

Bill No. CS for SB 2288

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Laurent moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsections (2) and (4) of section		
18	381.0065, Florida Statutes, 1998 Supplement, are amended to		
19	read:		
20	381.0065 Onsite sewage treatment and disposal systems;		
21	regulation.--		
22	(2) DEFINITIONS.--As used in ss. 381.0065-381.0067,		
23	the term:		
24	(a) "Available," as applied to a publicly owned or		
25	investor-owned sewerage system, means that the publicly owned		
26	or investor-owned sewerage system is capable of being		
27	connected to the plumbing of an establishment or residence, is		
28	not under a Department of Environmental Protection moratorium,		
29	and has adequate permitted capacity to accept the sewage to be		
30	generated by the establishment or residence; and:		
31	1. For a residential subdivision lot, a single-family		

Bill No. CS for SB 2288

Amendment No. ____

1 residence, or an establishment, any of which has an estimated
 2 sewage flow of 1,000 gallons per day or less, a gravity sewer
 3 line to maintain gravity flow from the property's drain to the
 4 sewer line, or a low pressure or vacuum sewage collection line
 5 in those areas approved for low pressure or vacuum sewage
 6 collection, exists in a public easement or right-of-way that
 7 abuts the property line of the lot, residence, or
 8 establishment.

9 2. For an establishment with an estimated sewage flow
 10 exceeding 1,000 gallons per day, a sewer line, force main, or
 11 lift station exists in a public easement or right-of-way that
 12 abuts the property of the establishment or is within 50 feet
 13 of the property line of the establishment as accessed via
 14 existing rights-of-way or easements.

15 3. For proposed residential subdivisions with more
 16 than 50 lots, for proposed commercial subdivisions with more
 17 than 5 lots, and for areas zoned or used for an industrial or
 18 manufacturing purpose or its equivalent, a sewerage system
 19 exists within one-fourth mile of the development as measured
 20 and accessed via existing easements or rights-of-way.

21 4. For repairs or modifications within areas zoned or
 22 used for an industrial or manufacturing purpose or its
 23 equivalent, a sewerage system exists within 500 feet of an
 24 establishment's or residence's sewer stub-out as measured and
 25 accessed via existing rights-of-way or easements.

26 (b) "Blackwater" means that part of domestic sewage
 27 carried off by toilets, urinals, and kitchen drains.

28 (c) "Domestic sewage" means human body waste and
 29 wastewater, including bath and toilet waste, residential
 30 laundry waste, residential kitchen waste, and other similar
 31 waste from appurtenances at a residence or establishment.

Bill No. CS for SB 2288

Amendment No. ____

1 (d) "Graywater" means that part of domestic sewage
2 that is not blackwater, including waste from the bath,
3 lavatory, laundry, and sink, except kitchen sink waste.

4 (e) "Florida Keys" means those islands of the state
5 located within the boundaries of Monroe County.

6 (f) "Injection well" means an open vertical hole at
7 least 90 feet in depth, cased and grouted to at least 60 feet
8 in depth which is used to dispose of effluent from an onsite
9 sewage treatment and disposal system.

10 (g) "Innovative system" means an onsite sewage
11 treatment and disposal system that, in whole or in part,
12 employs materials, devices, or techniques that are novel or
13 unique and that have not been successfully field-tested under
14 sound scientific and engineering principles under climatic and
15 soil conditions found in this state.

16 (h) "Lot" means a parcel or tract of land described by
17 reference to recorded plats or by metes and bounds, or the
18 least fractional part of subdivided lands having limited fixed
19 boundaries or an assigned number, letter, or any other legal
20 description by which it can be identified.

21 (i) "Mean annual flood line" means the elevation
22 determined by calculating the arithmetic mean of the
23 elevations of the highest yearly flood stage or discharge for
24 the period of record, to include at least the most recent
25 10-year period. If at least 10 years of data is not available,
26 the mean annual flood line shall be as determined based upon
27 the data available and field verification conducted by a
28 certified professional surveyor and mapper with experience in
29 the determination of flood water elevation lines or, at the
30 option of the applicant, by department personnel. Field
31 verification of the mean annual flood line shall be performed

Bill No. CS for SB 2288

Amendment No. ____

1 using a combination of those indicators listed in
2 subparagraphs 1. through 7. that are present on the site, and
3 that reflect flooding that recurs on an annual basis. In those
4 situations where any one or more of these indicators reflect a
5 rare or aberrant event, such indicator or indicators shall not
6 be utilized in determining the mean annual flood line. The
7 indicators that may be considered are:

- 8 1. Water stains on the ground surface, trees, and
9 other fixed objects;
- 10 2. Hydric adventitious roots;
- 11 3. Drift lines;
- 12 4. Rafted debris;
- 13 5. Aquatic mosses and liverworts;
- 14 6. Moss collars; and
- 15 7. Lichen lines.

16 (j)(i) "Onsite sewage treatment and disposal system"
17 means a system that contains a standard subsurface, filled, or
18 mound drainfield system; an aerobic treatment unit; a
19 graywater system tank; a laundry wastewater system tank; a
20 septic tank; a grease interceptor; a dosing tank; a solids or
21 effluent pump; a waterless, incinerating, or organic
22 waste-composting toilet; or a sanitary pit privy that is
23 installed or proposed to be installed beyond the building
24 sewer on land of the owner or on other land to which the owner
25 has the legal right to install a system. This term does not
26 include package sewage treatment facilities and other
27 treatment works regulated under chapter 403.

28 (k) "Permanent nontidal surface water body" means a
29 perennial stream, a perennial river, an intermittent stream, a
30 perennial lake, a submerged marsh or swamp, a submerged wooded
31 marsh or swamp, a spring, or a seep, as identified on the most

Bill No. CS for SB 2288

Amendment No. ____

1 recent quadrangle map, 7.5 minute series (topographic),
2 produced by the United States Geological Survey. "Permanent
3 nontidal surface water body" shall also mean an artificial
4 surface water body that does not have an impermeable bottom
5 and side and that is designed to hold, or does hold, visible
6 standing water for at least 180 days of the year. However, a
7 nontidal surface water body that is drained, either naturally
8 or artificially, where the intent or the result is that such
9 drainage be temporary, shall be considered a permanent
10 nontidal surface water body. A nontidal surface water body
11 that is drained of all visible surface water, where the lawful
12 intent or the result of such drainage is that such drainage
13 will be permanent, shall not be considered a permanent
14 nontidal surface water body. The boundary of a permanent
15 nontidal surface water body shall be the mean annual flood
16 line.

17 (l)(j) "Potable water line" means any water line that
18 is connected to a potable water supply source, but the term
19 does not include an irrigation line with any of the following
20 types of backflow devices:

21 1. For irrigation systems into which chemicals are not
22 injected, any atmospheric or pressure vacuum breaker or double
23 check valve or any detector check assembly.

24 2. For irrigation systems into which chemicals such as
25 fertilizers, pesticides, or herbicides are injected, any
26 reduced pressure backflow preventer.

27 (m)(k) "Septage" means a mixture of sludge, fatty
28 materials, human feces, and wastewater removed during the
29 pumping of an onsite sewage treatment and disposal system.

30 (n)(l) "Subdivision" means, for residential use, any
31 tract or plot of land divided into two or more lots or parcels

Bill No. CS for SB 2288

Amendment No. ____

1 of which at least one is 1 acre or less in size for sale,
2 lease, or rent. A subdivision for commercial or industrial
3 use is any tract or plot of land divided into two or more lots
4 or parcels of which at least one is 5 acres or less in size
5 and which is for sale, lease, or rent. A subdivision shall be
6 deemed to be proposed until such time as an application is
7 submitted to the local government for subdivision approval or,
8 in those areas where no local government subdivision approval
9 is required, until such time as a plat of the subdivision is
10 recorded.

11 ~~(p)(m)~~ "Tidally influenced surface water body" means a
12 ~~recognizable~~ body of water that is subject to the ebb and flow
13 of the tides and has as its boundary a mean high-water line as
14 defined by s. 177.27(15), including swamp or marsh areas,
15 bayheads, cypress ponds and sloughs, and natural or
16 constructed ponds contained within a recognizable boundary.
17 ~~This does not include retention or detention areas designed to~~
18 ~~contain standing or flowing water for less than 72 hours after~~
19 ~~a rainfall.~~

20 ~~(q)(n)~~ "Toxic or hazardous chemical" means a substance
21 that poses a serious danger to human health or the
22 environment.

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

Bill No. CS for SB 2288

Amendment No. ____

1 period under rules adopted by the department. A repair permit
2 is valid for 90 days from the date of issuance. An operating
3 permit must be obtained prior to the use of any aerobic
4 treatment unit or if the establishment generates commercial
5 waste. Buildings or establishments that use an aerobic
6 treatment unit or generate commercial waste shall be inspected
7 by the department at least annually to assure compliance with
8 the terms of the operating permit. The operating permit is
9 valid for 1 year from the date of issuance and must be renewed
10 annually. If all information pertaining to the siting,
11 location, and installation conditions or repair of an onsite
12 sewage treatment and disposal system remains the same, a
13 construction or repair permit for the onsite sewage treatment
14 and disposal system may be transferred to another person, if
15 the transferee files, within 60 days after the transfer of
16 ownership, an amended application providing all corrected
17 information and proof of ownership of the property. There is
18 no fee associated with the processing of this supplemental
19 information. A person may not contract to construct, modify,
20 alter, repair, service, abandon, or maintain any portion of an
21 onsite sewage treatment and disposal system without being
22 registered under part III of chapter 489. A property owner
23 who personally performs construction, maintenance, or repairs
24 to a system serving his or her own owner-occupied
25 single-family residence is exempt from registration
26 requirements for performing such construction, maintenance, or
27 repairs on that residence, but is subject to all permitting
28 requirements. A municipality or political subdivision of the
29 state may not issue a building or plumbing permit for any
30 building that requires the use of an onsite sewage treatment
31 and disposal system unless the owner or builder has received a

Bill No. CS for SB 2288

Amendment No. ____

1 construction permit for such system from the department. A
2 building or structure may not be occupied and a municipality,
3 political subdivision, or any state or federal agency may not
4 authorize occupancy until the department approves the final
5 installation of the onsite sewage treatment and disposal
6 system. A municipality or political subdivision of the state
7 may not approve any change in occupancy or tenancy of a
8 building that uses an onsite sewage treatment and disposal
9 system until the department has reviewed the use of the system
10 with the proposed change, approved the change, and amended the
11 operating permit.

12 (a) Subdivisions and lots in which each lot has a
13 minimum area of at least one-half acre and either a minimum
14 dimension of 100 feet or a mean of at least 100 feet of the
15 side bordering the street and the distance formed by a line
16 parallel to the side bordering the street drawn between the
17 two most distant points of the remainder of the lot may be
18 developed with a water system regulated under s. 381.0062 and
19 onsite sewage treatment and disposal systems, provided the
20 projected daily domestic sewage flow does not exceed an
21 average of 1,500 gallons per acre per day, and provided
22 satisfactory drinking water can be obtained and all distance
23 and setback, soil condition, water table elevation, and other
24 related requirements of this section and rules adopted under
25 this section can be met.

26 (b) Subdivisions and lots using a public water system
27 as defined in s. 403.852 may use onsite sewage treatment and
28 disposal systems, provided there are no more than four lots
29 per acre, provided the projected daily domestic sewage flow
30 does not exceed an average of 2,500 gallons per acre per day,
31 and provided that all distance and setback, soil condition,

Bill No. CS for SB 2288

Amendment No. ____

1 water table elevation, and other related requirements that are
2 generally applicable to the use of onsite sewage treatment and
3 disposal systems are met.

4 (c) Notwithstanding the provisions of paragraphs (a)
5 and (b), for subdivisions platted of record on or before
6 October 1, 1991, when a developer or other appropriate entity
7 has previously made or makes provisions, including financial
8 assurances or other commitments, acceptable to the Department
9 of Health, that a central water system will be installed by a
10 regulated public utility based on a density formula, private
11 potable wells may be used with onsite sewage treatment and
12 disposal systems until the agreed-upon densities are reached.
13 The department may consider assurances filed with the
14 Department of Business and Professional Regulation under
15 chapter 498 in determining the adequacy of the financial
16 assurance required by this paragraph. In a subdivision
17 regulated by this paragraph, the average daily domestic sewage
18 flow may not exceed 2,500 gallons per acre per day. This
19 section does not affect the validity of existing prior
20 agreements. After October 1, 1991, the exception provided
21 under this paragraph is not available to a developer or other
22 appropriate entity.

23 (d) Paragraphs (a) and (b) do not apply to any
24 proposed residential subdivision with more than 50 lots or to
25 any proposed commercial subdivision with more than 5 lots
26 where a publicly owned or investor-owned sewerage system is
27 available. It is the intent of this paragraph not to allow
28 development of additional proposed subdivisions in order to
29 evade the requirements of this paragraph. The department
30 shall report to the Legislature by February 1 of each
31 odd-numbered year concerning the success in meeting this

Bill No. CS for SB 2288

Amendment No. ____

1 intent.

2 (e) Onsite sewage treatment and disposal systems must
3 not be placed closer than:

- 4 1. Seventy-five feet from a private potable well.
- 5 2. Two hundred feet from a public potable well serving
6 a residential or nonresidential establishment having a total
7 sewage flow of greater than 2,000 gallons per day.
- 8 3. One hundred feet from a public potable well serving
9 a residential or nonresidential establishment having a total
10 sewage flow of less than or equal to 2,000 gallons per day.

11 ~~4. Seventy-five feet from surface waters.~~

12 ~~4.5.~~ Fifty feet from any nonpotable well.

13 ~~5.6.~~ Ten feet from any storm sewer pipe, to the
14 maximum extent possible, but in no instance shall the setback
15 be less than 5 feet.

16 6. Seventy-five feet from the mean high-water line of
17 a tidally influenced surface water body;

18 7. Seventy-five feet from the normal annual flood line
19 of a permanent nontidal surface water body;

20 ~~8.7.~~ Fifteen feet from the design high water line of
21 retention areas, detention areas, or swales designed to
22 contain standing or flowing water for less than 72 hours after
23 a rainfall or the design high water level of normally dry
24 drainage ditches or normally dry individual lot stormwater
25 retention areas.

26 (f) Except as provided under paragraphs (e) and (t),
27 no limitations shall be imposed by rule, relating to the
28 distance between an onsite disposal system and any area that
29 either permanently or temporarily has visible surface water.

30 ~~(g)(f)~~ All provisions of this section and rules
31 adopted under this section relating to soil condition, water

Bill No. CS for SB 2288

Amendment No. ____

1 table elevation, distance, and other setback requirements must
2 be equally applied to all lots, with the following exceptions:

3 1. Any residential lot that was platted and recorded
4 on or after January 1, 1972, or that is part of a residential
5 subdivision that was approved by the appropriate permitting
6 agency on or after January 1, 1972, and that was eligible for
7 an onsite sewage treatment and disposal system construction
8 permit on the date of such platting and recording or approval
9 shall be eligible for an onsite sewage treatment and disposal
10 system construction permit, regardless of when the application
11 for a permit is made. If rules in effect at the time the
12 permit application is filed cannot be met, residential lots
13 platted and recorded or approved on or after January 1, 1972,
14 shall, to the maximum extent possible, comply with the rules
15 in effect at the time the permit application is filed. At a
16 minimum, however, those residential lots platted and recorded
17 or approved on or after January 1, 1972, but before January 1,
18 1983, shall comply with those rules in effect on January 1,
19 1983, and those residential lots platted and recorded or
20 approved on or after January 1, 1983, shall comply with those
21 rules in effect at the time of such platting and recording or
22 approval. In determining the maximum extent of compliance
23 with current rules that is possible, the department shall
24 allow structures and appurtenances thereto which were
25 authorized at the time such lots were platted and recorded or
26 approved.

27 2. Lots platted before 1972 are subject to a 50-foot
28 minimum surface water setback and are not subject to lot size
29 requirements. The projected daily flow for domestic onsite
30 sewage treatment and disposal systems for lots platted before
31 1972 may not exceed:

Bill No. CS for SB 2288

Amendment No. ____

1 a. Two thousand five hundred gallons per acre per day
2 for lots served by public water systems as defined in s.
3 403.852.

4 b. One thousand five hundred gallons per acre per day
5 for lots served by water systems regulated under s. 381.0062.

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

21 a. The hardship was not caused intentionally by the
22 action of the applicant;

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

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

30

31 Where soil conditions, water table elevation, and setback

Bill No. CS for SB 2288

Amendment No. ____

1 provisions are determined by the department to be
2 satisfactory, special consideration must be given to those
3 lots platted before 1972.

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

16 a. The Division Director for Environmental Health of
17 the department or his or her designee.

18 b. A representative from the county health
19 departments.

20 c. A representative from the home building industry
21 recommended by the Florida Home Builders Association.

22 d. A representative from the septic tank industry
23 recommended by the Florida Septic Tank Association.

24 e. A representative from the Department of
25 Environmental Protection.

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

30 g. A representative from the engineering profession
31 recommended by the Florida Engineering Society.

Bill No. CS for SB 2288

Amendment No. ____

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

(i)~~(h)~~ A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewerage system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewerage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department shall not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic,

Bill No. CS for SB 2288

Amendment No. ____

1 hazardous, or industrial wastewater or toxic or hazardous
2 chemicals, and uses an onsite sewage treatment and disposal
3 system that is installed on or after July 5, 1989, must obtain
4 an annual system operating permit from the department. A
5 person who owns or operates a business that uses an onsite
6 sewage treatment and disposal system that was installed and
7 approved before July 5, 1989, need not obtain a system
8 operating permit. However, upon change of ownership or
9 tenancy, the new owner or operator must notify the department
10 of the change, and the new owner or operator must obtain an
11 annual system operating permit, regardless of the date that
12 the system was installed or approved.

13 3. The department shall periodically review and
14 evaluate the continued use of onsite sewage treatment and
15 disposal systems in areas zoned or used for industrial or
16 manufacturing purposes, or its equivalent, and may require the
17 collection and analyses of samples from within and around such
18 systems. If the department finds that toxic or hazardous
19 chemicals or toxic, hazardous, or industrial wastewater have
20 been or are being disposed of through an onsite sewage
21 treatment and disposal system, the department shall initiate
22 enforcement actions against the owner or tenant to ensure
23 adequate cleanup, treatment, and disposal.

24 ~~(j)(i)~~ An onsite sewage treatment and disposal system
25 for a single-family residence that is designed by a
26 professional engineer registered in the state and certified by
27 such engineer as complying with performance criteria adopted
28 by the department must be approved by the department subject
29 to the following:

30 1. The performance criteria applicable to
31 engineer-designed systems must be limited to those necessary

Bill No. CS for SB 2288

Amendment No. ____

1 to ensure that such systems do not adversely affect the public
2 health or significantly degrade the groundwater or surface
3 water. Such performance criteria shall include consideration
4 of the quality of system effluent, the proposed total sewage
5 flow per acre, wastewater treatment capabilities of the
6 natural or replaced soil, water quality classification of the
7 potential surface-water-receiving body, and the structural and
8 maintenance viability of the system for the treatment of
9 domestic wastewater. However, performance criteria shall
10 address only the performance of a system and not a system's
11 design.

12 2. The technical review and advisory panel shall
13 assist the department in the development of performance
14 criteria applicable to engineer-designed systems. Workshops
15 on the development of the rules delineating such criteria
16 shall commence not later than September 1, 1996, and the
17 department shall advertise such rules for public hearing no
18 later than October 1, 1997.

19 3. A person electing to utilize an engineer-designed
20 system shall, upon completion of the system design, submit
21 such design, certified by a registered professional engineer,
22 to the county health department. The county health department
23 may utilize an outside consultant to review the
24 engineer-designed system, with the actual cost of such review
25 to be borne by the applicant. Within 5 working days after
26 receiving an engineer-designed system permit application, the
27 county health department shall request additional information
28 if the application is not complete. Within 15 working days
29 after receiving a complete application for an
30 engineer-designed system, the county health department either
31 shall issue the permit or, if it determines that the system

Bill No. CS for SB 2288

Amendment No. ____

1 does not comply with the performance criteria, shall notify
2 the applicant of that determination and refer the application
3 to the department for a determination as to whether the system
4 should be approved, disapproved, or approved with
5 modification. The department engineer's determination shall
6 prevail over the action of the county health department. The
7 applicant shall be notified in writing of the department's
8 determination and of the applicant's rights to pursue a
9 variance or seek review under the provisions of chapter 120.

10 4. The owner of an engineer-designed performance-based
11 system must obtain an annual system operating permit from the
12 department. The department shall inspect the system at least
13 annually and may collect system-effluent samples if
14 appropriate to determine compliance with the performance
15 criteria. The fee for the annual operating permit shall be
16 collected beginning with the second year of system operation.

17 5. If an engineer-designed system fails to properly
18 function or fails to meet performance standards, the system
19 shall be re-engineered, if necessary, to bring the system into
20 compliance with the provisions of this section.

21 ~~(k)(j)~~ An innovative system may be approved in
22 conjunction with an engineer-designed site-specific system
23 which is certified by the engineer to meet the
24 performance-based criteria adopted by the department.

25 ~~(l)(k)~~ For the Florida Keys, the department shall
26 adopt a special rule for the construction, installation,
27 modification, operation, repair, maintenance, and performance
28 of onsite sewage treatment and disposal systems which
29 considers the unique soil conditions and which considers water
30 table elevations, densities, and setback requirements. On
31 lots where a setback distance of 75 feet from surface waters,

Bill No. CS for SB 2288

Amendment No. ____

1 saltmarsh, and buttonwood association habitat areas cannot be
2 met, an injection well, approved and permitted by the
3 department, may be used for disposal of effluent from onsite
4 sewage treatment and disposal systems. The department shall
5 require effluent from onsite sewage treatment and disposal
6 systems to meet advanced waste treatment concentrations, as
7 defined in s. 403.086.

8 (m)~~(l)~~ No product sold in the state for use in onsite
9 sewage treatment and disposal systems may contain any
10 substance in concentrations or amounts that would interfere
11 with or prevent the successful operation of such system, or
12 that would cause discharges from such systems to violate
13 applicable water quality standards. The department shall
14 publish criteria for products known or expected to meet the
15 conditions of this paragraph. In the event a product does not
16 meet such criteria, such product may be sold if the
17 manufacturer satisfactorily demonstrates to the department
18 that the conditions of this paragraph are met.

19 (n)~~(m)~~ Evaluations for determining the seasonal
20 high-water table elevations or the suitability of soils for
21 the use of a new onsite sewage treatment and disposal system
22 shall be performed by department personnel, professional
23 engineers registered in the state, or such other persons with
24 expertise, as defined by rule, in making such evaluations.
25 Evaluations for determining mean annual flood lines shall be
26 performed by those persons identified in paragraph (2)(i).The
27 department shall accept evaluations submitted by professional
28 engineers and such other persons as meet the expertise
29 established by this section or by rule unless the department
30 has a reasonable scientific basis for questioning the accuracy
31 or completeness of the evaluation.

Bill No. CS for SB 2288

Amendment No. ____

1 ~~(n)~~ (o) The department shall appoint a research review
2 and advisory committee, which shall meet at least
3 semiannually. The committee shall advise the department on
4 directions for new research, review and rank proposals for
5 research contracts, and review draft research reports and make
6 comments. The committee is comprised of:

7 1. A representative of the Division of Environmental
8 Health of the Department of Health.

9 2. A representative from the septic tank industry.

10 3. A representative from the home building industry.

11 4. A representative from an environmental interest
12 group.

13 5. A representative from the State University System,
14 from a department knowledgeable about onsite sewage treatment
15 and disposal systems.

16 6. A professional engineer registered in this state
17 who has work experience in onsite sewage treatment and
18 disposal systems.

19 7. A representative from the real estate profession.

20 8. A representative from the restaurant industry.

21 9. A consumer.

22

23 Members shall be appointed for a term of 3 years, with the
24 appointments being staggered so that the terms of no more than
25 four members expire in any one year. Members shall serve
26 without remuneration, but are entitled to reimbursement for
27 per diem and travel expenses as provided in s. 112.061.

28 ~~(o)~~ (p) An application for an onsite sewage treatment
29 and disposal system permit shall be completed in full, signed
30 by the owner or the owner's authorized representative, or by a
31 contractor licensed under chapter 489, and shall be

Bill No. CS for SB 2288

Amendment No. ____

1 accompanied by all required exhibits and fees. No specific
2 documentation of property ownership shall be required as a
3 prerequisite to the review of an application or the issuance
4 of a permit. The issuance of a permit does not constitute
5 determination by the department of property ownership.

6 ~~(q)(p)~~ The department may not require any form of
7 subdivision analysis of property by an owner, developer, or
8 subdivider prior to submission of an application for an onsite
9 sewage treatment and disposal system.

10 ~~(r)(q)~~ Nothing in this section limits the power of a
11 municipality or county to enforce other laws for the
12 protection of the public health and safety.

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

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

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

Bill No. CS for SB 2288

Amendment No. ____

1 permit for an onsite sewage treatment and disposal system
2 within the 10-year floodplain of rivers, streams, and other
3 bodies of flowing water if all of the following criteria are
4 met:

5 a. The lot is at least one-half acre in size;
6 b. The bottom of the drainfield is at least 36 inches
7 above the 2-year flood elevation; and
8 c. The applicant installs either: a waterless,
9 incinerating, or organic waste composting toilet and a
10 graywater system and drainfield in accordance with department
11 rules; an aerobic treatment unit and drainfield in accordance
12 with department rules; a system approved by the State Health
13 Office that is capable of reducing effluent nitrate by at
14 least 50 percent; or a system approved by the county health
15 department pursuant to department rule other than a system
16 using alternative drainfield materials. The United States
17 Department of Agriculture Soil Conservation Service soil maps,
18 State of Florida Water Management District data, and Federal
19 Emergency Management Agency Flood Insurance maps are resources
20 that shall be used to identify flood-prone areas.

21 2. The use of fill or mounding to elevate a drainfield
22 system out of the 10-year floodplain of rivers, streams, or
23 other bodies of flowing water shall not be permitted if such a
24 system lies within a regulatory floodway of the Suwannee and
25 Aucilla Rivers. In cases where the 10-year flood elevation
26 does not coincide with the boundaries of the regulatory
27 floodway, the regulatory floodway will be considered for the
28 purposes of this subsection to extend at a minimum to the
29 10-year flood elevation.

30 Section 2. Paragraph (k) of subsection (2) of section
31 381.0066, Florida Statutes, is amended to read:

Bill No. CS for SB 2288

Amendment No. ____

1 381.0066 Onsite sewage treatment and disposal systems;
2 fees.--

3 (1) The department may collect fees for services
4 provided with respect to onsite sewage treatment and disposal
5 systems. The total fees assessed under this section must be
6 sufficient to meet the cost of administering this section and
7 ss. 381.0065 and 381.00655.

8 (2) The minimum fees in the following fee schedule
9 apply until changed by rule by the department within the
10 following limits:

11 (k) Research: An additional \$5 fee shall be added to
12 each new system construction permit issued during fiscal years
13 1996-2002 to be used for onsite sewage treatment and disposal
14 system research, demonstration, and training projects. Five
15 dollars from any repair permit fee collected under this
16 section shall be used for funding the hands-on training
17 centers described in s. 381.0065(3)(j).

18
19 The funds collected pursuant to this subsection must be
20 deposited in a trust fund administered by the department, to
21 be used for the purposes stated in this section and ss.
22 381.0065 and 381.00655.

23 Section 3. By February 1, 2000, the department is to
24 report to the Legislature its findings from a scientific
25 research project, applicable to Florida soils, on the
26 appropriate setback of an onsite sewage treatment and disposal
27 system to a seasonally inundated area so as to assure the
28 system does not adversely affect public health or
29 significantly degrade the groundwater or surface waters of the
30 state. For purposes of the study, the term "seasonally
31 inundated area" shall mean:

Bill No. CS for SB 2288

Amendment No.

1 Specific soil mapping units, of at least 0.025
2 acre, that are classified in the Soil Legend of
3 the applicable USDA Natural Resource
4 Conservation Service (NRCS) Florida county soil
5 survey as frequently flooded, ponded,
6 depressional or slough, that are described in
7 the Detailed Soil Map Units of the applicable
8 NRCS Florida county soil survey as very poorly
9 drained; or that are classified in the Soil
10 Legend of the NRCS county soil survey for
11 Taylor County as commonly flooded. The accuracy
12 of any soil mapping unit designated for a
13 specific site may be field-verified using NRCS
14 soil survey methodologies by a soil scientist
15 or soil classifier certified by the American
16 Registry of Certified Professionals in
17 Agronomy, Crops, and Soils, a soil scientist
18 employed by NRCS, a licensed professional
19 engineer experienced in utilizing NRCS soil
20 survey methodologies, or at the applicant's
21 option, department personnel. Where the
22 department can authorize construction of an
23 onsite sewage treatment and disposal system
24 taking into account the seasonally inundated
25 area, field verification is not a precondition
26 to permit issuance. An area shall not be
27 considered a seasonally inundated area if it
28 has been physically altered, or will be
29 physically altered before an onsite sewage
30 treatment and disposal system is operated, in a
31 manner that prevents future seasonal

Bill No. CS for SB 2288

Amendment No. ____

1 inundation, provided that such physical
2 alteration is not unlawful.
3
4 If the department chooses to retain an outside consultant, the
5 requirement for contracting the project pursuant to s.
6 381.0065(3)(j), shall be met. Any research findings made as a
7 result of the project will be reviewed by the research review
8 and advisory committee and the technical review advisory
9 panel. Any comments made by either group will be submitted
10 along with the report to the Legislature. In addition, the
11 technical review advisory panel may provide technical
12 assistance and recommendations to the Secretaries of the
13 Department of Environmental Protection, Department of Health,
14 and the Department of Community Affairs in their consideration
15 of whether the current planning and permitting processes
16 applied to the use, design and placement of onsite sewage
17 treatment and disposal systems adequately address their
18 impacts, including the process of onsite sewage treatment and
19 disposal systems in which area-wide impacts, including
20 cumulative impacts, warrant development of additional
21 standards or criteria through statutory or rule changes; and,
22 whether existing processes can or should be modified to reduce
23 costs and increase predictability, efficiency and
24 effectiveness in the use, design and placement of onsite
25 sewage treatment and disposal systems. Any conclusions
26 reached by either the technical review advisory panel or the
27 Secretaries should be supported by research and scientific
28 justification applicable to Florida conditions.

29 Section 4. Notwithstanding any provision of chapter
30 380, part I, to the contrary, a local government within the
31 Florida Keys area of critical state concern may enact an

Bill No. CS for SB 2288

Amendment No. ____

1 ordinance that:

2 (1) Requires connection to a central sewerage system
3 within 30 days of notice of availability of services; and

4 (2) Provides a definition of onsite sewage treatment
5 and disposal systems that does not exclude package sewage
6 treatment facilities if such facilities are in full compliance
7 with all regulatory requirements and treat sewage to advanced
8 wastewater treatment standards or utilize effluent reuse as
9 their primary method of effluent disposal.

10 Section 5. Definition of terms used in this act.--As
11 used in this act, the term "existing" means permitted by the
12 Department of Environmental Protection or the Department of
13 Health as of the effective date of this act.

14 Section 6. Sewage requirements in Monroe County.--

15 (1) The provisions of this section apply to all sewage
16 treatment, reuse, and disposal facilities and all onsite
17 sewage treatment and disposal systems in Monroe County, except
18 as provided in subsection (8):

19 (2) No new or expanded discharges shall be allowed
20 into surface waters.

21 (3) Existing surface water discharges shall be
22 eliminated before July 1, 2006.

23 (4) Existing sewage facilities that discharge to other
24 than surface waters and existing onsite sewage treatment and
25 disposal systems shall cease discharge or shall comply with
26 the applicable treatment requirements of subsection (6) by
27 July 1, 2010, and with the rules of the Department of
28 Environmental Protection or the Department of Health, as
29 applicable.

30 (5) All new or expanded discharges into other than
31 surface waters and all onsite sewage treatment and disposal

Bill No. CS for SB 2288

Amendment No. ____

1 systems permitted after the effective date of this act shall
2 comply with the requirements of subsection (6) and with the
3 rules of the Department of Environmental Protection or the
4 Department of Health, as applicable.

5 (6)(a) Sewage facilities with design capacities
6 greater than or equal to 100,000 gallons per day that do not
7 discharge to surface waters shall provide basic disinfection
8 as defined by Department of Environmental Protection rule and
9 the level of treatment that will produce an effluent that
10 contains not more, on a permitted annual average basis, than
11 the following concentrations:

- 12 1. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.
- 13 2. Suspended Solids of 5 mg/l.
- 14 3. Total Nitrogen, expressed as N, of 3 mg/l.
- 15 4. Total Phosphorus, expressed as P, of 1 mg/l.

16 (b) Sewage facilities with design capacities less than
17 100,000 gallons per day that do not discharge to surface
18 waters shall provide basic disinfection as defined by
19 Department of Environmental Protection rule and the level of
20 treatment that will produce an effluent that contains not
21 more, on a permitted annual average basis, than the following
22 concentrations:

- 23 1. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 24 2. Suspended Solids of 10 mg/l.
- 25 3. Total Nitrogen, expressed as N, of 10 mg/l.
- 26 4. Total Phosphorus, expressed as P, of 1 mg/l.

27 (c) Onsite sewage treatment and disposal systems shall
28 provide the level of treatment that will produce an effluent
29 that contains not more, on a permitted annual average basis,
30 than the following concentrations:

- 31 1. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

Bill No. CS for SB 2288

Amendment No. ____

1 Department of Environmental Protection domestic wastewater
2 rules:

- 3 1. Slow-rate land application systems;
4 2. Industrial uses of reclaimed water; and
5 3. Use of reclaimed water for toilet flushing, fire
6 protection, vehicle washing, construction dust control, and
7 decorative water features.

8
9 However, disposal systems serving as backups to reuse systems
10 shall comply with the other provisions of this act.

11 (9) If it is demonstrated that a discharge, even if it
12 is otherwise in compliance with this act or chapter 403,
13 Florida Statutes, will cause or contribute to a violation of
14 state water quality standards, the Department of Environmental
15 Protection shall:

- 16 (a) Require more stringent effluent limitations;
17 (b) Order the point or method of discharge changed;
18 (c) Limit the duration or volume of the discharge; or
19 (d) Prohibit the discharge.

20 (10) All sewage treatment facilities shall monitor
21 effluent for total nitrogen and total phosphorus concentration
22 as required by Department of Environmental Protection rule
23 beginning October 1, 1999. All onsite sewage treatment and
24 disposal systems issued a construction permit after the
25 effective date of this act shall be monitored for total
26 nitrogen and total phosphorus concentrations as required by
27 Department of Health rule.

28 (11) The Department of Environmental Protection shall
29 require the levels of operator certification and staffing
30 necessary to ensure proper operation and maintenance of sewage
31 facilities. The Department of Health shall ensure proper

Bill No. CS for SB 2288

Amendment No. ____

1 operation and maintenance of onsite sewage treatment and
2 disposal systems.

3 (12) The Department of Environmental Protection and
4 the Department of Health shall adopt rules necessary to carry
5 out the provisions of this act.

6 Section 7. Paragraph (k) of subsection (4) of section
7 381.0065, Florida Statutes, 1998 Supplement, is amended to
8 read:

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

11 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
12 may not construct, repair, modify, abandon, or operate an
13 onsite sewage treatment and disposal system without first
14 obtaining a permit approved by the department. The department
15 may issue permits to carry out this section. A construction
16 permit is valid for 18 months from the issuance date and may
17 be extended by the department for one 90-day period under
18 rules adopted by the department. A repair permit is valid for
19 90 days from the date of issuance. An operating permit must be
20 obtained prior to the use of any aerobic treatment unit or if
21 the establishment generates commercial waste. Buildings or
22 establishments that use an aerobic treatment unit or generate
23 commercial waste shall be inspected by the department at least
24 annually to assure compliance with the terms of the operating
25 permit. The operating permit is valid for 1 year from the date
26 of issuance and must be renewed annually. If all information
27 pertaining to the siting, location, and installation
28 conditions or repair of an onsite sewage treatment and
29 disposal system remains the same, a construction or repair
30 permit for the onsite sewage treatment and disposal system may
31 be transferred to another person, if the transferee files,

Bill No. CS for SB 2288

Amendment No. ____

1 within 60 days after the transfer of ownership, an amended
2 application providing all corrected information and proof of
3 ownership of the property. There is no fee associated with
4 the processing of this supplemental information. A person may
5 not contract to construct, modify, alter, repair, service,
6 abandon, or maintain any portion of an onsite sewage treatment
7 and disposal system without being registered under part III of
8 chapter 489. A property owner who personally performs
9 construction, maintenance, or repairs to a system serving his
10 or her own owner-occupied single-family residence is exempt
11 from registration requirements for performing such
12 construction, maintenance, or repairs on that residence, but
13 is subject to all permitting requirements. A municipality or
14 political subdivision of the state may not issue a building or
15 plumbing permit for any building that requires the use of an
16 onsite sewage treatment and disposal system unless the owner
17 or builder has received a construction permit for such system
18 from the department. A building or structure may not be
19 occupied and a municipality, political subdivision, or any
20 state or federal agency may not authorize occupancy until the
21 department approves the final installation of the onsite
22 sewage treatment and disposal system. A municipality or
23 political subdivision of the state may not approve any change
24 in occupancy or tenancy of a building that uses an onsite
25 sewage treatment and disposal system until the department has
26 reviewed the use of the system with the proposed change,
27 approved the change, and amended the operating permit.

28 (k) For the Florida Keys, the department shall adopt a
29 special rule for the construction, installation, modification,
30 operation, repair, maintenance, and performance of onsite
31 sewage treatment and disposal systems which considers the

Bill No. CS for SB 2288

Amendment No. ____

1 unique soil conditions and which considers water table
2 elevations, densities, and setback requirements. On lots
3 where a setback distance of 75 feet from surface waters,
4 saltmarsh, and buttonwood association habitat areas cannot be
5 met, an injection well, approved and permitted by the
6 department, may be used for disposal of effluent from onsite
7 sewage treatment and disposal systems. ~~The department shall~~
8 ~~require effluent from onsite sewage treatment and disposal~~
9 ~~systems to meet advanced waste treatment concentrations, as~~
10 ~~defined in s. 403.086.~~

11 Section 8. No later than January 1, 2003, the
12 Department of Environmental Protection and the Department of
13 Health shall report to the Governor, the President of the
14 Senate, and the Speaker of the House on the then current state
15 of sewage treatment technology. The report shall address the
16 treatment capabilities and operational and maintenance
17 requirements of various sizes and types of sewage facilities
18 and onsite sewage treatment and disposal systems, with special
19 attention given to individual systems and facilities designed
20 to treat 100,000 gallons per day or less of sewage. The
21 report shall also address the status of research on the fate
22 and transport of nutrients after injection, and shall provide
23 an overall assessment of water quality in Monroe County and
24 include recommendations for changes to the sewage collection,
25 treatment, and disposal requirements in Monroe County.

26 Section 9. No later than January 1, 2003, Monroe
27 County and the Florida Keys Aqueduct Authority shall report to
28 the Governor, the President of the Senate, and the Speaker of
29 the House of Representatives on the implementation of charges,
30 fees, and assessments related to sewage collection, treatment,
31 and disposal in Monroe County, and on implementation of the

Bill No. CS for SB 2288

Amendment No. ____

1 Monroe County Wastewater Master Plan.

2

3

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

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

9

 A bill to be entitled

10 An act relating to onsite sewage and disposal
11 systems; amending s. 381.0065, F.S.; defining
12 "mean annual flood line," "permanent nontidal
13 surface water body," "seasonally inundated
14 area," and "tidally influenced surface water
15 body"; providing that the Department of Health
16 shall not make the issuance of a permit to
17 construct, repair, modify, abandon, or operate
18 an onsite sewage treatment and disposal system
19 contingent upon prior approval by the
20 Department of Environmental Protection;
21 revising certain limitations with respect to
22 the placement of onsite sewage treatment and
23 disposal systems; providing that no limitations
24 shall be imposed by rule, relating to the
25 distance between an onsite disposal system and
26 any area that either permanently or temporarily
27 has viable surface water; specifying persons
28 required to perform evaluations for determining
29 mean annual flood lines and the accuracy of
30 seasonally inundated area designations;
31 amending s. 381.0066, F.S.; providing that a

Bill No. CS for SB 2288

Amendment No. ____

1 specified portion of onsite sewage treatment
2 and disposal repair permit fees shall be used
3 for the funding of certain training centers;
4 specifying ordinances which may be enacted by a
5 local government within the Florida Keys area
6 of critical state concern; providing a
7 definition; providing specified sewage
8 treatment and disposal system requirements in
9 Monroe County; requiring the Department of
10 Environmental Protection and the Department of
11 Health to adopt specified rules; amending s.
12 381.0065, F.S.; eliminating a requirement that
13 specified onsite sewage treatment and disposal
14 systems meet certain advanced waste treatment
15 concentrations; requiring specified reports;
16 providing an effective date.

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