

1                   A bill to be entitled  
2           An act relating to wastewater treatment  
3           systems; amending s. 381.0064, F.S.;  
4           authorizing the Department of Health to  
5           establish certain continuing education  
6           requirements by rule; amending s. 381.0065,  
7           F.S.; revising guidelines and procedures for  
8           granting variances for onsite sewage treatment  
9           and disposal systems; revising membership of  
10          the department's variance review and advisory  
11          committee; providing system criteria for use in  
12          conjunction with structural gutters; providing  
13          system criteria for use in certain floodways;  
14          amending s. 381.0068, F.S., revising duties and  
15          procedures of the department's technical review  
16          and advisory panel; amending s. 489.551, F.S.;  
17          authorizing certain plumbers to qualify as  
18          master septic tank contractors; amending  
19          489.554, F.S.; authorizing the department to  
20          prescribe by rule the method of approval of  
21          certain continuing education courses, including  
22          minimum annual registration renewal  
23          requirements; amending s. 489.555, F.S.;  
24          revising the guidelines regarding the  
25          certification of septic tank contractor  
26          partnerships and corporations; providing an  
27          effective date.

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29   Be It Enacted by the Legislature of the State of Florida:  
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1 Section 1. Section 381.0064, Florida Statutes, is  
2 amended to read:

3 381.0064 Continuing education courses for persons  
4 installing or servicing septic tanks.--

5 (1) The Department of Health shall establish a program  
6 for ~~conduct~~ continuing education which meets the purposes of  
7 ss. 381.0101 and 489.554 ~~courses for pumpout operators,~~  
8 ~~environmental health specialists, and master plumbers who~~  
9 ~~install septic tanks or service septic tanks. The course of~~  
10 ~~study required must consist of at least two 6-classroom-hour~~  
11 ~~courses of instruction a year regarding the public health and~~  
12 ~~environmental effects of onsite sewage treatment and disposal~~  
13 ~~systems and any other matters the department determines~~  
14 ~~desirable for the safe installation and use of onsite sewage~~  
15 ~~treatment and disposal systems. The department may charge a~~  
16 ~~fee to cover the cost of such~~ program course of study  
17 ~~however, such fee must take into account any moneys collected~~  
18 ~~under s. 381.0066 and appropriated to the department for the~~  
19 ~~purpose of this section.~~

20 (2) The department shall by rule establish criteria  
21 for the approval of continuing education courses and  
22 providers, including requirements relating to the content of  
23 courses and standards for approval of providers, and may by  
24 rule establish criteria for accepting alternative nonclassroom  
25 continuing education on an hour-for-hour basis. ~~also approve~~  
26 ~~other continuing education courses for pumpout operators,~~  
27 ~~environmental health specialists, and master plumbers who~~  
28 ~~install septic tanks or service septic tanks, which courses~~  
29 ~~meet the purposes of this section and consist of at least two~~  
30 ~~6-classroom-hour courses of instruction a year.~~

1           (3) Septic tank contractors and master septic tank  
2 contractors registered under part III of chapter 489 shall  
3 meet the continuing education requirements set forth in s.  
4 489.554.

5           Section 2. Paragraph (g) of subsection (4) of section  
6 381.0065, Florida Statutes, is amended and paragraphs (r) and  
7 (s) are added to that subsection to read:

8           381.0065 Onsite sewage treatment and disposal systems;  
9 regulation.--

10           (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
11 may not construct, repair, modify, abandon, or operate an  
12 onsite sewage treatment and disposal system without first  
13 obtaining a permit approved by the department. The department  
14 may issue permits to carry out this section. A construction  
15 permit is valid for 18 months from the issuance date and may  
16 be extended by the department for one 90-day period under  
17 rules adopted by the department. A repair permit is valid for  
18 90 days from the date of issuance. An operating permit is  
19 valid for 1 year from the date of issuance and must be renewed  
20 annually. If all information pertaining to the siting,  
21 location, and installation conditions or repair of an onsite  
22 sewage treatment and disposal system remains the same, a  
23 construction or repair permit for the onsite sewage treatment  
24 and disposal system may be transferred to another person, if  
25 the transferee files, within 60 days after the transfer of  
26 ownership, an amended application providing all corrected  
27 information and proof of ownership of the property. There is  
28 no fee associated with the processing of this supplemental  
29 information. A person may not contract to construct, modify,  
30 alter, repair, service, abandon, or maintain any portion of an  
31 onsite sewage treatment and disposal system without being

1 registered under part III of chapter 489. A property owner  
2 who personally performs construction, maintenance, or repairs  
3 to a system serving his or her own owner-occupied  
4 single-family residence is exempt from registration  
5 requirements for performing such construction, maintenance, or  
6 repairs on that residence, but is subject to all permitting  
7 requirements.

8 (g)1. The department may grant variances in hardship  
9 cases which may be less restrictive than the provisions  
10 specified in this section. If a variance is granted and the  
11 onsite sewage treatment and disposal system construction  
12 permit has been issued, the variance may be transferred with  
13 the system construction permit, if the transferee files,  
14 within 60 days after the transfer of ownership, an amended  
15 construction permit application providing all corrected  
16 information and proof of ownership of the property and if the  
17 same variance would have been required for the new owner of  
18 the property as was originally granted to the original  
19 applicant for the variance. There is no fee associated with  
20 the processing of this supplemental information. A variance  
21 may not be granted under this section until the department is  
22 satisfied that:

23 a. The hardship was not caused intentionally by the  
24 action of the applicant;

25 b. No reasonable alternative, taking into  
26 consideration factors such as cost,exists for the treatment  
27 of the sewage; and

28 c. The discharge from the onsite sewage treatment and  
29 disposal system will not adversely affect the health of the  
30 applicant or the public or significantly degrade the  
31 groundwater or surface waters.

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2 Where soil conditions, water table elevation, and setback  
3 provisions are determined by the department to be  
4 satisfactory, special consideration must be given to those  
5 lots platted before 1972.

6         2. The department shall appoint and staff a variance  
7 review and advisory committee, which shall meet monthly to  
8 recommend agency action on variance requests. The committee  
9 shall make its recommendations on variance requests at the  
10 meeting in which the application is scheduled for  
11 consideration, except for an extraordinary change in  
12 circumstances, the receipt of new information that raises new  
13 issues, or when the applicant requests an extension. The  
14 committee shall consider the criteria in subparagraph 1. in  
15 its recommended agency action on variance requests and shall  
16 also strive to allow property owners the full use of their  
17 land where possible.The committee ~~board~~ consists of the  
18 following:

19         a. The Division Director for Environmental Health of  
20 the department or his or her designee.

21         b. A representative from the county health  
22 departments.

23         c. A representative from the home building industry  
24 recommended by the Florida Home Builders Association.

25         d. A representative from the septic tank industry  
26 recommended by the Florida Septic Tank Association.

27         e. A representative from the Department of  
28 Environmental Protection.

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

3 g. A representative from the engineering profession  
4 recommended by the Florida Engineering Society.

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6 Members shall be appointed for a term of 3 years, with such  
7 appointments being staggered so that the terms of no more than  
8 two members expire in any one year. Members shall serve  
9 without remuneration, but if requested, shall ~~may~~ be  
10 reimbursed for per diem and travel expenses as provided in s.  
11 112.061.

12 (r) In the siting of onsite sewage treatment and  
13 disposal systems, including drainfields, shoulders, and  
14 slopes, guttering shall not be required on single-family  
15 residential dwelling units for systems located greater than 5  
16 feet from the roof drip line of the house. If guttering is  
17 used on residential dwelling units, the downspouts shall be  
18 directed away from the drainfield.

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

23 1. The absorption surface of the drainfield shall not  
24 be subject to flooding based on 10-year flood elevations.  
25 Provided, however, for lots or parcels created by the  
26 subdivision of land in accordance with applicable local  
27 government regulations prior to January 17, 1990, if an  
28 applicant cannot construct a drainfield system with the  
29 absorption surface of the drainfield at an elevation equal to  
30 or above 10-year flood elevation, the department shall issue a  
31 permit for an onsite sewage treatment and disposal system

1 within the 10-year floodplain of rivers, streams and other  
2 bodies of flowing water if all of the following criteria are  
3 met:

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

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

7 c. The applicant installs either: a waterless,  
8 incinerating, or organic waste composting toilet and a  
9 graywater system and drainfield in accordance with department  
10 rules; an aerobic treatment unit and drainfield in accordance  
11 with department rules; a system approved by the State Health  
12 Office that is capable of reducing effluent nitrate by at  
13 least 50 percent; or a system approved by the county health  
14 department pursuant to department rule other than a system  
15 using alternative drainfield materials. USDA Soil  
16 Conservation Service soil maps, State of Florida Water  
17 Management District data, and Federal Emergency Management  
18 Agency Flood Insurance maps are resources that shall be used  
19 to identify floor prone areas.

20 2. The use of fill or mounding to elevate a drainfield  
21 system out of the 10-year floodplain of rivers, streams, or  
22 other bodies of flowing water shall not be permitted if such a  
23 system lies within a regulatory floodway of the Suwannee and  
24 Aucilla Rivers. In cases where the 10-year flood elevation  
25 does not coincide with the boundaries of the regulatory  
26 floodway, the regulatory floodway will be considered for the  
27 purposes of this subsection to extend at a minimum to the  
28 10-year flood elevation.

29 Section 3. Section 381.0068, Florida Statutes, is  
30 amended to read:

31 381.0068 Technical review and advisory panel.--

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 may  
 9 also review and comment on any legislation or any existing or  
 10 proposed state policy or issue related to onsite sewer  
 11 treatment and disposal systems. If requested by the panel,  
 12 the chair will advise any affected person or member of the  
 13 Legislature of the panel's position on the legislation or any  
 14 existing or proposed state policy or issue. The chair may also  
 15 take such other action as is appropriate to allow the panel to  
 16 function. At a minimum, the ~~technical review and advisory~~  
 17 panel shall consist of a soil scientist; a professional  
 18 engineer registered in this state who is recommended by the  
 19 Florida Engineering Society and who has work experience in  
 20 onsite sewage treatment and disposal systems; two  
 21 representatives from the home-building industry recommended by  
 22 the Florida Home Builders Association, including one who is a  
 23 developer in this state who develops lots using onsite sewage  
 24 treatment and disposal systems; a representative from the  
 25 county health departments who has experience permitting and  
 26 inspecting the installation of onsite sewage treatment and  
 27 disposal systems in this state; a representative from the real  
 28 estate industry who is recommended by the Florida Association  
 29 of Realtors; a consumer representative with a science  
 30 background; two representatives of the septic tank industry  
 31 recommended by the Florida Septic Tank Association, including



1 one who is a manufacturer of onsite sewage treatment and  
 2 disposal systems; and a representative from the environmental  
 3 health profession who is recommended by the Florida  
 4 Environmental Health Association and who is not employed by a  
 5 county health department. Members are to be appointed for a  
 6 term of 2 years. The panel may also, as needed, be expanded  
 7 to include ad hoc, nonvoting representatives who have  
 8 topic-specific expertise. All rules proposed by the  
 9 department which relate to onsite sewage treatment and  
 10 disposal systems must be presented to the panel for review and  
 11 comment prior to adoption. The panel's position on proposed  
 12 rules shall be made a part of the rulemaking record that is  
 13 maintained by the agency. The panel shall select a chair, who  
 14 shall serve for a period of 1 year and who shall direct,  
 15 coordinate, and execute the duties of the panel. The panel  
 16 shall also solicit input from the department's variance review  
 17 and advisory committee before submitting any comments to the  
 18 department concerning proposed rules. The panel's comments  
 19 must include any dissenting points of view concerning proposed  
 20 rules. The panel shall hold meetings as it determines  
 21 necessary to conduct its business, except that the chair, a  
 22 quorum of the voting members of the panel, or the department  
 23 may call meetings. The department shall keep minutes of all  
 24 meetings of the panel. Panel members shall serve without  
 25 remuneration, but if requested, shall ~~may~~ be reimbursed for  
 26 per diem and travel expenses as provided in s. 112.061.

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

29 489.551 Definitions.--As used in this part:

30 (2) "Master septic tank contractor" means a septic  
 31 tank contractor whose services are unlimited in the septic

1 tank trade who has had at least 3 years' experience as a  
2 Florida-registered septic tank contractor or a plumbing  
3 contractor certified under part 1 of this chapter who has  
4 provided septic tank contracting services for at least 3 years  
5 and who has the experience, knowledge, and skills to install,  
6 maintain, repair, close repairs of, and alter all types of  
7 onsite sewage treatment and disposal systems, to design onsite  
8 sewage treatment and disposal systems, where not prohibited by  
9 law, to perform and submit soil evaluations, when determined  
10 to meet site-evaluation expertise established by rule, and to  
11 use materials and items used in the installation and  
12 maintenance of all types of onsite sewage treatment and  
13 disposal systems.

14 Section 5. Section 489.554, Florida Statutes, is  
15 amended to read:

16 489.554 Registration renewal.--The department shall  
17 prescribe by rule the method for approval of continuing  
18 education courses and for renewal of annual registration. At  
19 a minimum, annual renewal,~~which~~ shall include continuing  
20 education requirements of not less than 6 classroom hours  
21 annually for septic tank contractors and not less than 12  
22 classroom hours annually for master septic tank contractors.  
23 The 12 classroom hours of continuing education required for  
24 master septic tank contractors may include the 6 classroom  
25 hours required for septic tank contractors, but at a minimum  
26 must include 6 classroom hours of approved master septic tank  
27 contractor coursework.

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

30 489.555 Certification of partnerships and  
31 corporations.--

1           (5) When a certificate of authorization has been  
2 revoked, any person authorized by law to provide septic tank  
3 contracting services may not use the name or fictitious name  
4 of the entity whose certificate was revoked, or any other  
5 identifiers for the entity, including telephone numbers,  
6 advertisements, or logos.

7           Section 7. This act shall take effect upon becoming a  
8 law.

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