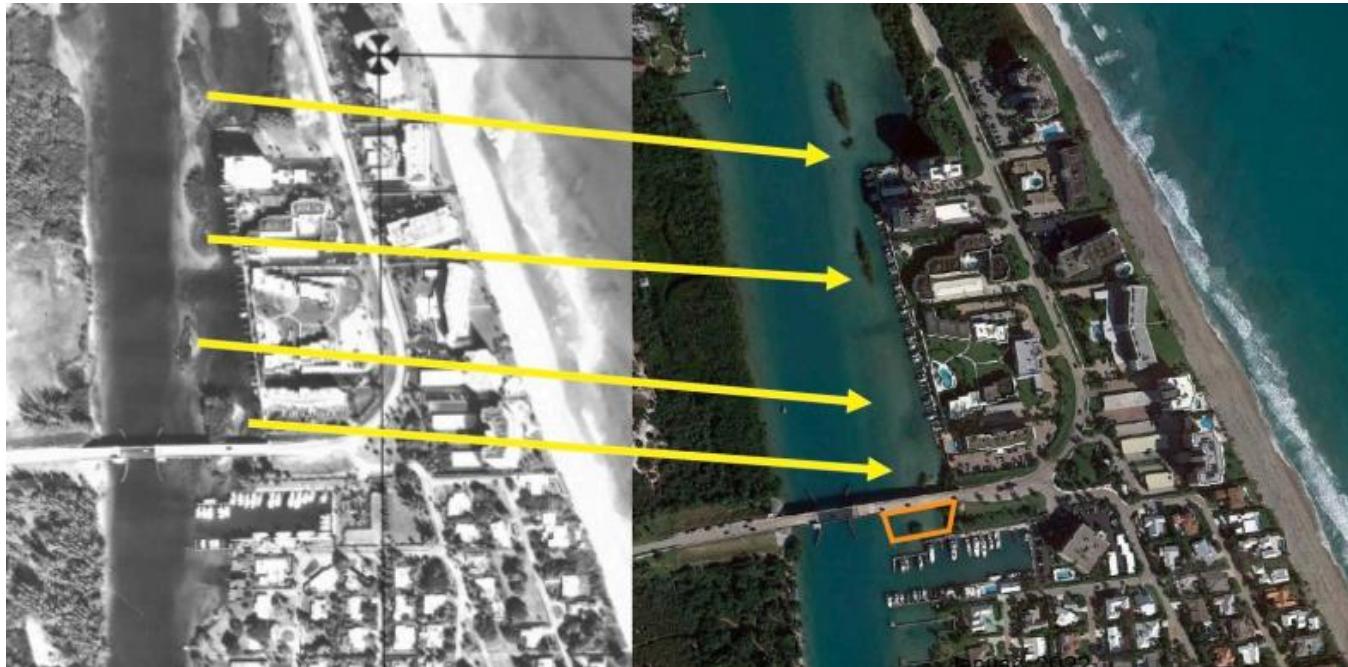
⁸ Andrew “Red” Harris Foundation, *Restoring the Mangroves Near Cato’s Bridge*, <https://andrewredharrisfoundation.org/restoring-the-mangroves-near-catos-bridge/> (last visited Jan. 14, 2026).

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, a mangrove island adjacent to the Intracoastal Waterway in Jupiter Sound, as the Andrew “Red” Harris Shoal. It directs the Florida Department of Environmental Protection to erect suitable markers to denote the Shoal S13’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 Substantial Changes:

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

CS by Environment and Natural Resources on January 20, 2026:

The committee substitute clarifies the location of Shoal S13. It specifies that Shoal S13 is a mangrove island adjacent to the Intracoastal Waterway in Jupiter Sound.

B. Amendments:

None.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment**

2

3 Delete line 13

4 and insert:

5 (1) Shoal S13, a mangrove island adjacent to the
6 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.

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Environment And Natural Resources Committee

Judge:

Started: 1/20/2026 1:01:36 PM

Ends: 1/20/2026 2:06:51 PM Length: 01:05:16

1:01:37 PM Chair Mayfield calls meeting to order

1:01:40 PM Roll call

1:01:49 PM Quorum announced

1:02:16 PM Pledge of Allegiance

1:02:22 PM Chair Mayfield with comments

1:02:47 PM Tab 2, SB 958 by Senator Bradley, Local Regulation of Drinking Straws and Stirrers introduced by Chair Mayfield

1:02:50 PM Senator Bradley

1:04:04 PM Chair Mayfield

1:04:13 PM Travis Moore, FL Springs Council waives

1:04:22 PM Laura Lee Minutello, Disability Rights Florida waives

1:04:27 PM Katy DeLoach, WinCup waives

1:04:31 PM Chair Mayfield

1:04:35 PM Debate

1:04:38 PM Senator Smith

1:05:58 PM Chair Mayfield

1:06:04 PM Senator Bradley with closure

1:07:05 PM Roll call

1:07:17 PM SB 958 reported favorably

1:07:33 PM Tab 3, SB 1066 by Senator Brodeur, Tributaries of the St. Johns River introduced by Chair Mayfield

1:07:38 PM Senator Brodeur

1:11:13 PM Chair Mayfield

1:11:24 PM Late-filed Amendment Barcode No. 493514 introduced by Chair Mayfield

1:11:28 PM Senator Brodeur

1:12:35 PM Chair Mayfield

1:12:46 PM Closure waived

1:12:50 PM Amendment adopted

1:12:53 PM Chair Mayfield

1:13:00 PM Senator Harrell

1:13:18 PM Senator Brodeur

1:14:11 PM Chair Mayfield

1:15:21 PM Speaker Jaye Bauillie

1:17:08 PM Speaker Margaret Spontak

1:19:16 PM Speaker Sarah Gledhill, Florida Wildlife Federation

1:20:25 PM Speaker Vernon Myers

1:23:46 PM Speaker Karen Chadwick

1:26:31 PM Speaker J.R. Newbold

1:30:00 PM Speaker Joshua Alexander

1:34:26 PM Elizabeth Alvi, Audubon Florida waives

1:34:32 PM Richard Lindstrom, Save the Manatee Club waives

1:34:38 PM Kim Dinkins, 1000 Friends of Florida waives

1:34:45 PM Travis Moore, FL Springs Council - Defenders of Wildlife waives
1:34:57 PM Soraya Adinejad waives
1:35:10 PM Gail Hankinson waives
1:35:27 PM Chair Mayfield
1:35:33 PM Debate
1:35:37 PM Chair Mayfield
1:37:13 PM Senator Brodeur with closure
1:38:57 PM Chair Mayfield
1:38:59 PM Roll call
1:39:14 PM CS/SB 1066 reported favorably
1:39:37 PM Chair turned over to Chair Rodriguez
1:39:40 PM Tab 1, SB 698 by Senator Martin, Onsite Sewage Treatment and Disposal System Permits introduced by Chair Rodriguez
1:39:43 PM Senator Martin
1:40:42 PM Chair Rodriguez
1:40:47 PM Senator Smith
1:41:24 PM Senator Martin
1:41:34 PM Senator Smith
1:42:18 PM Senator Martin
1:43:49 PM Senator Harrell
1:44:03 PM Amendment Barcode No. 732922 introduced by Chair Rodriguez
1:44:08 PM Senator Martin
1:44:16 PM Chair Rodriguez
1:44:21 PM Closure waived
1:44:24 PM Amendment adopted
1:44:31 PM Chair Rodriguez
1:44:47 PM Speaker Rusty Payton, Florida Home Builders Association
1:45:55 PM Senator Smith
1:46:35 PM Rusty Payton
1:47:20 PM Senator Mayfield
1:47:38 PM Rusty Payton
1:47:54 PM Chair Rodriguez
1:48:17 PM Speaker Roxanne Groover
1:52:52 PM Chair Rodriguez
1:52:59 PM Debate
1:53:01 PM Senator Smith
1:54:20 PM Senator Mayfield
1:55:53 PM Chair Rodriguez
1:55:56 PM Senator Martin
1:56:35 PM Roll call
1:56:50 PM CS/SB 698 reported favorably
1:57:18 PM Tab 4, SB 1230, Perfluroalkyl and Polyfluoroalkyl Substances introduced by Chair Rodriguez
1:57:22 PM Senator Harrell
2:00:50 PM Chair Rodriguez
2:01:06 PM Amendment Barcode No. 798038 introduced by Chair Rodriguez
2:01:09 PM Senator Harrell
2:01:28 PM Chair Rodriguez
2:01:32 PM Closure waived
2:01:34 PM Amendment adopted
2:01:45 PM Chair Rodriguez
2:01:55 PM Fire Chief Tripp Barrs, President, Florida Fire Chiefs Association waives

2:02:01 PM Chair Rodriguez
2:02:07 PM Senator Harrell with closure
2:02:32 PM Roll call
2:02:45 PM CS/SB 1230 reported favorably
2:03:09 PM Tab 5, SB 1288 by Senator Harrell, Waterbody Designations/Andrew "Red" Harris Shoal introduced by Chair Rodriguez
2:03:13 PM Senator Harrell
2:04:42 PM Chair Rodriguez
2:05:01 PM Amendment Barcode No. 852850 introduced by Chair Rodriguez
2:05:03 PM Senator Harrell
2:05:07 PM Chair Rodriguez
2:05:11 PM Closure waived
2:05:13 PM Amendment adopted
2:05:18 PM Chair Rodriguez
2:05:30 PM Senator Harrell with closure
2:05:39 PM Roll call
2:05:52 PM CS/SB 1288 reported favorably
2:05:57 PM Chair Rodriguez
2:06:12 PM Senator Avila would like to be shown voting in the affirmative on Tabs 3, 1 and 4
2:06:22 PM Senator DiCeglie would like to be shown voting in the affirmative on Tabs 1 and 4
2:06:30 PM Chair Rodriguez would like to be shown voting in the affirmative on SB 958
2:06:35 PM Chair Rodriguez
2:06:41 PM Senator Smith moves to adjourn
2:06:44 PM Meeting adjourned