

# Frequently Asked Questions (FAQs)

## House Bill (HB) 1379 Requirements for Enhanced Nutrient-Reducing Systems

### Introduction

During the 2023 legislative session, the Florida Legislature passed House Bill (HB) 1379, [Laws of Florida Chapter No. 2023-169](#). This law describes areas where enhanced nutrient-reducing onsite sewage treatment and disposal systems (ENR-OSTDS or “nitrogen-reducing systems”) are required instead of conventional septic systems.

This guidance document is intended to help the public answer routine ENR-OSTDS questions. If questions are asked that are not included in this guidance, please refer to the contacts in the last question.

### Who does HB 1379 apply to? Will HB 1379 impact me?

People who are required to apply for a new septic system (OSTDS) permit serving a property in specific regions of the state (“impacted areas”) are affected by this legislation.

Specifically, people applying for a **new system construction permit for an OSTDS (“septic system”) on a lot of one acre or less and within an “impacted area” will not be allowed to install a conventional septic system (septic tank and drainfield)**. Instead, they must install a special system referred to as an enhanced nutrient-reducing onsite sewage treatment and disposal system (ENR-OSTDS or “nitrogen-reducing system”). This requirement became effective on **July 1, 2023**.

Permits for septic systems located within the Indian River Lagoon Protection Program area (portions of Volusia, Brevard, Indian River and St. Lucie Counties) have additional requirements. **Starting January 1, 2024**, all new septic systems on all lot sizes installed within this area must be an ENR-OSTDS. **By July 1, 2030**, any commercial or residential property with an existing septic system located within this area must connect to central sewer (if available) or upgrade to an ENR-OSTDS or other wastewater treatment system that achieves at least 65 percent nitrogen reduction.

### How do I know whether my property is in an “impacted area”?

To determine if the property is within the “impacted area” or the Indian River Lagoon Protection Program area, see the [BMAPs and Alternative Restoration Plans - OSTDS Requirements](#) mapping tool.

## When do I have to comply with the new law by? How are effective dates implemented?

Applications for new septic systems on lots one acre or less and in an impacted area must comply with nitrogen-reducing requirements unless they were received by the county health department prior to **July 1, 2023** and have been determined complete (except for the site evaluation).

In addition, within the Indian River Lagoon Protection Program area, starting **January 1, 2024**, new system applicants must install an ENR OSTDS on all property sizes. This means that applications for new septic systems on all lots and in the Indian River Lagoon Protection Program area must comply with nitrogen-reducing system requirements unless they were received by the county health department prior to **January 1, 2024** and have been determined complete (except for the site evaluation).

## How do I know if I need a new system construction permit?

If you need to install a septic system where a system has never been installed before, you will need a new system construction permit. A new system construction permit is also required in some cases when replacing a complete system. See Memorandum [DCEH 19-004](#) for more information on when new system construction standards are required.

## What is an ENR-OSTDS?

An ENR-OSTDS is an advanced septic system that reduces nitrogen better than a conventional septic system. It can also be referred to as a “nitrogen-reducing system”. ENR-OSTDS meet an overall 65% nitrogen-reducing standard.

There are three types of ENR-OSTDS: NSF 245 aerobic treatment units; nitrogen-reducing performance-based treatment system (nitrogen-reducing PBTS), and inground nitrogen-reducing biofilters (INRBs). For more information on these systems, please see [Enhanced Nitrogen-Reducing OSTDS to Meet Requirements of HB 1379](#).

## Why is reducing nitrogen important?

Nitrogen is a pollutant that can cause environmental and drinking water concerns. Discharge from onsite sewage treatment and disposal systems is one of many sources of nitrogen into the groundwater of Florida. The installation of nitrogen-reducing systems can lower the impact that OSTDS have on the state’s ground and surface waters.

For more information, please visit the Division of Environmental Assessment and Restoration, [Water Quality Restoration Program](#) website or email the program at [BMAPPprogram@floridadep.gov](mailto:BMAPPprogram@floridadep.gov).

## Why do I have to do this?

During the 2023 legislative session, the Florida Legislature passed House Bill 1379, Laws of Florida Chapter No. 2023-169, which describes the areas in the state that require nitrogen-reducing OSTDS. This comprehensive environmental protection legislation covers a variety of environmental areas and supports the goals of Executive Order 23-06. It also builds on Florida's historic investments and accomplishments over the last four years in advancing the protection of our environmental resources. The Onsite Sewage Program is required to implement the components of the law within the program jurisdiction. Other regulatory components will be managed by agencies with jurisdiction over those other programs.

## Can I be exempt from this law? Can a variance be granted?

Once an application has been denied for not meeting the requirements, what are the options? The usual (Chapter 381, section 381.0065(4)(h) F.S.) variance process for septic systems is not available for the ENR-OSTDS requirement. However, a person who is impacted by the ENR-OSTDS treatment requirements may petition for an **administrative hearing** filed under Sections 120.569 and 120.57, F.S. This action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action.

## Is financial assistance available?

The Department of Environmental Protection (DEP) provides financial assistance to local governments (county, city, utilities) for water quality improvements. DEP recommends that the individual homeowners and businesses contact their local government for specific septic upgrade incentive programs to assist with upgrades to enhanced nitrogen reducing systems or septic to sewer conversions.

## Who should I contact to ask more specific questions?

- General questions can be emailed to the Onsite Sewage Program at the Department of Environmental Protection at [OSTDS\\_Feedback@floridadep.gov](mailto:OSTDS_Feedback@floridadep.gov).
- Questions about a specific site or property should be directed to the applicable [County Health Department](#) Onsite Sewage Treatment and Disposal program.
- Specific questions regarding BMAPs, alternative restoration plan areas, or the map at [BMAPs and Alternative Restoration Plans - OSTDS Requirements](#) should be directed to the Division of Environmental Assessment and Restoration, Water Quality Restoration Program at [BMAPPprogram@floridadep.gov](mailto:BMAPPprogram@floridadep.gov) or 850-245-8460.
- All other questions can be directed to the DEP Onsite Sewage Program at 850-245-4070.