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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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12 approved by the department. The department may issue permits to
13 carry out this section, except that the issuance of a permit for
14 work seaward of the coastal construction control line
15 established under s. 161.053 shall be contingent upon receipt of
16 any required coastal construction control line permit from the
17 department. A construction permit is valid for 18 months after
18 the date of issuance and may be extended by the department for
19 one 90-day period under rules adopted by the department. A
20 repair permit is valid for 90 days after the date of issuance.
21 An operating permit must be obtained before the use of any
22 aerobic treatment unit or if the establishment generates
23 commercial waste. Buildings or establishments that use an
24 aerobic treatment unit or generate commercial waste shall be
25 inspected by the department at least annually to assure
26 compliance with the terms of the operating permit. The operating
27 permit for a commercial wastewater system is valid for 1 year
28 after the date of issuance and must be renewed annually. The
29 operating permit for an aerobic treatment unit is valid for 2
30 years after the date of issuance and must be renewed every 2
31 years. If all information pertaining to the siting, location,
32 and installation conditions or repair of an onsite sewage
33 treatment and disposal system remains the same, a construction
34 or repair permit for the onsite sewage treatment and disposal
35 system may be transferred to another person, if the transferee
36 files, within 60 days after the transfer of ownership, an
37 amended application providing all corrected information and
38 proof of ownership of the property. A fee is not associated with
39 the processing of this supplemental information. A person may
40 not contract to construct, modify, alter, repair, service,



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41 abandon, or maintain any portion of an onsite sewage treatment
42 and disposal system without being registered under part III of
43 chapter 489. A property owner who personally performs
44 construction, maintenance, or repairs to a system serving his or
45 her own owner-occupied single-family residence is exempt from
46 registration requirements for performing such construction,
47 maintenance, or repairs on that residence, but is subject to all
48 permitting requirements. Except as provided in paragraph (a), a
49 municipality or political subdivision of the state may not issue
50 a building or plumbing permit for any building that requires the
51 use of an onsite sewage treatment and disposal system unless the
52 owner or builder has received a construction permit for such
53 system from the department. A building or structure may not be
54 occupied and a municipality, political subdivision, or any state
55 or federal agency may not authorize occupancy until the
56 department approves the final installation of the onsite sewage
57 treatment and disposal system. A municipality or political
58 subdivision of the state may not approve any change in occupancy
59 or tenancy of a building that uses an onsite sewage treatment
60 and disposal system until the department has reviewed the use of
61 the system with the proposed change, approved the change, and
62 amended the operating permit.

63 (a) If the building or plumbing permit is for a single-
64 family residence that requires the use of an onsite sewage
65 treatment and disposal system, a municipality or political
66 subdivision of the state may not require the owner or builder to
67 receive a construction permit from the department for such
68 system as a condition of issuing the building or plumbing
69 permit. The owner or builder of the single-family residence must



70 provide to a municipality or political subdivision proof that
71 the owner or builder submitted an application for the onsite
72 sewage treatment and disposal system when applying for a
73 building and plumbing permit.

74 (b) If construction of the onsite sewage treatment and
75 disposal system commences before the issuance of the permit for
76 the onsite sewage treatment and disposal system, the property
77 owner or the applicant must assume all legal, financial, and
78 safety liabilities arising therefrom.

79 (c)~~(a)~~ Subdivisions and lots in which each lot has a
80 minimum area of at least one-half acre and either a minimum
81 dimension of 100 feet or a mean of at least 100 feet of the side
82 bordering the street and the distance formed by a line parallel
83 to the side bordering the street drawn between the two most
84 distant points of the remainder of the lot may be developed with
85 a water system regulated under s. 381.0062 and onsite sewage
86 treatment and disposal systems, provided the projected daily
87 sewage flow does not exceed an average of 1,500 gallons per acre
88 per day, and provided satisfactory drinking water can be
89 obtained and all distance and setback, soil condition, water
90 table elevation, and other related requirements of this section
91 and rules adopted under this section can be met.

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



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99 the use of onsite sewage treatment and disposal systems are met.

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

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

121 (g)~~(e)~~ The department shall adopt rules relating to the
122 location of onsite sewage treatment and disposal systems,
123 including establishing setback distances, to prevent groundwater
124 contamination and surface water contamination and to preserve
125 the public health. The rules must consider conventional and
126 enhanced nutrient-reducing onsite sewage treatment and disposal
127 system designs, impaired or degraded water bodies, domestic



128 wastewater and drinking water infrastructure, potable water
129 sources, nonpotable wells, stormwater infrastructure, the onsite
130 sewage treatment and disposal system remediation plans developed
131 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the
132 recommendations of the onsite sewage treatment and disposal
133 systems technical advisory committee established pursuant to
134 former s. 381.00652. The rules must also allow a person to apply
135 for and receive a variance from a rule requirement upon
136 demonstration that the requirement would cause an undue hardship
137 and granting the variance would not cause or contribute to the
138 exceedance of a total maximum daily load.

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

- 142 1. Seventy-five feet from a private potable well.
- 143 2. Two hundred feet from a public potable well serving a
144 residential or nonresidential establishment having a total
145 sewage flow of greater than 2,000 gallons per day.
- 146 3. One hundred feet from a public potable well serving a
147 residential or nonresidential establishment having a total
148 sewage flow of less than or equal to 2,000 gallons per day.
- 149 4. Fifty feet from any nonpotable well.
- 150 5. Ten feet from any storm sewer pipe, to the maximum
151 extent possible, but in no instance shall the setback be less
152 than 5 feet.
- 153 6. Seventy-five feet from the mean high-water line of a
154 tidally influenced surface water body.
- 155 7. Seventy-five feet from the mean annual flood line of a
156 permanent nontidal surface water body.



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

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

167 1. Any residential lot that was platted and recorded on or
168 after January 1, 1972, or that is part of a residential
169 subdivision that was approved by the appropriate permitting
170 agency on or after January 1, 1972, and that was eligible for an
171 onsite sewage treatment and disposal system construction permit
172 on the date of such platting and recording or approval shall be
173 eligible for an onsite sewage treatment and disposal system
174 construction permit, regardless of when the application for a
175 permit is made. If rules in effect at the time the permit
176 application is filed cannot be met, residential lots platted and
177 recorded or approved on or after January 1, 1972, shall, to the
178 maximum extent possible, comply with the rules in effect at the
179 time the permit application is filed. At a minimum, however,
180 those residential lots platted and recorded or approved on or
181 after January 1, 1972, but before January 1, 1983, shall comply
182 with those rules in effect on January 1, 1983, and those
183 residential lots platted and recorded or approved on or after
184 January 1, 1983, shall comply with those rules in effect at the
185 time of such platting and recording or approval. In determining



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186 the maximum extent of compliance with current rules that is
187 possible, the department shall allow structures and
188 appurtenances thereto which were authorized at the time such
189 lots were platted and recorded or approved.

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

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

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

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

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



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

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

222

223 Where soil conditions, water table elevation, and setback
224 provisions are determined by the department to be satisfactory,
225 special consideration must be given to those lots platted before
226 1972.

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

238 a. The committee is composed of the following:

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

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

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



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

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

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

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

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

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

264 (k)~~(i)~~ A construction permit may not be issued for an
265 onsite sewage treatment and disposal system in any area zoned or
266 used for industrial or manufacturing purposes, or its
267 equivalent, where a publicly owned or investor-owned sewage
268 treatment system is available, or where a likelihood exists that
269 the system will receive toxic, hazardous, or industrial waste.
270 An existing onsite sewage treatment and disposal system may be
271 repaired if a publicly owned or investor-owned sewage treatment
272 system is not available within 500 feet of the building sewer



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273 stub-out and if system construction and operation standards can
274 be met. This paragraph does not require publicly owned or
275 investor-owned sewage treatment systems to accept anything other
276 than domestic wastewater.

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

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

301 3. The department shall periodically review and evaluate



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302 the continued use of onsite sewage treatment and disposal
303 systems in areas zoned or used for industrial or manufacturing
304 purposes, or its equivalent, and may require the collection and
305 analyses of samples from within and around such systems. If the
306 department finds that toxic or hazardous chemicals or toxic,
307 hazardous, or industrial wastewater have been or are being
308 disposed of through an onsite sewage treatment and disposal
309 system, the department shall initiate enforcement actions
310 against the owner or tenant to ensure adequate cleanup,
311 treatment, and disposal.

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

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

329 2. A person electing to use an engineer-designed system
330 shall, upon completion of the system design, submit such design,



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331 certified by a registered professional engineer, to the county
332 health department. The county health department may use an
333 outside consultant to review the engineer-designed system, with
334 the actual cost of such review to be borne by the applicant.
335 Within 5 working days after receiving an engineer-designed
336 system permit application, the county health department shall
337 request additional information if the application is not
338 complete. Within 15 working days after receiving a complete
339 application for an engineer-designed system, the county health
340 department shall issue the permit or, if it determines that the
341 system does not comply with the performance criteria, shall
342 notify the applicant of that determination and refer the
343 application to the department for a determination as to whether
344 the system should be approved, disapproved, or approved with
345 modification. The department engineer's determination shall
346 prevail over the action of the county health department. The
347 applicant shall be notified in writing of the department's
348 determination and of the applicant's rights to pursue a variance
349 or seek review under the provisions of chapter 120.

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

357 4. The property owner of an owner-occupied, single-family
358 residence may be approved and permitted by the department as a
359 maintenance entity for his or her own performance-based



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360 treatment system upon written certification from the system
361 manufacturer's approved representative that the property owner
362 has received training on the proper installation and service of
363 the system. The maintenance service agreement must conspicuously
364 disclose that the property owner has the right to maintain his
365 or her own system and is exempt from contractor registration
366 requirements for performing construction, maintenance, or
367 repairs on the system but is subject to all permitting
368 requirements.

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

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

381 ~~(m)~~ ~~(*)~~ An innovative system may be approved in conjunction
382 with an engineer-designed site-specific system that is certified
383 by the engineer to meet the performance-based criteria adopted
384 by the department.

385 ~~(n)~~ ~~(1)~~ For the Florida Keys, the department shall adopt a
386 special rule for the construction, installation, modification,
387 operation, repair, maintenance, and performance of onsite sewage
388 treatment and disposal systems which considers the unique soil



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389 conditions and water table elevations, densities, and setback
390 requirements. On lots where a setback distance of 75 feet from
391 surface waters, saltmarsh, and buttonwood association habitat
392 areas cannot be met, an injection well, approved and permitted
393 by the department, may be used for disposal of effluent from
394 onsite sewage treatment and disposal systems. The following
395 additional requirements apply to onsite sewage treatment and
396 disposal systems in Monroe County:

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

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

409 a. Biochemical oxygen demand (CBOD5) of 10 mg/l.

410 b. Suspended solids of 10 mg/l.

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

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

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

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

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

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

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

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

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

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



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447 Florida.

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

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

464 (p) ~~(n)~~ Evaluations for determining the seasonal high-water
465 table elevations or the suitability of soils for the use of a
466 new onsite sewage treatment and disposal system shall be
467 performed by department personnel, professional engineers
468 registered in the state, or such other persons with expertise,
469 as defined by rule, in making such evaluations. Evaluations for
470 determining mean annual flood lines shall be performed by those
471 persons identified in paragraph (2)(1). The department shall
472 accept evaluations submitted by professional engineers and such
473 other persons as meet the expertise established by this section
474 or by rule unless the department has a reasonable scientific
475 basis for questioning the accuracy or completeness of the



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476 evaluation.

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

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

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

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

500 (u)~~(s)~~ Notwithstanding subparagraph (i)1. ~~(g)~~1., onsite
501 sewage treatment and disposal systems located in floodways of
502 the Suwannee and Aucilla Rivers must adhere to the following
503 requirements:

504 1. The absorption surface of the drainfield may not be



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

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

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

530 2. The use of fill or mounding to elevate a drainfield
531 system out of the 10-year floodplain of rivers, streams, or
532 other bodies of flowing water may not be permitted if such a
533 system lies within a regulatory floodway of the Suwannee and



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534 Aucilla Rivers. In cases where the 10-year flood elevation does
535 not coincide with the boundaries of the regulatory floodway, the
536 regulatory floodway will be considered for the purposes of this
537 subsection to extend at a minimum to the 10-year flood
538 elevation.

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

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

559 3. A septic tank contractor licensed under part III of
560 chapter 489, if approved by the manufacturer, may not be denied
561 access by the manufacturer to aerobic treatment unit system
562 training or spare parts for maintenance entities. After the



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563 original warranty period, component parts for an aerobic
564 treatment unit system may be replaced with parts that meet
565 manufacturer's specifications but are manufactured by others.
566 The maintenance entity shall maintain documentation of the
567 substitute part's equivalency for 2 years and shall provide such
568 documentation to the department upon request.

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

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

580 (x) ~~(v)~~ Any permit issued and approved by the department for
581 the installation, modification, or repair of an onsite sewage
582 treatment and disposal system shall transfer with the title to
583 the property in a real estate transaction. A title may not be
584 encumbered at the time of transfer by new permit requirements by
585 a governmental entity for an onsite sewage treatment and
586 disposal system which differ from the permitting requirements in
587 effect at the time the system was permitted, modified, or
588 repaired. An inspection of a system may not be mandated by a
589 governmental entity at the point of sale in a real estate
590 transaction. This paragraph does not affect a septic tank phase-
591 out deferral program implemented by a consolidated government as



592 defined in s. 9, Art. VIII of the State Constitution of 1885.

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

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

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

613 a. The reconnection of the system is to the same type of
614 structure which contains the same number of bedrooms or fewer,
615 if the square footage of the structure is less than or equal to
616 110 percent of the original square footage of the structure that
617 existed before the disaster;

618 b. The system is not a sanitary nuisance; and

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



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

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

634 ~~(bb)-(z)~~ An existing-system inspection or evaluation and
635 assessment, or a modification, replacement, or upgrade of an
636 onsite sewage treatment and disposal system is not required for
637 a remodeling addition or modification to a single-family home if
638 a bedroom is not added. However, a remodeling addition or
639 modification to a single-family home may not cover any part of
640 the existing system or encroach upon a required setback or the
641 unobstructed area. To determine if a setback or the unobstructed
642 area is impacted, the local health department shall review and
643 verify a floor plan and site plan of the proposed remodeling
644 addition or modification to the home submitted by a remodeler
645 which shows the location of the system, including the distance
646 of the remodeling addition or modification to the home from the
647 onsite sewage treatment and disposal system. The local health
648 department may visit the site or otherwise determine the best
649 means of verifying the information submitted. A verification of



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650 the location of a system is not an inspection or evaluation and
651 assessment of the system. The review and verification must be
652 completed within 7 business days after receipt by the local
653 health department of a floor plan and site plan. If the review
654 and verification is not completed within such time, the
655 remodeling addition or modification to the single-family home,
656 for the purposes of this paragraph, is approved.

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

659 381.0065 Onsite sewage treatment and disposal systems;
660 regulation.—

661 (10) ADOPTION OF NEW RULES.—Any new rule for the use and
662 installation of onsite sewage treatment and disposal systems
663 adopted by the department under this section does not apply to
664 permit applications submitted within 90 days after the date such
665 rule is adopted.

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

670 380.0552 Florida Keys Area; protection and designation as
671 area of critical state concern.—

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

674 (i) Protect and improve the nearshore water quality of the
675 Florida Keys through federal, state, and local funding of water
676 quality improvement projects, including the construction and
677 operation of wastewater management facilities that meet the
678 requirements of ss. 381.0065(4)(n) and 403.086(11) ~~ss.~~



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679 ~~381.0065(4)(1) and 403.086(11)~~, as applicable.

680 (4) REMOVAL OF DESIGNATION.—

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

689 1. All of the work program tasks have been completed,
690 including construction of, operation of, and connection to
691 central wastewater management facilities pursuant to s.
692 403.086(11) and upgrade of onsite sewage treatment and disposal
693 systems pursuant to s. 381.0065(4)(n) ~~s. 381.0065(4)(1)~~;

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

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

702 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
703 and local agencies and units of government in the Florida Keys
704 Area shall coordinate their plans and conduct their programs and
705 regulatory activities consistent with the principles for guiding
706 development as specified in chapter 27F-8, Florida
707 Administrative Code, as amended effective August 23, 1984, which



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708 is adopted and incorporated herein by reference. For the
709 purposes of reviewing the consistency of the adopted plan, or
710 any amendments to that plan, with the principles for guiding
711 development, and any amendments to the principles, the
712 principles shall be construed as a whole and specific provisions
713 may not be construed or applied in isolation from the other
714 provisions. However, the principles for guiding development are
715 repealed 18 months from July 1, 1986. After repeal, any plan
716 amendments must be consistent with the following principles:

717 (j) Ensuring the improvement of nearshore water quality by
718 requiring the construction and operation of wastewater
719 management facilities that meet the requirements of ss.
720 381.0065(4)(n) and 403.086(11) ~~ss. 381.0065(4)(l) and~~
721 ~~403.086(11)~~, as applicable, and by directing growth to areas
722 served by central wastewater treatment facilities through permit
723 allocation systems.

724 (9) MODIFICATION TO PLANS AND REGULATIONS.—

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



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737 1. Construction schedules and detailed capital financing
738 plans for wastewater management improvements in the annually
739 adopted capital improvements element, and standards for the
740 construction of wastewater treatment and disposal facilities or
741 collection systems that meet or exceed the criteria in s.
742 403.086(11) for wastewater treatment and disposal facilities or
743 s. 381.0065(4)(n) ~~s. 381.0065(4)(l)~~ for onsite sewage treatment
744 and disposal systems.

745 2. Goals, objectives, and policies to protect public safety
746 and welfare in the event of a natural disaster by maintaining a
747 hurricane evacuation clearance time for permanent residents of
748 no more than 24.5 hours. The hurricane evacuation clearance time
749 shall be determined by a hurricane evacuation study conducted in
750 accordance with a professionally accepted methodology and
751 approved by the state land planning agency. For purposes of
752 hurricane evacuation clearance time:

753 a. Mobile home residents are not considered permanent
754 residents.

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

759 Section 4. Paragraph (c) of subsection (6) of section
760 381.00651, Florida Statutes, is amended to read:

761 381.00651 Periodic evaluation and assessment of onsite
762 sewage treatment and disposal systems.—

763 (6) The requirements for an onsite sewage treatment and
764 disposal system evaluation and assessment program are as
765 follows:



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766 (c) *Repair of systems.*—The local ordinance may not require
767 a repair, modification, or replacement of a system as a result
768 of an evaluation unless the evaluation identifies a system
769 failure. For purposes of this subsection, the term “system
770 failure” means a condition existing within an onsite sewage
771 treatment and disposal system which results in the discharge of
772 untreated or partially treated wastewater onto the ground
773 surface or into surface water or that results in the failure of
774 building plumbing to discharge properly and presents a sanitary
775 nuisance. A system is not in failure if the system does not have
776 a minimum separation distance between the drainfield and the
777 wettest season water table or if an obstruction in a sanitary
778 line or an effluent screen or filter prevents effluent from
779 flowing into a drainfield. If a system failure is identified and
780 several allowable remedial measures are available to resolve the
781 failure, the system owner may choose the least costly allowable
782 remedial measure to fix the system. There may be instances in
783 which a pump-out is sufficient to resolve a system failure.
784 Allowable remedial measures to resolve a system failure are
785 limited to what is necessary to resolve the failure and must
786 meet, to the maximum extent practicable, the requirements of the
787 repair code in effect when the repair is made, subject to the
788 exceptions specified in s. 381.0065(4)(i) ~~s. 381.0065(4)(g)~~. An
789 engineer-designed performance-based treatment system to reduce
790 nutrients may not be required as an alternative remediation
791 measure to resolve the failure of a conventional system.

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

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

796 And the title is amended as follows:

797 Delete everything before the enacting clause

798 and insert:

799 A bill to be entitled

800 An act relating to onsite sewage treatment and
801 disposal system permits; amending s. 381.0065, F.S.;
802 prohibiting a municipality or political subdivision of
803 the state from requiring owners and builders of
804 certain residences to receive construction permits
805 from the Department of Environmental Protection as a
806 condition of issuing building or plumbing permits;
807 requiring such owners and builders to provide certain
808 proof to the municipality or political subdivision;
809 requiring an applicant for a permit for the
810 construction of an onsite sewage treatment and
811 disposal system or a property owner to assume
812 specified liabilities under certain circumstances;
813 providing applicability for new rules adopted by the
814 department beginning on a specified date; amending ss.
815 380.0552 and 381.00651, F.S.; conforming cross-
816 references; providing effective dates.