

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 1510

INTRODUCER: Senator Massullo

SUBJECT: Department of Environmental Protection

DATE: February 2, 2026

REVISED: _____

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

I. Summary:

SB 1510 amends laws that govern the Acquisition and Restoration Council, biosolids fees, septic system and wastewater restrictions, basin management action plans, the Sea Level Rise Resilience Plan, the Environmental Regulation Commission, and air pollution permitting.

Regarding the Acquisition and Restoration Council (ARC), the bill adds two new members. Additionally, the bill directs ARC to administer the Florida Communities Trust to improve consistency and effectiveness in conservation-focused land acquisition and resource stewardship.

Regarding onsite sewage treatment and disposal systems (septic systems), the bill:

- Removes a requirement that owners of residential properties within the Indian River Lagoon Protection program over ten acres must connect to sewer or upgrade their septic system.
- Prevents a septic system remediation plan required by an Outstanding Florida Spring basin management action plan (BMAP) from prohibiting the installation of new conventional septic systems unless central sewer is available or from requiring septic system upgrades for residential properties over ten acres.
- Requires DEP to notify new owners of a property with a septic system of certain applicable requirements.
- Requires notice to a person receiving ownership of a property with a septic system that the property is subject to septic system regulations, providing documents, and stating the location of the septic system.

Regarding BMAPs, the bill provides a 60-day waiting period before an approved BMAP is effective. The bill allows the installation of distributed wastewater treatment systems on lots of one acre or less in a BMAP, reasonable assurance plan, or pollution reduction plan if a sewer system is unavailable.

Regarding biosolids, the bill reduces fees for distributors of fertilizer containing or composed of Class AA biosolids. It also requires local governments or special districts to include an analysis of domestic biosolids and septage management in their five-year wastewater services needs analyses.

Regarding the Statewide Flooding and Sea Level Rise Resilience Plan, the bill provides that municipalities and counties that are rural communities will not need a minimum 50 percent cost share for projects in the plan.

Regarding the Environmental Regulation Commission (ERC), the bill repeals provisions establishing the ERC and removes all references to the ERC in statute.

Regarding air pollution permitting, the bill extends the due date for annual operating permits for major sources of air pollution.

II. Present Situation:

The Environmental Regulation Commission

The Environmental Regulation Commission (ERC) is a non-salaried, seven-member board created by the Legislature within the Florida Department of Environmental Protection (DEP).¹ The ERC is responsible for setting statutorily specified air and water quality standards by evaluating their scientific and technical validity, economic impacts, and risks and benefits to the public and Florida's natural resources.² The ERC's members are selected by the Governor and confirmed by the Senate.³ They must be representative of:

- Agriculture;
- The development industry;
- Local government;
- The environmental community;
- Residents; and
- Members of the scientific and technical community with substantial expertise in water pollutants, toxicology, epidemiology, geology, biology, environmental science, or engineering.⁴

DEP must conduct a study of the economic and environmental impact of any proposed standard that would be stricter or more stringent than one set by federal law or regulation.⁵ The study must be submitted to the ERC, which must initially adopt the standard and submit it to the Governor and Cabinet. The Governor and Cabinet must take final action and must accept, reject, modify, or remand the standard for further proceedings within 60 days of the submission.⁶

¹ Florida Department of Environmental Protection (DEP), *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Jan. 23, 2026).

² *Id.*; section 403.804(1), F.S. The ERC does not establish DEP policies, priorities, plans, or directives. It may adopt procedural rules governing its meetings and hearings.

³ DEP, *Environmental Regulation Commission*; section 20.255(6), F.S.

⁴ *Id.*

⁵ Section 403.804(2), F.S.

⁶ *Id.*

The ERC was created in statute in 1975.⁷ It was established 35 years before the legislative rule ratification requirement, which requires legislative approval of rules that have adverse economic impacts or high regulatory costs.⁸ In the past ten years, the ERC has met four times: once in 2016, 2017, 2024, and 2025.⁹

Acquisition and Restoration Council

The Acquisition and Restoration Council (ARC) is a ten-member body that makes recommendations on the acquisition, management, and disposal of state-owned lands.¹⁰ ARC's members are composed of:

- The Secretary of Environmental Protection (or designee);
- The director of the Florida Forest Service (or designee);
- The executive director of the Fish and Wildlife Conservation Commission (or designee);
- The director of the Division of Historical Resources (or designee);
- One member appointed by Commissioner of Agriculture;
- One member appointed by the Fish and Wildlife Conservation Commission; and
- Four members appointed by the Governor.¹¹

Of the Governor's four appointees, three must be from scientific disciplines related to land, water, or environmental sciences and one must have at least five years of experience managing lands for both active and passive types of recreation.¹² The appointees serve four-year staggered terms and may not serve for more than six years.¹³

ARC's recommendations must be approved by the Board of Trustees of the Internal Improvement Trust Fund.¹⁴

Florida Communities Trust

The Florida Communities Trust (Trust) is a state-funded land acquisition program that was created within DEP in 1989 to help local communities protect natural resources, provide

⁷ Chapter 75-22, Laws of Fla.; section 403.804, F.S.

⁸ Chapter 2010-279, Laws of Fla.; section 120.541(3), F.S.

⁹ DEP, *Environmental Regulation Commission Agenda* (2016), available at https://floridadep.gov/sites/default/files/ERC_Agenda_July.pdf; DEP, *ERC Meeting*, <https://floridadep.gov/ogc/ogc/content/7319-erc-meeting> (last visited Jan. 26, 2026); DEP, *The Environmental Regulation Commission Meeting*, <https://floridadep.gov/water/water/content/42188-environmental-regulation-commission-meeting> (last visited Jan. 26, 2026); and DEP, *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Jan. 26, 2026).

¹⁰ DEP, *2024 Florida Forever Plan*, 1 (2024), available at <https://floridadep.gov/lands/environmental-services/content/2024-florida-forever-plan>; section 259.035(3), F.S.

¹¹ Section 259.035(1), F.S.

¹² Section 259.035(1)(a), F.S.

¹³ *Id.*

¹⁴ Section 259.035(6), F.S.

recreational opportunities, preserve traditional working waterfronts, ensure beach access, protect historical and cultural resources, and provide clean air and drinking water.¹⁵

The Legislature created the Trust to help local governments bring local comprehensive plans into compliance and to implement comprehensive plan goals, objectives, and policies concerning conservation, recreation and open space, and coastal elements.¹⁶ It also created the Trust to assist local governments in conserving natural resources and resolving land use conflicts by:

- Responding promptly and creatively to opportunities to correct undesirable development patterns, restore degraded natural areas, enhance resource values, restore and preserve urban and working waterfronts, reserve lands for later purchase, participate in and promote the use of innovative land acquisition methods, and provide public access to surface waters;
- Providing financial and technical assistance to local governments, state agencies, and nonprofit organizations to carry out projects and activities and to develop authorized programs; and
- Involving local governments and private interests in voluntarily resolving land use conflicts and issues.¹⁷

The Trust consists of the Secretary of DEP and four members of the public who are appointed by the Governor and are subject to Senate confirmation. Members must include a former elected official of a county government, a former elected official of a metropolitan¹⁸ municipal government, a representative of a nonprofit organization,¹⁹ and a representative of the development industry. The Governor must make appointments upon the expiration of any current terms or within 60 days after the effective date of a member's resignation.

Governor-appointed governing body members serve four-year terms.²⁰ Members receive no compensation for their services, but are entitled to necessary expenses, including per diem and travel expenses, incurred in the discharge of their duties.²¹

The Trust has the power to:

- Make and execute contracts and other instruments that are necessary or convenient to exercise its powers.
- Undertake, coordinate, or fund activities and projects including, but not limited to:
 - Redevelopment projects,
 - Resource enhancement projects,
 - Public access projects,
 - Urban waterfront restoration projects,

¹⁵ DEP, *The Florida Communities Trust*, <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust> (last visited Jan. 22, 2026); Section 380.504(1), F.S. The Florida Communities Trust is a nonregulatory state agency.

¹⁶ Section 380.502(3), F.S.

¹⁷ *Id.*

¹⁸ “Metropolitan” is defined as an area consisting of a central city with adjacent cities and smaller surrounding communities: a major urban area and its environs. Section 380.503(4), F.S.

¹⁹ A “nonprofit organization” is defined as any private nonprofit organization, existing under the provisions of s. 501(c)(3) of the U.S. Internal Revenue Code, which has among its principal goals the conservation of natural resources or protection of the environment.

²⁰ Section 380.504(2), F.S.

²¹ Section 380.504(3), F.S.

- Site reservation,
- Urban greenways and open space projects, and
- Working waterfronts.
- Provide technical and financial assistance to local governments, state agencies, water management districts, regional planning councils, and nonprofit agencies.
- Acquire and dispose of real and personal property or any interest therein to protect the natural environment, provide public access or recreational facilities, preserve wildlife habitat, and provide access for managing acquired lands.
- Acquire interests in land through land exchanges, and enter into all alternatives to the acquisition of fee interests in land.
- Award grants and make loans to local governments and nonprofit organizations.
- Provide grants or loans for approved projects.
- Undertake, or authorize a nonprofit organization to undertake, a project or activity that a local government is unable to undertake.
- Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement.
- Contract for and accept gifts, grants, loans, or other aid, including gifts of real property or any interest in real property.
- Adopt rules.
- Contract with private consultants and nonprofit organizations for professional and technical assistance and advice.
- Make and execute agreements, contracts, and other instruments that are necessary or convenient in the exercise of the powers and functions of the Trust.
- Conduct promotional campaigns, including advertising, for the sale of communities trust license plates.²²
- Administer the working waterfronts land acquisition program.²³

Since its inception in 1989, the Trust has facilitated the acquisition of over 96,987 acres of lands for conservation and local recreation opportunities.²⁴

Impaired Waters

Under section 303(d) of the federal Clean Water Act, states must establish water quality standards for waters within their borders and develop a list of impaired waters that do not meet the established water quality standards.²⁵ States must also develop a list of threatened waters that may not meet water quality standards in the following reporting cycle.²⁶

²² Section 380.507, F.S.

²³ Section 380.5105(1), F.S.

²⁴ DEP, *The Florida Communities Trust*, <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust> (last visited Jan. 22, 2026).

²⁵ EPA, *Overview of Identifying and Restoring Impaired Waters under Section 303(d) of the CWA*, <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa> (last visited Jan. 23, 2026); 40 C.F.R. 130.7.

²⁶ *Id.*

DEP sorted those waters into 29 major watersheds, or basins, and further organized them into five basin groups for assessment purposes.²⁷ If DEP determines that any waters are impaired, the waterbody must be placed on the verified list of impaired waters and a total maximum daily load (TMDL) must be calculated.²⁸ A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.²⁹ A waterbody may be removed from the verified list at any time during the TMDL process if it attains water quality standards.³⁰

Basin Management Action Plans

Basin management action plans (BMAPs) are one of the primary mechanisms DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges,³¹ for a watershed.

DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody.³² First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole or to each identified point source or category of nonpoint sources. Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations.³³

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by implementing appropriate best management practices or conducting water quality monitoring.³⁴ A nonpoint source discharger in a BMAP area may be subject to enforcement action by DEP or a water management district for failure to implement these requirements.³⁵

BMAPs must include five-year milestones for implementation and water quality improvement and an associated water quality monitoring component to evaluate the progress of pollutant load reductions.³⁶ Every five years an assessment of progress toward these milestones must be conducted and the appropriate revisions may be made to the BMAP.³⁷

²⁷ DEP, *Assessment Lists*, <https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists> (last visited Jan. 23, 2026).

²⁸ *Id.*; DEP, *Watershed Evaluation and Total Maximum Daily Loads (TMDL) Section*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Jan. 23, 2026); DEP, *Verified List Waterbody Ids (WBIDs)*, <https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about> (last visited Jan. 23, 2026); section 403.067(4), F.S.

²⁹ Section 403.067(6)(a), F.S. *See also* The Clean Water Act, 33 U.S.C. § 1251, s. 303(d).

³⁰ Section 403.067(5), F.S.

³¹ “Point source” is defined as any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Nonpoint sources of pollution are sources of pollution that are not point sources. Fla. Admin. Code R. 62-620.200(37).

³² Section 403.067(7)(b)2.h., F.S.

³³ *Id.*

³⁴ Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

³⁵ Section 403.067(7)(b)2.h., F.S.

³⁶ Section 403.067(7)(a)6., F.S.

³⁷ *Id.*

Each BMAP must also include:

- The management strategies available through existing water quality protection programs to achieve TMDLs;
- A description of best management practices adopted by rule;
- For the applicable five-year implementation milestones, a list of projects that will achieve the pollutant load reductions needed to meet a TMDL or other established load allocations, including a planning-level cost estimate and an estimated date of completion;
- A list of regional nutrient reduction projects submitted by the Department of Agriculture and Consumer Services which will achieve pollutant load reductions established for agricultural nonpoint sources;³⁸
- The source and amount of financial assistance that will be made available; and
- A planning-level estimate of each project's expected load reduction, if applicable.³⁹

Indian River Lagoon Protection Program

The Indian River Lagoon is a critical water resource that provides many economic, natural habitat, and biodiversity functions, including fishing, boating, recreation, and habitat for endangered and threatened species and other plants and animals.⁴⁰

The Indian River Lagoon Protection Program was created in 2023 to provide additional requirements, projects, and water quality monitoring to further the efforts identified in the Banana River Lagoon BMAP, the Central Indian River Lagoon BMAP, the North Indian River Lagoon BMAP, and the Mosquito Lagoon Reasonable Assurance Plan, which are all components of the Indian River Lagoon Protection Program.⁴¹

Pursuant to the Indian River Lagoon Protection Program, the installation of new onsite sewage treatment and disposal system (septic systems) is prohibited within the program area where a publicly-owned or investor-owned sewerage system is available.⁴² If central sewerage is unavailable, only enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized for installation. By July 1, 2030, any commercial or residential property within the program area must be connected to an available central sewer or upgrade septic systems to the specified standards.⁴³

Outstanding Florida Springs

In 2016, the Florida Legislature enacted the Florida Springs and Aquifer Protection Act and identified 30 Outstanding Florida Springs that require additional protections to ensure their conservation and restoration for future generations.⁴⁴ These springs are a unique part of the state's scenic beauty, provide critical habitat, and have immeasurable natural, recreational, and

³⁸ This is required only where agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges or DEP determines that additional measures are necessary to achieve a TMDL. Section 403.067(7)(e)1., F.S.

³⁹ Section 403.067(7)(a)4., F.S.

⁴⁰ See section 373.469, F.S.

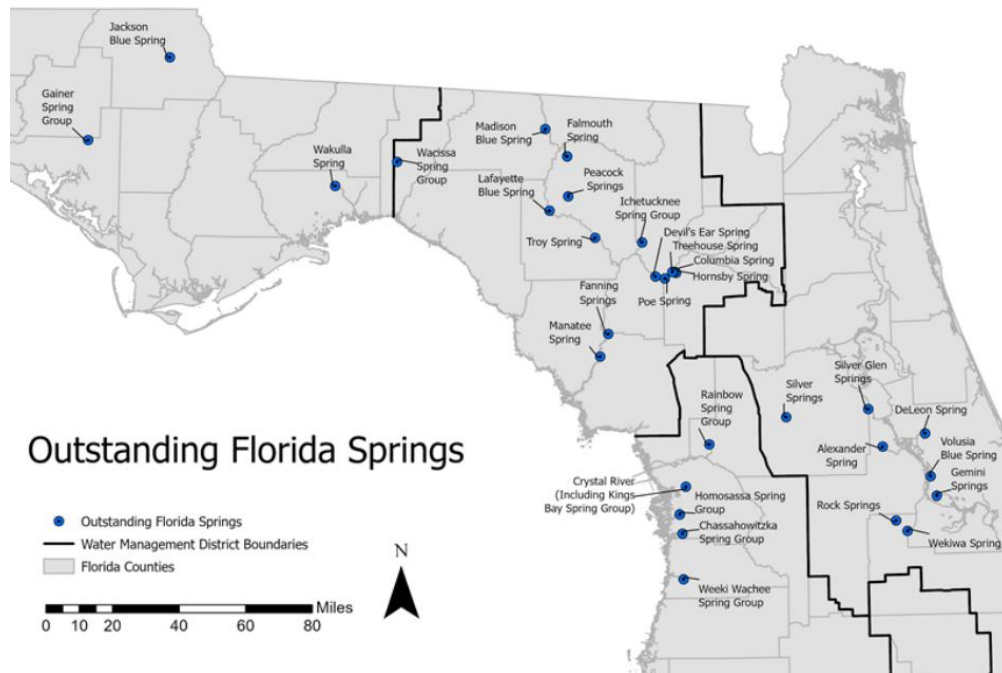
⁴¹ Section 373.469(3), F.S.; chapter 2023-196, Laws of Fla.

⁴² Section 373.469(3)(d), F.S.

⁴³ *Id.*

⁴⁴ DEP, *Springs*, <https://floridadep.gov/springs/> (last visited Jan. 23, 2026).

economic value.⁴⁵ Outstanding Florida Springs are defined by statute and include all historic first magnitude springs, including their associated spring runs, as determined by DEP using the most recent Florida Geological Survey springs bulletin, and several additional enumerated springs.⁴⁶ There are 30 Outstanding Florida Springs, including 24 historic first magnitude springs and six named additional springs.⁴⁷



For areas within a BMAP in effect for an Outstanding Florida Spring, the following activities are prohibited:

- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen on an annual permitted basis, or a more stringent treatment standard if it is necessary to attain a TMDL for the Outstanding Florida Spring.
- New septic systems where connection to a publicly-owned or investor-owned sewerage system is available. On lots of 1 acre or less, if a sewerage system is not available, only the installation of enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.

⁴⁵ DEP, *Protect and Restore Springs*, <https://floridadep.gov/springs/protect-restore> (last visited Jan. 23, 2026); Ch. 2016-1, s. 22, Laws of Fla.

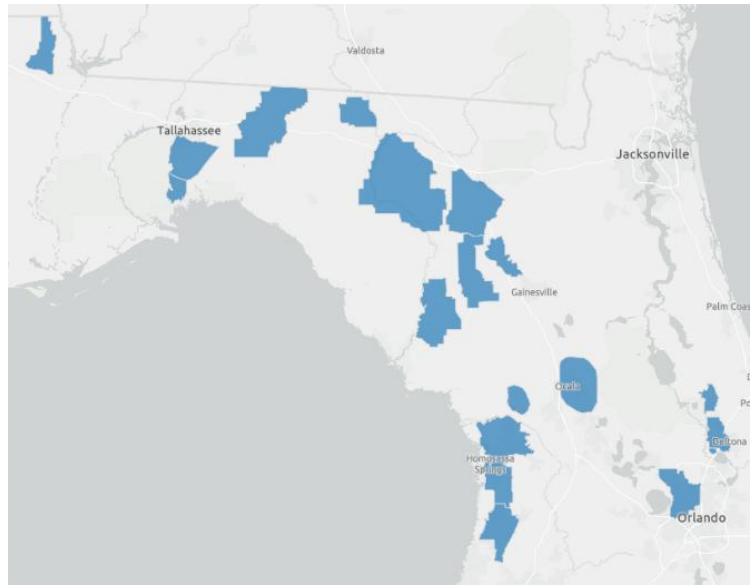
⁴⁶ Section 373.802(4), F.S.

⁴⁷ DEP, *Outstanding Florida Springs*, <https://geodata.dep.state.fl.us/datasets/outstanding-florida-springs-ofs/about?layer=1> (last visited Jan. 23, 2026). The 30 Outstanding Florida Springs are Alexander Spring, Chassahowitzka Springs Group, Columbia Spring, Crystal River, DeLeon Spring, Devil's Ear Spring, Falmouth Spring, Fanning Springs, Gainer Spring Group, Gemini Springs, Homosassa Spring Group, Hornsby Spring, Ichetucknee Spring Group, Jackson Blue Spring, Lafayette Blue Spring, Madison Blue Spring, Manatee Spring, Peacock Springs, Poe Spring, Rainbow Spring Group, Rock Springs, Silver Glen Springs, Silver Springs, Treehouse Spring, Troy Spring, Volusia Blue Spring, Wacissa Spring Group, Wakulla Spring, Weeki Wachee Springs Group, and Wekiwa Spring. DEP, *62-41.400-403, F.A.C. Outstanding Florida Springs Rule Development Workshop*, 5 (2023), available at https://floridadep.gov/sites/default/files/OFS_Workshop_Aug-28-2023_0.pdf (showing map of Outstanding Florida Springs).

- New hazardous waste disposal facilities.
- Land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP-approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the pollutants and nutrients being discharged.
- New agriculture operations that do not implement best management practices, measures necessary to achieve DEP-established pollution reduction levels, or groundwater monitoring plans approved by a water management district or DEP.

During the development of a BMAP for an Outstanding Florida Spring, if DEP determines that septic systems are contributing at least 20 percent of nonpoint source nitrogen pollution, or if DEP determines remediation is necessary to achieve the TMDL, the BMAP must include a septic system remediation plan.⁴⁸

DEP is required to collaborate with the water management districts to delineate priority focus areas for each Outstanding Florida Spring or group of springs that contains one or more Outstanding Florida Spring and is impaired.⁴⁹ In delineating these areas, DEP must consider groundwater travel time to the spring, hydrogeology, nutrient load, and any other factors that may lead to spring degradation.⁵⁰ The image to the right shows the location and boundaries of the current priority focus areas.⁵¹



Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (septic systems) generally consist of two basic parts: the septic tank and the drainfield.⁵² Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue

⁴⁸ Section 373.807(1)(a) and (3), F.S.

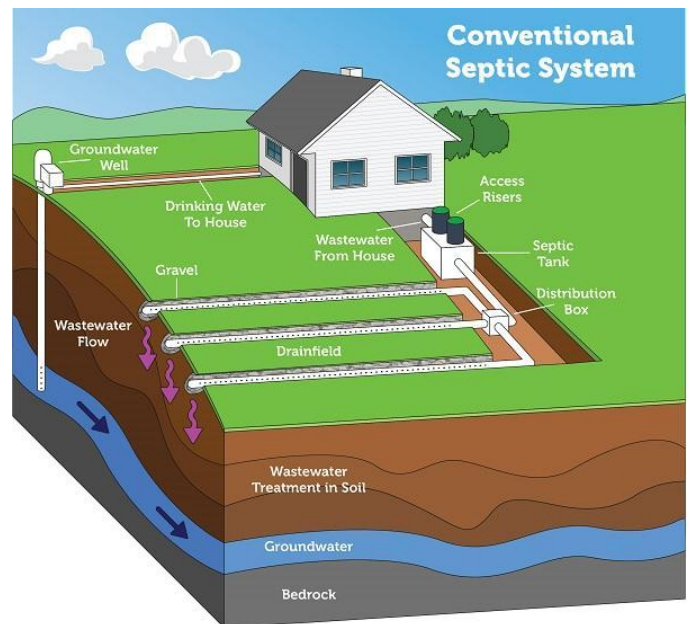
⁴⁹ Section 373.803, F.S.

⁵⁰ *Id.*

⁵¹ DEP Geospatial Open Data, *Springs Priority Focus Areas*, <https://geodata.dep.state.fl.us/datasets/FDEP::springs-priority-focus-areas/explore?location=29.509410%2C-82.973290%2C7.11> (last visited Jan. 23, 2026).

⁵² 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 on the following page).

deactivating the germs. The drainfield also filters the wastewater as gravity draws the water down through the soil layers.⁵³ In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.⁵⁴ There are an estimated 2.6 million septic systems in Florida, providing wastewater disposal for 30 percent of the state's population.⁵⁵ The vast majority of these are conventional systems.⁵⁶



Please note: Septic systems vary. Diagram is not to scale.

Conventional septic systems 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.⁵⁷ This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from septic systems a potential contaminant in groundwater.⁵⁸

Aerobic treatment units are an alternative to conventional septic systems for smaller lots or areas where the soil condition is inadequate, the water table is high, or the septic system will be close to an environmentally sensitive water body.⁵⁹ Aerobic systems use processes that are similar to municipal sewage plants. The system injects oxygen into the treatment tank, which increases the activity of natural bacteria to provide additional treatment of the effluent.⁶⁰

⁵³ *Id.*

⁵⁴ Fla. Admin. Code R. 62-6.006(2). For system repairs and alterations to add sewage flow, where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high water table, the bottom of the drainfield must be maintained at the existing separation or a minimum of 12 inches above the wet season high water table, whichever is greater. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield must be brought into full compliance with all new system standards. Fla. Admin. Code R. and 62-6.001(4)(e)2. and 3. *See also* Fla. Admin. Code R. 62-6.015(6)(a).

⁵⁵ DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%E2%80%99%20septic%20systems> (last visited Jan. 12, 2026).

⁵⁶ DEP, *Onsite Sewage Research Projects*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-research-projects> (last visited Jan. 12, 2026).

⁵⁷ Florida Department of Health, *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).

⁵⁸ 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/pdf/SS/SS55000.pdf>.

⁵⁹ EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems#aerobic> (last visited Jan. 26, 2026).

⁶⁰ *Id.*

Different types of advanced septic systems can remove greater amounts of nitrogen than a typical septic system (often referred to as “advanced” or “nutrient-reducing” septic systems),⁶¹ and may be required in certain areas. For example, enhanced nutrient-reducing septic systems⁶² are required for new systems within the Indian River Lagoon⁶³ and on lots of 1 acre or less within a BMAP, reasonable assurance plan, or pollution reduction plan where a sewerage system is not available.⁶⁴ There are also special treatment requirements for the Florida Keys.⁶⁵ In addition, performance-based treatment systems⁶⁶ must meet specific treatment standards.⁶⁷

Septic System Permits

State law requires a person to receive an approved⁶⁸ permit to construct, repair, modify, abandon, or operate a septic system.⁶⁹ Once received, a permit to construct a septic system is valid for 18 months after it is issued, although one 90-day extension is available. A permit to repair a septic system is valid for 90 days after it is issued.⁷⁰

A property owner who personally performs construction, maintenance, or repairs to a septic system serving their own owner-occupied, single-family residence does not have to be registered as a septic tank contractor;⁷¹ however, they will be subject to all permitting requirements.⁷²

⁶¹ 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%20Springs_Protection_0.pdf.

⁶² “Enhanced nutrient-reducing OSTDS” means a septic system 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.

⁶³ See section 373.469(3)(d), F.S.

⁶⁴ Sections 373.811(2) and 403.067(7)(a)10., F.S.

⁶⁵ Section 381.0065(4)(l), F.S.

⁶⁶ “Performance-based treatment system” means a specialized septic systems 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.

⁶⁷ See Fla. Admin. Code R. 62-6.025(11).

⁶⁸ The transfer of the Onsite Sewage Program from the Florida Department of Health to DEP was initiated in 2020 with the passage of SB 712. The first phase of the transition has been implemented, meaning that DEP is currently responsible for permitting septic tanks in Northwest Florida (including Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington counties) and Marion County. In the other counties, septic system permits are issued by the Environmental Public Health Program of the Florida Department of Health’s local county health department. DEP, *Onsite Sewage FAQ – Permitting*, <https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-faq-permitting> (last visited Jan. 27, 2026).

⁶⁹ Section 381.0065(4), F.S. DEP may issue septic system 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.

⁷⁰ *Id.*

⁷¹ See chapter 489, part III, F.S., relating to septic tank contracting.

⁷² Section 381.0065(4), F.S.

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 a septic system, unless the owner or builder has received a construction permit for the septic system.⁷³

An operating permit is required for the use of an aerobic treatment unit system or if the establishment generates commercial waste.⁷⁴ An operating permit for a commercial wastewater system is valid for 1 year and must be annually renewed. An operating permit for an aerobic treatment unit is valid for two years and must be renewed every two years.⁷⁵ An operating permit for a performance-based treatment system must also be renewed every two years.⁷⁶

DEP must inspect a septic system before placing it system into service⁷⁷ and must approve the final installation before a building or structure may be occupied.⁷⁸ If certain alterations⁷⁹ are made, septic tanks must be pumped and visually inspected.⁸⁰ If an existing septic system was approved within the preceding five years, a new inspection is not required unless there is a record of system failure.⁸¹ Septic system repairs must be inspected by DEP or a master septic tank contractor.⁸² Buildings or establishments that use an aerobic treatment unit or generate commercial waste must be inspected by DEP at least annually.⁸³

DEP is required to regulate and permit maintenance entities for performance-based systems and aerobic treatment unit systems.⁸⁴ DEP must establish minimum qualifying criteria for maintenance entities to ensure that these performance-based and aerobic treatment unit systems are maintained and operated according to the manufacturer's specifications.⁸⁵ The owner of an engineer-designed performance-based system or an aerobic treatment unit system must maintain a current maintenance service agreement with a maintenance entity, which must inspect each system twice a year and submit a quarterly report to DEP regarding the number of systems inspected and serviced.⁸⁶

Any permit issued for the installation, modification, or repair of a septic system will transfer with the title to the property in a real estate transaction.⁸⁷ For the transfer of a construction or repair permit, all information pertaining to the siting, location, and installation conditions or repair must remain the same and the transferee must file an amended application providing updated

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Section 381.0065(4)(j)5., F.S.

⁷⁷ Fla. Admin. Code R. 62-6.003(2).

⁷⁸ Section 381.0065(4), F.S.

⁷⁹ 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.

⁸⁰ Fla. Admin. Code R. 62-6.001(4)(b).

⁸¹ Fla. Admin. Code R. 62-6.001(4)(c).

⁸² Fla. Admin. Code R. 62-6.003(3).

⁸³ Section 381.0065(4), F.S.

⁸⁴ Section 381.0065(3)(n), F.S.

⁸⁵ *Id.*

⁸⁶ Section 381.0065(4)(j)3., F.S. (performance-based system requirement); section 381.0065(4)(t)1., F.S. (aerobic treatment unit system requirement).

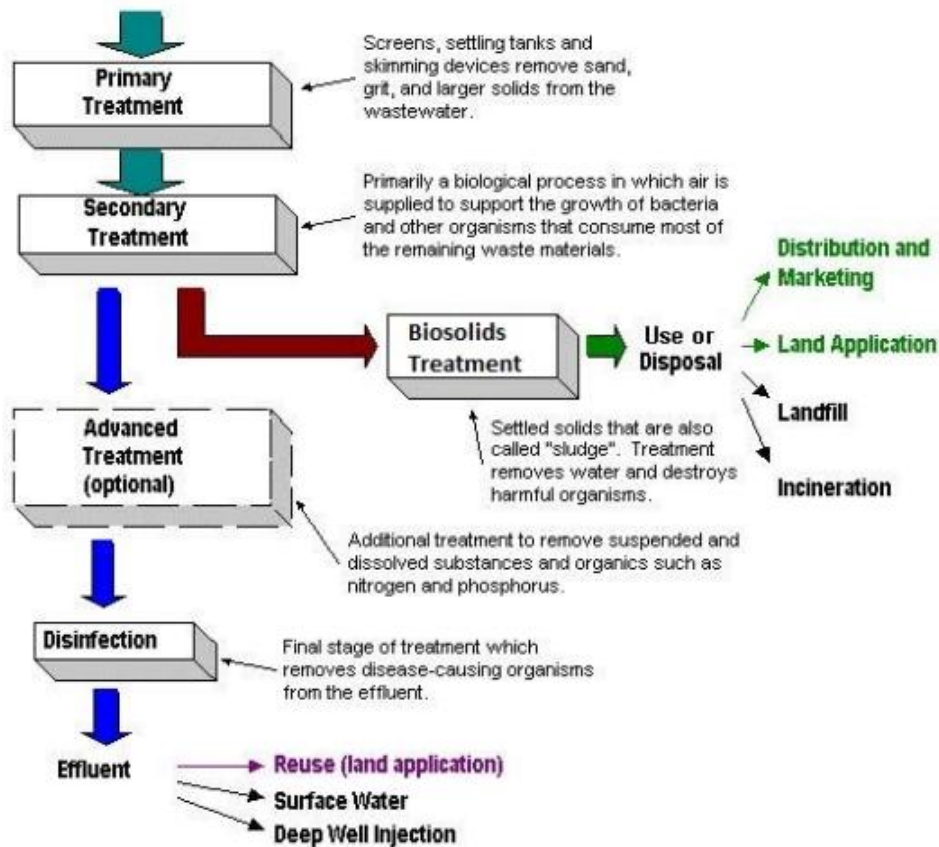
⁸⁷ Section 381.0065(4)(v), F.S.

information and proof of property ownership.⁸⁸ The transferee must file the amended application within 60 days of the transfer of ownership.⁸⁹ There is no fee associated with processing this information.⁹⁰

Domestic Wastewater Treatment Facilities

The majority of the state’s wastewater is controlled and treated by centralized treatment facilities regulated by DEP.⁹¹ Florida has approximately 2,000 permitted domestic wastewater treatment facilities.⁹²

Wastewater treatment facilities are required to provide secondary treatment prior to reuse or disposal.⁹³ Such treatment requires that carbonaceous biochemical oxygen demand and total suspended solids not exceed specific levels based on the method of disposal (i.e., surface water disposal, reuse, land application, or groundwater discharge).⁹⁴



⁸⁸ Section 381.0065(4), F.S.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ DEP, *Domestic Wastewater Program*, <https://floridadep.gov/water/domestic-wastewater> (last visited Jan. 22, 2026).

⁹² 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. 22, 2026).

⁹³ Sections 403.086(1)(a) and (2), F.S.; Fla. Admin. Code R. 62-600.420.

⁹⁴ Carbonaceous biochemical oxygen demand (or CBOD5) is the quantity of oxygen used in the carbonaceous biochemical oxidation of organic matter present in water or wastewater, reported as a five-day value determined using approved methods. Fla. Admin. Code R. 62-600.200(8).

For example, for land application or groundwater discharge, the annual average of carbonaceous biochemical oxygen demand and total suspended solids may not exceed 20.0 milligrams per liter (mg/L), and the maximum-permissible concentration in any single sample may not exceed 60.0 mg/L.⁹⁵

Advanced waste treatment is required before discharging into certain impaired waterbodies.⁹⁶ DEP may also order advanced waste treatment if necessary.⁹⁷ Advanced waste treatment provides a reclaimed water product containing no more than the following concentrations of pollutants:

- 5 mg/L of Biochemical Oxygen Demand;
- 5 mg/L of Suspended Solids;
- 3 mg/L of total nitrogen; and
- 1 mg/L of total phosphorous.⁹⁸

Facilities may be required to provide additional treatment to satisfy water quality standards for receiving surface and ground waters.⁹⁹ Systems within Monroe County are subject to different treatment requirements.¹⁰⁰

Wastewater Services Projections

Every five years, each county, municipality, and special district providing wastewater services is required to create a 20-year needs analysis.¹⁰¹ Wastewater services include service to a sewerage system or service to domestic wastewater treatment works.¹⁰² The needs analysis must include the following:

- A detailed description of the facilities used to provide wastewater services;
- The number of current and projected connections and residents served, calculated in five-year increments;
- The current and projected service area for wastewater services;
- The current and projected cost of providing wastewater services, calculated in five-year increments;
- The estimated remaining useful life of each facility or its major components;
- The most recent five-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components; and

⁹⁵ Fla. Admin. Code R. 62-600.420(3).

⁹⁶ Section 403.086(1)(c), F.S.

⁹⁷ Section 403.086(1)(a), F.S.

⁹⁸ Section 403.086(4)(a), F.S. This statute defines the term “advanced waste treatment,” rather than “advanced wastewater treatment.” However, the term is used in the context of wastewater treatment and appears to refer to the treatment of wastewater.

⁹⁹ Fla. Admin. Code R. 62-600.430. DEP, *Domestic Wastewater Treatment Process*, available at <https://floridadep.gov/water/domestic-wastewater/documents/domestic-wastewater-treatment-process> (showing flowchart of wastewater treatment process).

¹⁰⁰ Section 403.086(11), F.S.

¹⁰¹ Section 403.9301(1), F.S.

¹⁰² Section 403.9301(1)(d), F.S.

- The local government’s plan to fund the maintenance or expansion of any facility or its major components.¹⁰³

Distributed Wastewater Treatment Systems

Distributed wastewater treatment systems consist of separate distributed wastewater treatment units that are in different geographical locations but are linked to a central system either physically or by management.¹⁰⁴ The design of distributed wastewater treatment units varies based on manufacturer and setting (residential, commercial, or industrial).

Distributed wastewater treatment units are currently permitted and regulated as domestic wastewater treatment facilities under ch. 403, F.S., and chs. 62-600 and 62-620 of the Florida Administrative Code.¹⁰⁵

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.¹⁰⁶

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids¹⁰⁷ accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.¹⁰⁸ Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP.¹⁰⁹ The collected residue is high in organic content and contains moderate amounts of nutrients, which can make biosolids suitable for use as a soil amendment or fertilizer under appropriate conditions.¹¹⁰

Wastewater treatment facilities produce about 461,000 dry tons of biosolids each year.¹¹¹ Biosolids can be disposed of in several ways including placement in a landfill, distribution and

¹⁰³ Section 403.9301(3), F.S.

¹⁰⁴ See EPA, Water Environment Foundation, and The Water Research Foundation, *Distributed Systems Overview*, 1 (2019), available at https://www.wef.org/globalassets/assets-wef/2-resources/topics/a-n/distributed-systems/technical-resources/wsec-2019-fs-012-wef_wrf_distributed_sytems_overview.pdf.

¹⁰⁵ See Email from DEP to Senate Committee on Environment and Natural Resources on Oct. 4, 2024 (on file with committee staff).

¹⁰⁶ 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).

¹⁰⁷ 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.

¹⁰⁸ DEP, *Domestic wastewater biosolids*. <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 14, 2026).

¹⁰⁹ Fla. Admin. Code R. 62-640.200(6).

¹¹⁰ DEP, *Domestic wastewater biosolids*.

¹¹¹ DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 6 (Dec. 9, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981>.

marketing as fertilizer, and land application on pasture or agricultural lands.¹¹² Biosolids are subject to regulatory requirements established by DEP to protect public health and the environment.¹¹³

DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids.¹¹⁴ The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.¹¹⁵ Consistent with federal standards, treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for insects and rodents, and the amount of toxic metals in the biosolids.¹¹⁶

Class AA biosolids can be distributed and marketed like other commercial fertilizers.¹¹⁷ They may be sold or given away.¹¹⁸ Class AA biosolids compost products that are distributed and marketed outside of the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds do not have to be distributed and marketed as a fertilizer if the biosolids compost product is enrolled and certified under the U.S. Composting Council's Seal of Testing Assurance program.¹¹⁹

Biosolids 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 distributors¹²⁰ and include permit requirements for both treatment facilities and biosolids application sites.¹²¹

Under state law, licensed fertilizer distributors, including distributors of biosolids products, must pay an inspection fee of one dollar per ton of fertilizer sold in Florida.¹²² They must also pay a supplemental fee of 50 cents per ton of fertilizer sold in Florida.¹²³ These fees make no distinction between dry tons and wet tons, nor do they consider the amount of nutrients in biosolids products.¹²⁴

Statewide Flooding and Sea Level Rise Resilience Plan

The Statewide Flooding and Sea Level Rise Resilience Plan is a three-year plan consisting of ranked projects that address risks of flooding and sea level rise to coastal and inland

¹¹² *See id.*

¹¹³ Fla. Admin. Code R. 62-640.

¹¹⁴ Fla. Admin. Code R. 62-640.200.

¹¹⁵ *Id.*; DEP, *Domestic wastewater biosolids*.

¹¹⁶ Fla. Admin. Code R. 62-640.200; 40 C.F.R. part 503.

¹¹⁷ DEP, *Domestic wastewater biosolids*; National Biosolids Data Project, *Florida biosolids*, <https://www.biosolidsdata.org/florida> (last visited Jan. 28, 2026); Fla. Admin. Code R. 62-640.850.

¹¹⁸ Fla. Admin. Code R. 62-640.850(2).

¹¹⁹ *Id.*

¹²⁰ Fla. Admin. Code R. 62-640.100.

¹²¹ Fla. Admin. Code R. 62-640.300.

¹²² Section 576.041(1), F.S.

¹²³ Section 576.045(2)(a)3., F.S.

¹²⁴ *See* sections 576.041(1) and 576.045(2)(a)3., F.S.

communities in the state.¹²⁵ Local governments, certain local districts, and water management districts may submit projects for funding.¹²⁶

Each project included in the plan must have a minimum 50 percent cost share, unless the project assists a community eligible for a reduced cost share or is located within a community eligible for a reduced cost share.¹²⁷ The total amount of funding proposed for each year of the plan may not be less than \$100 million.¹²⁸ The Legislature must review and, subject to appropriation, approve funding.¹²⁹

Rural Communities

Florida law defines a rural community as:

- A county with a population of 75,000 or fewer;
- A county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer;
- A municipality within a county described above; and
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural that has at least three or more economic distress factors.¹³⁰

A rural community is in economic distress if conditions exist that affect the community's fiscal and economic viability.¹³¹ Factors that indicate economic distress include low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.¹³²

As of May 2025, the Florida Department of Commerce classified 31 counties as rural communities and 36 as non-rural communities.¹³³ It identified 31 municipalities that are rural communities.¹³⁴

¹²⁵ Section 380.093(5)(a), F.S.

¹²⁶ Section 380.093(5)(a), F.S.

¹²⁷ Section 380.093(5)(e), F.S.

¹²⁸ Section 380.093(5)(h), F.S.

¹²⁹ *Id.*

¹³⁰ Section 288.0656(2)(e), F.S. These distress factors are verified by the Florida Department of Commerce.

¹³¹ Section 288.0656(2)(c), F.S.

¹³² *Id.*

¹³³ Florida Department of Commerce, *Rural Community Analysis*, 1 (May 6, 2025), available at <https://floridajobs.org/docs/default-source/office-of-rural-initiatives/2025-rural-communities-analysis.pdf>.

¹³⁴ *Id.* at 1-2.

Air Pollution Regulation

The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish national ambient air quality standards for common and widespread pollutants.¹³⁵ The Environmental Protection Agency has established air quality standards for six common criteria air pollutants, which are particulate matter, ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead.¹³⁶ The Clean Air Act requires states to adopt enforceable plans to achieve and maintain air quality standards.¹³⁷

Pursuant to the Clean Air Act, Florida law requires each major source of air pollution in the state to obtain an operation permit from DEP.¹³⁸ A major source of air pollution is defined as a stationary source or group of stationary sources located within a contiguous area and under common control that emits or can emit 10 tons per year or more of any hazardous air pollutant, or 25 tons per year or more of any combination of hazardous air pollutants.¹³⁹

State law requires each major source of air pollution operating in Florida to pay an annual operation license fee.¹⁴⁰ This fee must be sufficient to cover all reasonable direct and indirect costs required to develop and administer the major stationary source air-operation permit program.¹⁴¹ The fee is due between January 15 and April 1 of each year.¹⁴² DEP must send a written warning of the consequences of failing to pay the fee if it has not received the payment by March 1 of each year. A fee must be postmarked by April 1 to avoid imposition of a late penalty.¹⁴³

DEP may not require air pollution construction fees for changes or additions to a major source of air pollution, unless the activity triggers certain permitting requirements.¹⁴⁴ Costs to issue and administer such permits are considered direct and indirect costs of the major stationary source air-operation permit program.

III. Effect of Proposed Changes:

The Environmental Regulation Commission

Section 1 amends s. 20.255, F.S., to remove language that creates the Environmental Regulation Commission (ERC) as a part of the Florida Department of Environmental Protection (DEP).

The bill deletes the following provisions related to the ERC's membership and operation:

¹³⁵ EPA, *Clean Air Act Requirements and History*, <https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history> (last visited Jan. 28, 2026); see 42 U.S.C. ch. 85.

¹³⁶ EPA, *Clean Air Act Requirements and History*; See 40 C.F.R. sections 50.1-50.21.

¹³⁷ EPA, *Clean Air Act Requirements and History*; 42 U.S.C. §7407.

¹³⁸ Section 403.0872, F.S.

¹³⁹ 42 U.S.C. §7412(a)(1).

¹⁴⁰ Section 403.0872(11), F.S.

¹⁴¹ Section 403.0872(11)(b), F.S.

¹⁴² *Id.*

¹⁴³ Section 403.0872(11)(a)3., F.S.

¹⁴⁴ Section 403.0872(11)(a)5., F.S.

- The ERC is composed of seven Florida residents appointed by the Governor and subject to Senate confirmation;
- The Governor must provide reasonable representation from all sections of the state when making appointments to the ERC;
- Membership must be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community with substantial expertise in water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering;
- The Governor must appoint the chair and the members must appoint the vice chair;
- All appointments are four-year terms;
- The Governor may fill a vacancy at any time for the unexpired term;
- Members serve without compensation, but are paid travel and per diem while in performance of their official duties;
- DEP shall furnish administrative, personnel, and other necessary support services; and
- The ERC may employ independent counsel and contract for the services of outside technical consultants.

Section 18 amends s. 403.1838, F.S., regarding rule requirements under the Small Community Sewer Construction Assistance Act to replace references to the ERC with DEP generally.

Section 19 repeals s. 403.804, F.S., which establishes the ERC and its powers and duties.

Section 23 amends s. 120.81, F.S., regarding a requirement that DEP prepare a risk impact statement for any proposed rule that establishes or changes certain standards or criteria and that is proposed for approval by the ERC. The bill deletes the criteria that the rule be proposed for approval by the ERC.

Section 24 amends s. 373.421, F.S., which requires the ERC to adopt a unified statewide methodology for the delineation of specified wetlands. The bill replaces the ERC with DEP.

Section 25 amends s. 403.031, F.S., to delete language providing that if the ERC designates waters within the boundaries of waters of the state as an Outstanding Florida Water, waters outside the boundaries are not included as part of such designation unless a noticed hearing is held and the boundaries of such lands are specifically considered and described for such designation.

Section 26 amends s. 403.061, F.S., to delete two provisions authorizing DEP to adopt standards that are more stringent than federal regulations only through the approval by the ERC.

Section 27 amends s. 403.704, F.S., to delete a provision authorizing DEP to adopt standards that are more stringent than the U.S. Environmental Protection Agency's regulations only through approval by the ERC.

The bill makes technical changes.

Section 28 amends s. 403.707, F.S., to delete language specifying that DEP is not required to submit rules relating to permits for solid waste management facility permits to the ERC for approval.

The bill also deletes a citation to the statute that sets out the organizational structure of DEP.

The bill makes technical changes

Section 29 amends s. 403.7222, F.S., to remove a reference to the ERC in language providing that DEP is not prohibited from banning the disposal of hazardous waste in other types of waste management units in a manner consistent with federal requirements, except as provided in laws related to the ERC.

Section 30 amends s. 403.7234, F.S., which in part allows DEP to regulate the waste management practices of small quantity generators to ensure proper management of hazardous waste in a manner consistent with federal requirements, except through approval by the ERC. The bill removes the language referring to approval by the ERC.

The bill makes a technical change.

Section 31 amends s. 403.803, F.S., to remove the definition of “commission,” which referred to the ERC. The bill makes technical changes.

Section 32 amends s. 403.805, F.S., regarding the powers and duties of the Secretary of DEP. The bill updates the list of chapters that the Secretary of DEP has the authority to implement by adding the following:

- Ch. 161, F.S., beach and shore preservation,
- Ch. 258, F.S., state parks and preserves,
- Ch. 369, F.S., conservation,
- Ch. 377, F.S., energy resources,
- Ch. 378, F.S., land reclamation, and
- Ch. 380, F.S., land and water management.

The bill also removes a provision requiring the Secretary of DEP to submit any proposed rule containing standards to the ERC, except for total maximum daily load calculations and allocations. The bill removes a second statutory citation to the ERC’s legislative authority.

The bill makes technical changes.

Section 33 amends s. 403.8055, F.S., to remove a statutory citation to the ERC and to replace the ERC with DEP in a provision directing rulemaking objections to be filed with the ERC.

The bill makes technical changes.

Section 34 amends s. 403.814, F.S., to remove a reference to the ERC’s adoption of standards.

Section 40 reenacts s. 403.1835, F.S., to incorporate an amendment made by the bill to s. 403.1838, F.S.

The Acquisition and Restoration Council & the Florida Communities Trust

Section 2 amends s. 259.035, F.S., to add two members to the Acquisition and Restoration Council (ARC) for a total of 12 voting members and to authorize ARC to administer the Florida Communities Trust (Trust).

The bill amends membership requirements to incorporate the two new members. It adds two members to the current four who must be appointed by the Governor. It requires one of those six Governor-appointed members to be a former elected official of a county and one to be a former elected official of a metropolitan¹⁴⁵ municipality.

The bill provides that, effective July 1, 2026, ARC will administer the Trust. This includes reviewing, approving, and overseeing project applications, disbursements, and implementation measures consistent with the Trust. The bill requires ARC to coordinate with DEP for rulemaking and grant cycle administration to ensure alignment with the Florida Forever Act and the state's conservation priorities.

The bill makes conforming and technical changes.

Section 3 amends s. 259.105, F.S., to reflect the transfer of the Trust from DEP to ARC.¹⁴⁶ Current law requires certain Florida Forever projects and acquisitions to be measured by goals in rules developed by the Trust's Governing Board. The bill removes only the specification that the rule is developed by the governing board, so that the projects and acquisitions are measured by goals in rules developed by the Trust.

Section 8 amends s. 380.502, F.S., to provide that it is the intent of the Legislature to transfer the administration and oversight of the Trust from DEP to ARC to improve consistency and effectiveness in conservation land acquisition and resource stewardship.

The Legislature finds that the goals of land conservation and community development are best served through coordinated decision-making and streamlined oversight.

The provision described above replaces language describing the Legislative intent to establish a nonregulatory agency to assist local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of conservation, recreation and open space, and coastal elements in local comprehensive plans, or in conserving natural resources and resolving land use conflicts. This language is moved to Section 9 of the bill.

Current law includes a list describing how the nonregulatory agency will assist local governments. The bill transfers the list so it describes how the transfer of the administration and oversight of the Trust to ARC will improve consistency and effectiveness in conservation land acquisition and resource stewardship. The bill deletes the last item in the list, which provides that

¹⁴⁵ "Metropolitan" must have the same meaning as in section 380.503, F.S., which describes the term as "a population area consisting of a central city with adjacent cities and smaller surrounding communities: a major urban area and its environs."

¹⁴⁶ See sections 8 through 10 of the bill.

the transfer will improve consistency and effectiveness in land acquisition and resource stewardship by involving local governments and private interests in voluntarily resolving land use conflicts and issues.

Section 9 amends s. 380.504, F.S., to transfer the administration of the Trust to ARC. The bill adds that the Trust's purpose is to assist local governments in bringing their comprehensive plans into compliance and implementing conservation, recreation and open space, and coastal elements of their comprehensive plans, or conserving natural resources and resolving land use conflicts. The Trust will do this by providing financial assistance to local governments and nonprofit environmental organizations to carry out authorized projects and activities.

The bill removes language that creates the Trust as a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, within DEP. Additionally, the bill removes the following provisions regarding the membership and operation of the Trust:

- The governing body of the Trust consists of the Secretary of DEP and four public members appointed by the Governor and subject to Senate confirmation;
- The Governor must appoint a former elected official of a county government and a metropolitan municipal government, a representative of a nonprofit organization, and a representative of the development industry;
- The Secretary of DEP may appoint their deputy secretary, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in the Secretary's absence;
- The Secretary of DEP is the chair of the governing body of the Trust;
- The Governor must make their appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member;
- Of the initial governing body members, two of the Governor's appointees will serve a two-year term and the remaining one will serve a four-year term, and thereafter governing body members appointed by the Governor will serve four-year terms;
- The Governor may fill any vacancy for an unexpired term; and
- Governing body members will receive no compensation for their services, but are entitled to the necessary expenses, including travel and per diem expenses, incurred in the discharge of their duties.

Section 10 amends s. 380.507, F.S., which enumerates the power of the Trust.

The bill removes the Trust's power to make loans to local governments and nonprofit organizations for acquiring fee and less-than-fee title. It makes a conforming change to remove language providing that the Trust may loan up to the total cost of any approved project. The bill removes the Trust's power to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement in specified investments if the investments are made on behalf of the Trust by the State Board of Administration.

It revises the Trust's rulemaking authority to direct it to develop, in conjunction with ARC, rules, policies, and guidelines for the administration of the Trust that are consistent with provisions relating to the administration of the Trust, to ARC, and to the Florida Forever Trust Fund.

Related to the Trust's rulemaking power, the bill deletes the following provisions:

- The Trust must adopt rules governing the acquisition of lands with proceeds from the Florida Forever Trust Fund;
- Rules for land acquisition must include procedures for appraisals and confidentiality, a method of determining a maximum purchase price, and procedures to ensure that the land is acquired in a voluntarily negotiated transaction, surveyed, conveyed with marketable title, and examined for hazardous materials contamination;
- Land acquisition procedures of a local land authority may be used for certain land acquisition programs.

The bill also removes the Trust's power to contract with private consultants and nonprofit organizations, as well as its power to conduct promotional campaigns, including advertising, for the sale of communities trust license plates.

The bill gives the Trust the power to review project recommendations and funding priorities and provide acquisition decisions. It also gives the Trust the power to submit project recommendations, funding priorities, and acquisition decisions to ARC, which has final approval authority over Trust expenditures and acquisitions.

The bill makes technical changes.

Section 11 repeals s. 380.512, F.S., which requires the Trust to submit a report to the Governor and the Legislature within three months of the end of the fiscal year that provides the Trust's:

- Operations and accomplishments;
- Receipts and expenditures during the fiscal year;
- Assets and liabilities and the status of reserve, special, or other funds;
- Evaluation of the effectiveness of projects;
- Identification of additional funding, legislation, or other resources required to carry out its objectives more effectively; and
- Account of any other Trust or DEP duties established in statutes relating to the Trust.

Section 12 repeals s. 380.513, F.S., which provides that the Trust and its corporate existence shall continue until terminated by law, at which time all its rights and properties in excess of its obligations shall pass to and be vested in the state.

Section 13 repeals s. 380.514, F.S., which provides that if the statutory provisions relating to the Trust are inconsistent with the provisions of any other general, special, or local law, the provisions relating to the Trust will be controlling.

Section 35 amends s. 376.302, F.S., to make a citation less specific.

Section 36 amends s. 380.5105, F.S., to make a conforming change to a citation.

Septic System and Wastewater Regulations

Section 4 amends s. 373.469, F.S., regarding requirements for onsite sewage treatment and disposal systems (septic systems) for properties located within the area covered by the Indian River Lagoon Protection Program.

Specifically, the bill limits the requirement that any residential property with an existing septic system must connect to central sewer or upgrade the septic system so that it only applies to residential properties of ten acres or less.

The bill also requires a permitting agency to notify a property owner that an existing septic system must be upgraded for all applications submitted before July 1, 2030 to repair, modify, or replace a conventional septic system on a commercial property or a residential property of ten acres or less.

The bill makes technical changes.

Section 5 amends s. 373.807, F.S., regarding septic system remediation plans under a basin management action plan (BMAP). For residential properties greater than 10 acres that are located outside an established priority focus area of an Outstanding Florida Spring, the bill prevents a septic system remediation plan from:

- Prohibiting the construction and installation of new conventional septic systems, unless central sewer is available, or
- Requiring existing septic systems to upgrade to a nutrient-reducing septic system.

Section 6 repeals s. 373.811, F.S., which prohibits the following activities within a BMAP for an Outstanding Florida Spring:

- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen on an annual permitted basis, or a more stringent treatment standard if it is necessary to attain a total maximum daily load for the Outstanding Florida Spring.
- New hazardous waste disposal facilities.
- New septic systems where connection to a publicly-owned or investor-owned sewerage system is available. On lots of 1 acre or less, if a sewerage system is not available, only the installation of enhanced nutrient-reducing septic systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.
- Land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP-approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the pollutants and nutrients being discharged.
- New agriculture operations that do not implement best management practices, measures necessary to achieve DEP-established pollution reduction levels, or groundwater monitoring plans approved by a water management district or DEP.

The first two prohibited activities listed above are included in an amendment to s. 403.067, F.S., in section 15 of the bill, which expands the prohibitions. The third prohibition is currently

expanded in statute.¹⁴⁷ The fourth prohibited activity is currently prohibited in DEP rule.¹⁴⁸ The final prohibition is partially captured by the requirement that agricultural operations within a BMAP adopt best management practices, suitable interim measures, or other measures necessary to achieve the TMDL.¹⁴⁹ However, the adoption of groundwater monitoring plans is not a specific requirement.¹⁵⁰

Section 14 amends s. 381.0065, F.S., concerning septic systems. The bill allows DEP to annually review and audit up to 25 percent of all inspection and maintenance reports submitted by maintenance entities for performance-based treatment systems and aerobic treatment unit systems. It adds that DEP may adopt rules to establish procedures for these audits.

The bill directs DEP to concurrently process septic system operating and construction permits when a person jointly applies for an operating permit and a construction permit for the same septic system.

The bill adds that an operating permit must be obtained before the use of any engineer-designed performance-based system.

The bill provides that the operating permit for a residential or other non-commercial septic system or aerobic treatment unit is valid for the lifetime of the installation. The bill requires that any subsequent change in occupancy of the property or any modification of the wastewater system requires an operating permit modification. When property with a septic system that requires an operating permit is sold or transferred, the subsequent owner with a controlling interest must provide written notice and proof of ownership to DEP to amend the operating permit information within 60 days the sale or transfer.

The bill deletes the following provisions:

- The operating permit for a commercial wastewater system is valid for one year and must be renewed annually.
- The operating permit for an aerobic treatment unit is valid for two years and must be renewed every two years.

Current law provides that a fee is not associated with the processing of supplemental information in an amended operating permit. The bill limits this to cases where only ownership information is updated to reflect a permit transfer for a construction, repair, or operating permit.

Current law requires maintenance entities to perform twice-a-year inspections of engineer-designed performance-based septic systems and aerobic treatment unit septic systems and to submit four reports per year to DEP on the number of systems inspected and serviced. The bill matches the frequency of these inspections and reports so that both will be required twice a year. Additionally, the bill adds that a fee for submitting these reports may not exceed an inflation-

¹⁴⁷ Section 403.067(7)(a)10., F.S.

¹⁴⁸ See Fla. Admin. Code R. 62-640.700.

¹⁴⁹ Section 403.067(7)(c)2., F.S.

¹⁵⁰ Section 403.067(7), F.S.

adjusted cost that would have otherwise been required for biennial operating permit renewals¹⁵¹ prior to July 1, 2026.

The bill removes the requirement that a property owner obtain a biennial system operating permit from DEP for each septic system.

The bill provides that any transfer of title of a property with a septic system that has not been abandoned or that is subject to a permit for the installation, modification, repair, or operation of such a system is subject to certain requirements. Two of these requirements are currently in law. However, the bill adds the following requirement:

- At or before the time of such real estate transaction, the following notifications must be provided to persons receiving ownership of the property:
 - A disclosure statement clearly identifying that the property is subject to septic system regulations;
 - Information indicating the nature and location of any existing septic system components;
 - If applicable, a statement that the property is subject to a septic system operating permit and that one or more of the persons receiving a controlling interest in the property are required to provide written notice and proof of ownership to update the operating permit information within 60 days of such real estate transaction; and
 - A copy of any valid permit for the installation, modification, repair, or operation of a septic system that is being transferred.

Current law provides that DEP may contract with or delegate its powers and duties concerning septic systems to a county. The bill removes the phrase “to a county.”

The bill makes technical changes.

Section 15 amends s. 403.067, F.S., which concerns the establishment and implementation of total maximum daily loads (TMDLs). The bill removes language providing that TMDLs are not subject to approval by the Environmental Regulation Commission (ERC).

The bill provides a 60-day waiting period after a secretarial order is filed before a BMAP or an amendment to a BMAP is effective.

The bill provides that the following activities are prohibited within a BMAP, a reasonable assurance plan, or a pollution reduction plan:

- The construction or installation of new domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 or more gallons per day, except facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen and 1 mg/l total phosphorus on an annual permitted basis, or a more stringent treatment standard if DEP determines it is necessary to attain a TMDL.
- The construction or installation of new hazardous waste disposal facilities.

¹⁵¹ The current biennial fee is not more than \$100. Section 381.0066(2)(c), F.S.

These activities listed above were previously prohibited only within a BMAP for an Outstanding Florida Spring. This language expands the prohibitions¹⁵² to all BMAPs, reasonable assurance plans, and pollution reduction plans. Further, it narrows the exception for facilities that meet certain wastewater treatment standards by adding the requirement that they also meet the 1 mg/l total phosphorus standard. The current exception for wastewater disposal facilities in Outstanding Florida Springs' BMAPs only require the 3 mg/l total nitrogen standard.

Current law requires the installation of enhanced nutrient-reducing septic systems or other specified wastewater treatment systems on lots of one acre or less in a BMAP, reasonable assurance plan, or pollution reduction plan, if a publicly-owned or investor-owned sewerage system is unavailable. The bill also allows the installation of distributed wastewater treatment systems in this case.

Section 16 amends s. 403.0671, F.S., to delete a citation to s. 373.811, F.S., which the bill repeals.¹⁵³ This is a conforming change.

Section 20 amends s. 403.9301, F.S., concerning wastewater services projections. The bill specifies in the definition of “wastewater services,” that “service to domestic wastewater treatment works” includes services to manage domestic septage from residences and establishments served by septic systems.

Current law requires a local government or special district providing wastewater services to develop a needs analysis every five years that includes, in part, a detailed description of the facilities used to provide wastewater services. The bill adds that this must also include analysis of domestic biosolids and septage generation, treatment, management, use, and disposal in the corresponding service area.

Biosolids Fees

Section 21 amends s. 576.041, F.S., to require licensed fertilizer distributors to pay an inspection fee of 30 cents per ton for fertilizer products containing or composed of Class AA biosolids produced by a domestic wastewater or biosolids treatment facility in Florida. The bill requires inspection fees paid for Class AA biosolids-composed fertilizers to be based on the equivalent dry tons of material sold.

The bill makes technical changes.

Section 22 amends s. 567.045, F.S., which requires supplemental fees to be collected and paid by licensed fertilizer distributors. The bill requires a supplemental fee of 25 cents per ton of Class AA biosolids produced by a domestic wastewater facility, calculated based on equivalent dry tons of the Class AA biosolids-derived product.

Section 37 reenacts s. 381.0066, F.S., to incorporate an amendment made by the bill to s. 381.0065, F.S.

¹⁵² These prohibitions are found in s. 373.811, F.S., which the bill repeals in section 6. See page 24 of this bill analysis.

¹⁵³ See section 6 of the bill and page 24 of this bill analysis.

Section 38 reenacts s. 373.4595, F.S., to incorporate an amendment made by the bill to s. 403.067, F.S.

Statewide Flooding and Sea Level Rise Resilience Plan

Section 7 amends s. 380.093, F.S., regarding the Statewide Flooding and Sea Level Rise Resilience Plan. The bill adds to the current definition of “community eligible for a reduced cost share,” a municipality or county that is a rural community. These municipalities and counties will not need a minimum 50 percent cost share for projects in the Statewide Flooding and Sea Level Rise Resilience Plan.

The bill makes technical changes.

Air Pollution

Section 17 amends s. 403.0872, F.S., regarding operation permits for major sources of air pollution. The bill will require each major source of air pollution permitted to operate in Florida to pay the annual operation license fee by June 30 of each year, instead of between January 15 and April 1, which is the requirement in current law.

The bill removes language requiring DEP to send a written warning to a permittee if the annual operating license fee is not received by April 1. Current law provides that a fee is timely if it is postmarked by the deadline. The bill changes this provision to require that the fee be received to be paid on time.

The bill removes language providing that the costs to issue and administer permits shall be considered direct and indirect costs of the major stationary source air-operation permit program.

Section 39 reenacts s. 403.0873, F.S., to incorporate an amendment made by the bill to s. 403.0872, F.S.

Effective Date

Section 41 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:

Article VII, s. 19 of the Florida Constitution addresses new state taxes or fees. It prohibits the Legislature from imposing or authorizing new state taxes or fees unless the legislation is approved by two-thirds of the membership of both the Senate and the House of Representatives and presented to the Governor for approval. A state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.

Section 14 of the bill (see lines 865 and 1059) revises the fee for inspection report submissions for engineer-designed performance-based septic systems and aerobic treatment septic systems.

Section 21 of the bill decreases the inspection fee for biosolids. Section 22 of the bill decreases the supplemental fee for biosolids.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The bill revises fees relating to biosolids.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on residential property owners of properties of ten acres or more in certain areas, who will not be required to upgrade to central sewer or upgrade a septic system.

The bill may cause an indeterminate positive fiscal impact on property owners by extending the lifespan of permits for certain residential or non-commercial septic systems.

The bill may have an indeterminate fiscal impact on fertilizer distributors who distribute biosolids-composed fertilizers, because it adjusts inspection and supplemental fees.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact to the state from the revision of biosolids fees.

The bill may have an indeterminate positive fiscal impact on local governments that are rural communities with projects in the Statewide Flooding and Sea Level Rise Resilience Plan.

VI. Technical Deficiencies:

The bill requires modification to residential or non-commercial septic system operating permits for any change in occupancy. This should likely be changed to ownership for clarification.

The bill removes language providing that commercial wastewater system operating permits are valid for one year after the date of issuance and must be renewed annually, so that there is no specified lifespan for operating permits for these systems. It may be clearer to add clarifying language.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.255, 259.035, 259.105, 373.469, 373.807, 380.093, 380.502, 380.504, 380.507, 381.0065, 403.067, 403.0671, 403.0872, 403.1838, 403.9301, 576.041, 576.045, 120.81, 373.421, 403.031, 403.061, 403.704, 403.707, 403.7222, 403.7234, 403.803, 403.805, 403.8055, 403.814, 376.302, and 380.5105.

This bill repeals the following sections of the Florida Statutes: 373.811, 380.512, 380.513, 380.514, and 403.804.

This bill reenacts the following sections of the Florida Statutes: 381.0066, 373.4595, 403.0873, and 403.1835.

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.