

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Community Affairs offered the following:

Amendment (with title amendment)

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

Section 1. Paragraph (g) of subsection (4) of section 381.0065, Florida Statutes, is amended and a new paragraph (r) is created to read:

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

(4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit is valid for 1 year from the date of issuance and must be renewed

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

20 (g)1. The department may grant variances in hardship
21 cases which may be less restrictive than the provisions
22 specified in this section. If a variance is granted and the
23 onsite sewage treatment and disposal system construction
24 permit has been issued, the variance may be transferred with
25 the system construction permit, if the transferee files,
26 within 60 days after the transfer of ownership, an amended
27 construction permit application providing all corrected
28 information and proof of ownership of the property and if the
29 same variance would have been required for the new owner of
30 the property as was originally granted to the original
31 applicant for the variance. There is no fee associated with

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1 the processing of this supplemental information. A variance
2 may not be granted under this section until the department is
3 satisfied that:

4 a. The hardship was not caused intentionally by the
5 action of the applicant;

6 b. No reasonable, cost-effective, affordable, or
7 economically justifiable alternative exists for the treatment
8 of the sewage; and

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

13

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

18 2. The department shall appoint and staff a variance
19 review and advisory committee, which shall meet monthly to
20 recommend agency action on variance requests. The committee
21 shall make its recommendations on variance requests at the
22 meeting in which the application is scheduled for
23 consideration, except for an extraordinary change in
24 circumstances or when the applicant requests an extension. The
25 committee shall consider the criteria in subparagraph 1. in
26 its recommended agency action on variance requests and shall
27 also strive to allow property owners the full use of their
28 land where possible. The committee ~~board~~ consists of the
29 following:

30 a. The Division Director for Environmental Health of
31 the department or his or her designee.

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1 b. A representative from the county health
2 departments.

3 c. A representative from the home building industry
4 recommended by the Florida Home Builders Association.

5 d. A representative from the septic tank industry
6 recommended by the Florida Septic Tank Association.

7 e. A representative from the Department of
8 Environmental Protection.

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

13 g. A representative from the public food service
14 industry whose business uses an onsite sewage treatment
15 disposal system, recommended by the Florida Restaurant
16 Association.

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

24 (r) In the siting of system drainfields, guttering
25 shall not be required on residential dwelling units for
26 systems located greater than 5 feet from the foundation of a
27 house. If guttering is used on residential dwelling units,
28 the downspouts shall be directed away from the drainfield.

29 Section 2. Section 381.0068, Florida Statutes, is
30 amended to read:

31 381.0068 Technical review and advisory panel.--

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

4 (2) The primary purpose of the panel is to assist
5 ~~enhance the department's~~ the department in rulemaking and
6 decisionmaking by drawing on the expertise of representatives
7 from several groups that are affected by ~~have an interest in~~
8 onsite sewage treatment and disposal systems. The panel shall
9 also review and comment on any legislation proposed by the
10 department relating to onsite sewage treatment and disposal
11 systems and may also consider and comment on any existing or
12 proposed state policy or issue related to such systems. If
13 requested by the panel, the chair shall transmit or
14 communicate a vote of the panel regarding the panel's position
15 on any issue or any existing or proposed rule or state policy,
16 including proposed legislation, to any affected person or the
17 Legislature. The chair may also take such other action as is
18 appropriate to allow the panel to function.At a minimum, the
19 ~~technical review and advisory~~ panel shall consist of a soil
20 scientist; a professional engineer registered in this state
21 who is recommended by the Florida Engineering Society and who
22 has work experience in onsite sewage treatment and disposal
23 systems; two representatives from the home-building industry
24 recommended by the Florida Home Builders Association,
25 including one who is a developer in this state who develops
26 lots using onsite sewage treatment and disposal systems; a
27 representative from the county health departments who has
28 experience permitting and inspecting the installation of
29 onsite sewage treatment and disposal systems in this state; a
30 representative from the real estate industry who is
31 recommended by the Florida Association of Realtors; a consumer

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1 representative with a science background; two representatives
2 of the septic tank industry recommended by the Florida Septic
3 Tank Association, including one who is a manufacturer of
4 onsite sewage treatment and disposal systems; and a
5 representative from the environmental health profession who is
6 recommended by the Florida Environmental Health Association
7 and who is not employed by a county health department.
8 Members are to be appointed for a term of 2 years. The panel
9 may also, as needed, be expanded to include ad hoc, nonvoting
10 representatives who have topic-specific expertise. All rules
11 proposed by the department which relate to onsite sewage
12 treatment and disposal systems must be presented to the panel
13 for review and comment prior to adoption. The panel's
14 position on proposed rules shall be made a part of the
15 rulemaking record that is maintained by the agency, and shall
16 be admissible into the record of any proceeding challenging a
17 rule. The panel shall select a chair, who shall serve for a
18 period of 1 year and who shall direct, coordinate, and execute
19 the duties of the panel. The panel shall also solicit input
20 from the department's variance review and advisory committee
21 before taking action on ~~submitting any comments to the~~
22 ~~department concerning proposed rules. The panel's comments~~
23 ~~must include any dissenting points of view concerning proposed~~
24 ~~rules.~~ The panel shall hold meetings as it determines
25 necessary to conduct its business, except that the chair, a
26 quorum of the voting members of the panel, or the department
27 may call meetings. The department shall keep minutes of all
28 meetings of the panel. The minutes must record all votes on
29 proposed rules and must describe the panel's general
30 discussions and comments, as well as minority points of view
31 regarding votes on such proposed rules. Panel members shall

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1 serve without remuneration, but if requested, shall ~~may~~ be
2 reimbursed for per diem and travel expenses as provided in s.
3 112.061.

4 Section 3. The first \$1.9 million deposited to the
5 Solid Waste Management Trust Fund each fiscal year through the
6 2028-29 fiscal year shall be transferred to the State Housing
7 Trust Fund administered by the Florida Housing Finance
8 Corporation on behalf of the Department of Community Affairs.
9 Said amount is hereby appropriated annually for that period to
10 the Florida Housing Finance Corporation to be used to pay for
11 local government infrastructure primarily related and
12 necessary to housing or to pay the debt service on revenue
13 bonds issued for such purposes by the Florida Housing Finance
14 Corporation. Such amounts may be pledged by the corporation
15 for purposes of securing said bonds and revenue may also be
16 used to pay administrative costs of the corporation, not to
17 exceed 3% in connection with such program. Such projects
18 shall include: Homosassa Wastewater Treatment System; Jasper
19 Wastewater Services; Suwannee Wastewater Improvement Project;
20 Town of Brooker Drinking Water Well; Carrabelle Wastewater
21 Collection System; Labelle Wastewater Improvement; Astor Area
22 Wastewater System; Bushnell Wastewater System; Arroya Parkway
23 Wastewater System; South Walton Wastewater Treatment Facility;
24 Skyview Utility Wastewater Treatment Project; South Dade
25 Stormwater Treatment; City of Sanibel Wastewater Treatment
26 Project; City of Frostproof Wastewater Treatment; and West
27 Miami Sewer System.

28 Section 4. This act shall take effect upon becoming a
29 law.

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1 ===== T I T L E A M E N D M E N T =====
2 And the title is amended as follows:
3 On page 1, lines 2-15
4 remove from the title of the bill: all of said lines
5
6 and insert in lieu thereof:
7 An act relating to wastewater treatment
8 systems; amending s. 381.0065, F.S.; revising
9 guidelines and procedures for granting
10 variances for such systems; revising membership
11 of the department's variance review and
12 advisory committee; providing criteria for use
13 of guttering; amending s. 381.0068, F.S.;
14 revising duties and procedures of the
15 department's technical review and advisory
16 panel; providing for the transfer of a certain
17 amount from the Solid Waste Trust Fund to the
18 State Housing Trust Fund for the purposes of
19 funding wastewater treatment systems; providing
20 an effective date.
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