



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

12/16/2025

Subject:

Approval, Re: Amending the Save Our Indian River Lagoon Program to Provide a Minimum Cost-Share for Septic System Upgrades

Fiscal Impact:

No change to the budget for septic upgrade cost-shares, but the load reduction benefit would decrease. Roughly 20 percent of the \$30,691,280 that is currently allocated for Septic System Upgrade Cost-Share from the Save Our Indian River Lagoon Program (Fund 1260), might be claimed by property owners whose drain fields contribute very little pollution to the lagoon.

Dept/Office:

Natural Resources Management

Requested Action:

It is requested the Board 1) approve a minimum cost-share for property owners within the Indian River Lagoon watershed who upgrade from a conventional septic system to a nitrogen reducing system that complies with House Bill 1379, which requires all existing septic within the watershed to be connected to sewer or upgraded by 2030; 2) authorize this change to go into effect immediately and be incorporated into the 2026 Update of the Save Our Indian River Lagoon Project Plan, as recommended unanimously by the Citizen Oversight Committee; and 3) approve retroactive reimbursements for early adopters of nitrogen reducing septic systems

Summary Explanation and Background:

On November 18, 2025, the Save Our Indian River Lagoon Citizen Oversight Committee recommended amending the septic system upgrade program to allow for a \$6,000 minimum cost-share for properties upgrading their septic to a 65% or better, nitrogen reducing system.

The Save Our Indian River Lagoon Project Plan currently states: "Septic system retrofit upgrades will be funded on a prorated basis of \$1,600 per pound of reduced nitrogen loading to the Indian River Lagoon, up to a maximum of \$20,000 per septic system parcel." The 2025 Plan Update reported the average cost to upgrade to a nitrogen reducing septic system was \$20,768. The Draft 2026 Plan Update reports an updated average cost to upgrade as \$22,263, with a median cost of \$20,600.

The pro-rated cost share means that available funds are only used to upgrade septic systems that have the largest impact on lagoon water quality. Proration at \$1,600 per pound, results in septic systems that load 25 pounds or more of nitrogen per year to be eligible for \$20,000 cost share, the maximum, to upgrade from a conventional septic system to a nitrogen reducing septic system. Septic systems that load 13 pounds of nitrogen are eligible for \$10,000 cost share, which covers the approximate difference in cost between conventional and nitrogen reducing septic systems. The average annual nitrogen load for septic systems in the

Indian River Lagoon watershed within Brevard is 7.5 pounds, which is eligible for a \$6,000 cost-share.

The regulatory environment for Septic Systems has changed considerably in recent years. House Bill 1379, passed in 2023, mandates “any commercial or residential property with an existing [septic system] located within [the Indian River Lagoon Protection Program area] must connect to central sewer if available or upgrade to a nitrogen-reducing system or other wastewater treatment system that achieves at least 65 percent nitrogen reduction.” A Florida Department of Environmental Protection public document directs property owners impacted by this mandate to “contact their local government for specific septic upgrade incentive programs to assist with upgrades to enhanced nitrogen reducing systems...”

In addition, per a 2025 court injunction, properties within the North Indian River Lagoon Basin Management Action Plan cannot obtain a repair or modification permit for conventional septic systems. In this sub-lagoon, the watershed of the Indian River north of the Melbourne Causeway, all failing septic systems must be upgraded to a nitrogen reducing system.

In response to these regulatory changes, staff are receiving significantly higher call volumes from property owners who load small amounts of nitrogen into the lagoon but are now required by the state to upgrade to a nitrogen-reducing system. Many of these properties are eligible for cost-shares less than \$1,000, with some properties not eligible for any funding assistance under the current pro-rated cost-share guidelines. Property owners have expressed frustration with the SOIRL Septic Upgrade program, given the state’s 2030 mandate.

After discussion by the Citizen Oversight Committee, they recommended offering a minimum cost-share of \$6,000 to all properties, regardless of their nitrogen loading for a one-year trial period, with staff to report participating and load reduction impacts to the Committee after six months to inform program revisions beyond the trial year. The Committee specified that costs must be split with state grant funds, when available.

In the past, the Board of County Commissioners approved retroactive payments to early adopters when the Septic Upgrade grant cost-share was increased. There are ten “early adopters” who participated in the program with eligible funding under \$6,000. An additional unknown number of residents did not participate in the program because their eligibility for funding was extremely low or zero. A new round of retroactive payment requests for early adopters could apply to those who reduced the impact of their conventional septic system on Indian River Lagoon water quality, despite being ineligible for Septic Upgrade funding under previous program guidelines.

If approved, staff will retroactively reimburse property owners who installed a 65% nitrogen reducing septic system up to \$6,000 each, (the average pro-rated eligibility for septic upgrades in Brevard), if they also meet the following conditions:

1. Upgrade must have followed all Save Our Indian River Lagoon program guidelines other than grant approval prior to construction.
2. Upgrade must have been properly permitted and certified by the Florida Department of Health/Florida Department of Environmental Protection.
3. Operation and maintenance permits for the advanced system must be current.
4. Retro-pay amount shall not exceed the sum of costs documented with proof of payment.
5. Work must have been completed after inception of the septic upgrade homeowner grant program.

These specific conditions are consistent with prior Board action that authorized retro-pay for early adopters of infrastructure upgrades that help protect the Indian River Lagoon.

Clerk to the Board Instructions:

None



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December 17, 2025

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

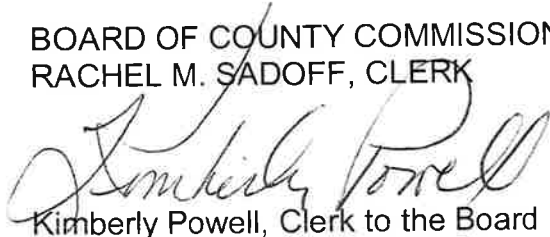
RE: Item F.1., Amending the Save Our Indian River Lagoon (SOIRL) Program to Provide a Minimum Cost-Share for Septic System Upgrades

The Board of County Commissioners, in regular session on December 16, 2025, approved a minimum cost-share for property owners within the Indian River Lagoon watershed who upgraded from a conventional septic system to a nitrogen reducing system that complies with House Bill 1379, which requires all existing septic within the watershed to be connected to sewer or upgraded by 2030; authorized this change to go into effect immediately and be incorporated into the 2026 Update of the SOIRL Project Plan, as recommended unanimously by the Citizen Oversight Committee (COC); and approved retroactive reimbursements for early adopters of nitrogen reducing septic systems.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/ds

cc: Finance
Budget