

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Alexander offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 381.0064, Florida Statutes, is amended to read:

381.0064 Continuing education courses for persons installing or servicing septic tanks.--

(1) The Department of Health shall establish a program for conduct continuing education which meets the purposes of s. 381.0101, and s. 489.554 courses for pumpout operators, environmental health specialists, and master plumbers who install septic tanks or service septic tanks. The course of study required must consist of at least two 6-classroom-hour courses of instruction a year regarding the public health and environmental effects of onsite sewage treatment and disposal systems and any other matters the department determines desirable for the safe installation and use of onsite sewage treatment and disposal systems. The department may charge a

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1 fee to cover the cost of such program ~~course of study~~;
2 ~~however, such fee must take into account any moneys collected~~
3 ~~under s. 381.0066 and appropriated to the department for the~~
4 ~~purpose of this section.~~

5 (2) The department shall by rule establish criteria
6 for the approval of continuing education courses and
7 providers, including requirements relating to the content of
8 courses and standards for approval of providers, and may by
9 rule establish criteria for accepting alternative nonclassroom
10 continuing education on an hour-for-hour basis. ~~also approve~~
11 ~~other continuing education courses for pumpout operators,~~
12 ~~environmental health specialists, and master plumbers who~~
13 ~~install septic tanks or service septic tanks, which courses~~
14 ~~meet the purposes of this section and consist of at least two~~
15 ~~6-classroom-hour courses of instruction a year.~~

16 (3) Septic tank contractors and master septic tank
17 contractors registered under part III of chapter 489 shall
18 meet the continuing education requirements set forth in s.
19 489.554.

20 Section 2. Paragraph (g) of subsection (4) of section
21 381.0065, Florida Statutes, is amended and paragraphs (r) and
22 (s) are added to that subsection to read:

23 381.0065 Onsite sewage treatment and disposal systems;
24 regulation.--

25 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
26 may not construct, repair, modify, abandon, or operate an
27 onsite sewage treatment and disposal system without first
28 obtaining a permit approved by the department. The department
29 may issue permits to carry out this section. A construction
30 permit is valid for 18 months from the issuance date and may
31 be extended by the department for one 90-day period under

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1 rules adopted by the department. A repair permit is valid for
2 90 days from the date of issuance. An operating permit is
3 valid for 1 year from the date of issuance and must be renewed
4 annually. If all information pertaining to the siting,
5 location, and installation conditions or repair of an onsite
6 sewage treatment and disposal system remains the same, a
7 construction or repair permit for the onsite sewage treatment
8 and disposal system may be transferred to another person, if
9 the transferee files, within 60 days after the transfer of
10 ownership, an amended application providing all corrected
11 information and proof of ownership of the property. There is
12 no fee associated with the processing of this supplemental
13 information. A person may not contract to construct, modify,
14 alter, repair, service, abandon, or maintain any portion of an
15 onsite sewage treatment and disposal system without being
16 registered under part III of chapter 489. A property owner
17 who personally performs construction, maintenance, or repairs
18 to a system serving his or her own owner-occupied
19 single-family residence is exempt from registration
20 requirements for performing such construction, maintenance, or
21 repairs on that residence, but is subject to all permitting
22 requirements.

23 (g)1. The department may grant variances in hardship
24 cases which may be less restrictive than the provisions
25 specified in this section. If a variance is granted and the
26 onsite sewage treatment and disposal system construction
27 permit has been issued, the variance may be transferred with
28 the system construction permit, if the transferee files,
29 within 60 days after the transfer of ownership, an amended
30 construction permit application providing all corrected
31 information and proof of ownership of the property and if the

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1 same variance would have been required for the new owner of
2 the property as was originally granted to the original
3 applicant for the variance. There is no fee associated with
4 the processing of this supplemental information. A variance
5 may not be granted under this section until the department is
6 satisfied that:

7 a. The hardship was not caused intentionally by the
8 action of the applicant;

9 b. No reasonable alternative, taking into
10 consideration factors such as cost, exists for the treatment
11 of the sewage; and

12 c. The discharge from the onsite sewage treatment and
13 disposal system will not adversely affect the health of the
14 applicant or the public or significantly degrade the
15 groundwater or surface waters.

16
17 Where soil conditions, water table elevation, and setback
18 provisions are determined by the department to be
19 satisfactory, special consideration must be given to those
20 lots platted before 1972.

21 2. The department shall appoint and staff a variance
22 review and advisory committee, which shall meet monthly to
23 recommend agency action on variance requests. The committee
24 shall make its recommendations on variance requests at the
25 meeting in which the application is scheduled for
26 consideration, except for an extraordinary change in
27 circumstances, the receipt of new information that raises new
28 issues, or when the applicant requests an extension. The
29 committee shall consider the criteria in subparagraph 1. in
30 its recommended agency action on variance requests and shall
31 also strive to allow property owners the full use of their

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1 land where possible.The committee board consists of the
2 following:

3 a. The Division Director for Environmental Health of
4 the department or his or her designee.

5 b. A representative from the county health
6 departments.

7 c. A representative from the home building industry
8 recommended by the Florida Home Builders Association.

9 d. A representative from the septic tank industry
10 recommended by the Florida Septic Tank Association.

11 e. A representative from the Department of
12 Environmental Protection.

13 f. A representative from the real estate industry who
14 is also a developer in this state who develops lots using
15 onsite sewage treatment and disposal systems, recommended by
16 the Florida Association of Realtors.

17 g. A representative from the engineering profession
18 recommended by the Florida Engineering Society.

19
20 Members shall be appointed for a term of 3 years, with such
21 appointments being staggered so that the terms of no more than
22 two members expire in any one year. Members shall serve
23 without remuneration, but if requested, shall ~~may~~ be
24 reimbursed for per diem and travel expenses as provided in s.
25 112.061.

26 (r) In the siting of onsite sewage treatment and
27 disposal systems, including drainfields, shoulders, and
28 slopes, guttering shall not be required on single-family
29 residential dwelling units for systems located greater than 5
30 feet from the roof drip line of the house. If guttering is
31 used on residential dwelling units, the downspouts shall be

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1 directed away from the drainfield.

2 (s) Notwithstanding the provisions of subparagraph
3 (f)1. of this subsection, onsite sewage treatment and disposal
4 systems located in floodways of the Suwannee and Aucilla
5 Rivers must adhere to the following requirements:

6 1. The absorption surface of the drainfield shall not
7 be subject to flooding based on 10-year flood elevations.
8 Provided, however, for lots or parcels created by the
9 subdivision of land in accordance with applicable local
10 government regulations prior to January 17, 1990, if an
11 applicant cannot construct a drainfield system with the
12 absorption surface of the drainfield at an elevation equal to
13 or above 10-year flood elevation, the department shall issue a
14 permit for an onsite sewage treatment and disposal system
15 within the 10-year floodplain of rivers, streams and other
16 bodies of flowing water if all of the following criteria are
17 met:

18 a. The lot is at least one-half acre in size;

19 b. The bottom of the drainfield is at least 36 inches
20 above the 2-year flood elevation; and

21 c. The applicant installs either: a waterless,
22 incinerating, or organic waste composting toilet and a
23 graywater system and drainfield in accordance with department
24 rules; an aerobic treatment unit and drainfield in accordance
25 with department rules; a system approved by the State Health
26 Office that is capable of reducing effluent nitrate by at
27 least 50 percent; or a system approved by the county health
28 department pursuant to department rule other than a system
29 using alternative drainfield materials. USDA Soil
30 Conservation Service soil maps, State of Florida Water
31 Management District data, and Federal Emergency Management

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1 Agency Flood Insurance maps are resources that shall be used
2 to identify floor prone areas.

3 2. The use of fill or mounding to elevate a drainfield
4 system out of the 10-year floodplain of rivers, streams, or
5 other bodies of flowing water shall not be permitted if such a
6 system lies within a regulatory floodway of the Suwannee and
7 Aucilla Rivers. In cases where the 10-year flood elevation
8 does not coincide with the boundaries of the regulatory
9 floodway, the regulatory floodway will be considered for the
10 purposes of this subsection to extend at a minimum to the
11 10-year flood elevation.

12 Section 3. Section 381.0068, Florida Statutes, is
13 amended to read:

14 381.0068 Technical review and advisory panel.--

15 (1) The Department of Health shall, by July 1, 1996,
16 establish and staff a technical review and advisory panel to
17 assist the department with rule adoption.

18 (2) The primary purpose of the panel is to assist
19 ~~enhance the department's~~ the department in rulemaking and
20 decisionmaking by drawing on the expertise of representatives
21 from several groups that are affected by ~~have an interest in~~
22 onsite sewage treatment and disposal systems. The panel may
23 also review and comment on any legislation or any existing or
24 proposed state policy or issue related to onsite sewer
25 treatment and disposal systems. If requested by the panel,
26 the chair will advise any affected person or member of the
27 Legislature of the panel's position on the legislation or any
28 existing or proposed state policy or issue. The chair may also
29 take such other action as is appropriate to allow the panel to
30 function. At a minimum, the ~~technical review and advisory~~
31 panel shall consist of a soil scientist; a professional

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1 engineer registered in this state who is recommended by the
2 Florida Engineering Society and who has work experience in
3 onsite sewage treatment and disposal systems; two
4 representatives from the home-building industry recommended by
5 the Florida Home Builders Association, including one who is a
6 developer in this state who develops lots using onsite sewage
7 treatment and disposal systems; a representative from the
8 county health departments who has experience permitting and
9 inspecting the installation of onsite sewage treatment and
10 disposal systems in this state; a representative from the real
11 estate industry who is recommended by the Florida Association
12 of Realtors; a consumer representative with a science
13 background; two representatives of the septic tank industry
14 recommended by the Florida Septic Tank Association, including
15 one who is a manufacturer of onsite sewage treatment and
16 disposal systems; and a representative from the environmental
17 health profession who is recommended by the Florida
18 Environmental Health Association and who is not employed by a
19 county health department. Members are to be appointed for a
20 term of 2 years. The panel may also, as needed, be expanded
21 to include ad hoc, nonvoting representatives who have
22 topic-specific expertise. All rules proposed by the
23 department which relate to onsite sewage treatment and
24 disposal systems must be presented to the panel for review and
25 comment prior to adoption. The panel's position on proposed
26 rules shall be made a part of the rulemaking record that is
27 maintained by the agency. The panel shall select a chair, who
28 shall serve for a period of 1 year and who shall direct,
29 coordinate, and execute the duties of the panel. The panel
30 shall also solicit input from the department's variance review
31 and advisory committee before submitting any comments to the

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1 department concerning proposed rules. The panel's comments
2 must include any dissenting points of view concerning proposed
3 rules. The panel shall hold meetings as it determines
4 necessary to conduct its business, except that the chair, a
5 quorum of the voting members of the panel, or the department
6 may call meetings. The department shall keep minutes of all
7 meetings of the panel. Panel members shall serve without
8 remuneration, but if requested, shall ~~may~~ be reimbursed for
9 per diem and travel expenses as provided in s. 112.061.

10 Section 4. Subsection (2) of section 489.551, Florida
11 Statutes, is amended to read:

12 489.551 Definitions.--As used in this part:

13 (2) "Master septic tank contractor" means a septic
14 tank contractor whose services are unlimited in the septic
15 tank trade who has had at least 3 years' experience as a
16 Florida-registered septic tank contractor or a plumbing
17 contractor certified under part 1 of this chapter who has
18 provided septic tank contracting services for at least 3 years
19 and who has the experience, knowledge, and skills to install,
20 maintain, repair, close repairs of, and alter all types of
21 onsite sewage treatment and disposal systems, to design onsite
22 sewage treatment and disposal systems, where not prohibited by
23 law, to perform and submit soil evaluations, when determined
24 to meet site-evaluation expertise established by rule, and to
25 use materials and items used in the installation and
26 maintenance of all types of onsite sewage treatment and
27 disposal systems.

28 Section 5. Section 489.554, Florida Statutes, is
29 amended to read:

30 489.554 Registration renewal.--The department shall
31 prescribe by rule the method for approval of continuing

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1 education courses and for renewal of annual registration. At
2 a minimum, annual renewal, ~~which~~ shall include continuing
3 education requirements of not less than 6 classroom hours
4 annually for septic tank contractors and not less than 12
5 classroom hours annually for master septic tank contractors.
6 The 12 classroom hours of continuing education required for
7 master septic tank contractors may include the 6 classroom
8 hours required for septic tank contractors, but at a minimum
9 must include 6 classroom hours of approved master septic tank
10 contractor coursework.

11 Section 6. Subsection (5) is added to section 489.555,
12 Florida Statutes, to read:

13 489.555 Certification of partnerships and
14 corporations.--

15 (5) When a certificate of authorization has been
16 revoked, any person authorized by law to provide septic tank
17 contracting services may not use the name or fictitious name
18 of the entity whose certificate was revoked, or any other
19 identifiers for the entity, including telephone numbers,
20 advertisements, or logos.

21 Section 7. The first \$1.9 million deposited to the
22 Solid Waste Management Trust Fund each fiscal year through the
23 2028-2029 fiscal year shall be transferred to the State
24 Housing Trust Fund administered by the Florida Housing Finance
25 Corporation on behalf of the Department of Community Affairs.
26 Said amount is hereby appropriated annually for that period to
27 the Florida Housing Finance Corporation to be used to pay for
28 local government infrastructure primarily related and
29 necessary to housing or to pay the debt service on revenue
30 bonds issued for such purposes by the Florida Housing Finance
31 Corporation. Such amounts may be pledged by the corporation

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1 for purposes of securing said bonds and revenue may also be
2 used to pay administrative costs of the corporation, not to
3 exceed 3% in connection with such program. The following
4 projects shall be funded as indicated: Homosassa Wastewater
5 Treatment System at \$3,250,000; Jasper Wastewater Services at
6 \$344,144; Suwannee Wastewater Improvement Project at \$344,000;
7 Carrabelle Wastewater Collection System at \$300,000; Labelle
8 Wastewater Improvement at \$4,110,000; Astor Area Wastewater
9 System at \$3,000,000; Bushnell Wastewater System \$200,000;
10 Arroya Parkway Wastewater System at \$2,372,000; South Walton
11 Wastewater Treatment Facility at \$500,000; Skyview Utility
12 Wastewater Treatment Project at \$800,000; South Dade Watershed
13 Planning Stormwater Project at \$500,000; City of Sanibel
14 Wastewater Treatment Project at \$1,000,000; City of Frostproof
15 Wastewater Treatment at \$2,500,000; West Miami Sewer System at
16 \$250,000; and City of Perry Wastewater Treatment Project at
17 \$250,000.

18 Section 8. This act shall take effect upon becoming a
19 law.

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

24 And the title is amended as follows:

25 On page 1,
26 remove the entire title of the bill:

27
28 and insert in lieu thereof:

29 A bill to be entitled
30 An act relating to wastewater treatment
31 systems; amending s. 381.0065, F.S.; revising

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1 guidelines and procedures for granting
2 variances for such systems; revising membership
3 of the department's variance review and
4 advisory committee; providing criteria for use
5 of guttering; amending s. 381.0068, F.S.;
6 revising duties and procedures of the
7 department's technical review and advisory
8 panel; providing for the transfer of a certain
9 amount from the Solid Waste Trust Fund to the
10 State Housing Trust Fund for the purposes of
11 funding wastewater treatment systems; providing
12 an effective date.

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