

By Senator Laurent

17-1096-99

1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 381.0065, F.S.;
4 defining the terms "normal annual floodwater
5 line," "permanent nontidal surface water body,"
6 "seasonally inundated area," and "tidally
7 influenced surface water body"; revising
8 permitting and siting regulations; amending s.
9 381.0066, F.S.; providing for the use of
10 specified fees for funding a training center;
11 providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsections (2) and (4) of section
16 381.0065, Florida Statutes, 1998 Supplement, are amended to
17 read:

18 381.0065 Onsite sewage treatment and disposal systems;
19 regulation.--

20 (2) DEFINITIONS.--As used in ss. 381.0065-381.0067,
21 the term:

22 (a) "Available," as applied to a publicly owned or
23 investor-owned sewerage system, means that the publicly owned
24 or investor-owned sewerage system is capable of being
25 connected to the plumbing of an establishment or residence, is
26 not under a Department of Environmental Protection moratorium,
27 and has adequate permitted capacity to accept the sewage to be
28 generated by the establishment or residence; and:

29 1. For a residential subdivision lot, a single-family
30 residence, or an establishment, any of which has an estimated
31 sewage flow of 1,000 gallons per day or less, a gravity sewer

1 line to maintain gravity flow from the property's drain to the
2 sewer line, or a low pressure or vacuum sewage collection line
3 in those areas approved for low pressure or vacuum sewage
4 collection, exists in a public easement or right-of-way that
5 abuts the property line of the lot, residence, or
6 establishment.

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

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

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

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

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

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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) "Normal annual floodwater line" means the highest
22 annual water elevation of a permanent nontidal surface water
23 body, as determined by averaging the highest water elevations
24 over the most recent 10-year period, excluding 25-year and
25 greater flood events. If sufficient information is not
26 available to determine a 10-year average, the normal annual
27 floodwater line is to be determined by a certified
28 professional surveyor and mapper based upon visible water
29 stains of a permanent nature on soils, trees, and other fixed
30 objects which stains are indicative of annual flooding.

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1 ~~(j)(i)~~ "Onsite sewage treatment and disposal system"
2 means a system that contains a standard subsurface, filled, or
3 mound drainfield system; an aerobic treatment unit; a
4 graywater system tank; a laundry wastewater system tank; a
5 septic tank; a grease interceptor; a dosing tank; a solids or
6 effluent pump; a waterless, incinerating, or organic
7 waste-composting toilet; or a sanitary pit privy that is
8 installed or proposed to be installed beyond the building
9 sewer on land of the owner or on other land to which the owner
10 has the legal right to install a system. This term does not
11 include package sewage treatment facilities and other
12 treatment works regulated under chapter 403.

13 (k) "Permanent nontidal surface water body" means a
14 surface water body that is not tidally influenced and is
15 identified in the United States Fish and Wildlife Service
16 National Wetland Inventory Maps as persistent. The term
17 includes an artificial surface water body that is designed to
18 hold visible standing water for at least 180 days of the year.
19 However, a surface water body that is drained, either
20 naturally or artificially, when the intent or effect is that
21 such drainage will be temporary, is considered a permanent
22 nontidal surface water body. A surface water body that is
23 drained of all visible surface water, when the intent or
24 result of such drainage is that such drainage will be
25 permanent, is not considered a permanent nontidal surface
26 water body.

27 ~~(l)(j)~~ "Potable water line" means any water line that
28 is connected to a potable water supply source, but the term
29 does not include an irrigation line with any of the following
30 types of backflow devices:
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1 1. For irrigation systems into which chemicals are not
2 injected, any atmospheric or pressure vacuum breaker or double
3 check valve or any detector check assembly.

4 2. For irrigation systems into which chemicals such as
5 fertilizers, pesticides, or herbicides are injected, any
6 reduced pressure backflow preventer.

7 (m) "Seasonally inundated area" means areas or
8 specific soil mapping units that have been classified by the
9 USDA Natural Resource Conservation Service in their Florida
10 county soil surveys, in existence on January 1, 1999, as
11 meeting the criteria specified in this subsection. Natural
12 Resource Conservation Service soil textural and mapping unit
13 phase designations are to be referenced in accordance with
14 each Natural Resource Conservation Service county soil survey
15 soil legend. The term includes an area of at least 0.025 acre
16 that has been field-verified, through USDA Natural Resource
17 Conservation Service soil survey methodologies, by a certified
18 professional soil scientist, licensed professional engineer,
19 or licensed professional geologist as subject to frequent
20 flooding or as characterized either by peat, muck, mucky sand,
21 mucky loam, or mucky clay textural conditions or by
22 depressional soil phasing. Field verification is not a
23 precondition to permit issuance. An area that has been
24 physically altered, or that will be physically altered before
25 an onsite sewage treatment and disposal system is installed,
26 in a manner that prevents future seasonal inundation is not
27 considered to be a seasonally inundated area.

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

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

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

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

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

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

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

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
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1 odd-numbered year concerning the success in meeting this
2 intent.

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

5 1. Seventy-five feet from a private potable well.

6 2. Two hundred feet from a public potable well serving
7 a residential or nonresidential establishment having a total
8 sewage flow of greater than 2,000 gallons per day.

9 3. One hundred feet from a public potable well serving
10 a residential or nonresidential establishment having a total
11 sewage flow of less than or equal to 2,000 gallons per day.

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

13 ~~4.5.~~ Fifty feet from any nonpotable well.

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

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

23 (f) An area of the drainfield of an onsite sewage
24 treatment and disposal system may not be placed closer than:

25 1. Seventy-five feet from the mean high-water line of
26 a tidally influenced surface water body, as mean high-water
27 line is defined by s. 177.27(15);

28 2. Seventy-five feet from the normal annual floodwater
29 line of a permanent nontidal surface water body;

30 3. Twenty-five feet from the outermost continuous edge
31 of a seasonally inundated area; and

1 4. Fifteen feet from an artificial water body that has
2 been certified by a licensed professional engineer as designed
3 to hold water for less than 72 continuous hours or, if the
4 water body has been in existence for more than 2 years, has
5 been certified by a licensed professional engineer as
6 continuously maintained to hold water for less than 72
7 continuous hours.

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9 Except as provided under paragraph (t), a limitation may not
10 be imposed by rule, relating to the distance between an onsite
11 disposal system and any area that either permanently or
12 temporarily has visible surface water, other than those set
13 forth in this paragraph.

14 (g)(f) All provisions of this section and rules
15 adopted under this section relating to soil condition, water
16 table elevation, distance, and other setback requirements must
17 be equally applied to all lots, with the following exceptions:

18 1. Any residential lot that was platted and recorded
19 on or after January 1, 1972, or that is part of a residential
20 subdivision that was approved by the appropriate permitting
21 agency on or after January 1, 1972, and that was eligible for
22 an onsite sewage treatment and disposal system construction
23 permit on the date of such platting and recording or approval
24 shall be eligible for an onsite sewage treatment and disposal
25 system construction permit, regardless of when the application
26 for a permit is made. If rules in effect at the time the
27 permit application is filed cannot be met, residential lots
28 platted and recorded or approved on or after January 1, 1972,
29 shall, to the maximum extent possible, comply with the rules
30 in effect at the time the permit application is filed. At a
31 minimum, however, those residential lots platted and recorded

1 or approved on or after January 1, 1972, but before January 1,
2 1983, shall comply with those rules in effect on January 1,
3 1983, and those residential lots platted and recorded or
4 approved on or after January 1, 1983, shall comply with those
5 rules in effect at the time of such platting and recording or
6 approval. In determining the maximum extent of compliance
7 with current rules that is possible, the department shall
8 allow structures and appurtenances thereto which were
9 authorized at the time such lots were platted and recorded or
10 approved.

11 2. Lots platted before 1972 are subject to a 50-foot
12 minimum surface water setback and are not subject to lot size
13 requirements. The projected daily flow for domestic onsite
14 sewage treatment and disposal systems for lots platted before
15 1972 may not exceed:

16 a. Two thousand five hundred gallons per acre per day
17 for lots served by public water systems as defined in s.
18 403.852.

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

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

1 the original applicant for the variance. There is no fee
2 associated with the processing of this supplemental
3 information. A variance may not be granted under this section
4 until the department is satisfied that:

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

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

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

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

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

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1 a. The Division Director for Environmental Health of
2 the department or his or her designee.

3 b. A representative from the county health
4 departments.

5 c. A representative from the home building industry
6 recommended by the Florida Home Builders Association.

7 d. A representative from the septic tank industry
8 recommended by the Florida Septic Tank Association.

9 e. A representative from the Department of
10 Environmental Protection.

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

15 g. A representative from the engineering profession
16 recommended by the Florida Engineering Society.

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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 be reimbursed
22 for per diem and travel expenses as provided in s. 112.061.

23 (i)~~(h)~~ A construction permit may not be issued for an
24 onsite sewage treatment and disposal system in any area zoned
25 or used for industrial or manufacturing purposes, or its
26 equivalent, where a publicly owned or investor-owned sewage
27 treatment system is available, or where a likelihood exists
28 that the system will receive toxic, hazardous, or industrial
29 waste. An existing onsite sewage treatment and disposal
30 system may be repaired if a publicly owned or investor-owned
31 sewerage system is not available within 500 feet of the

1 building sewer stub-out and if system construction and
2 operation standards can be met. This paragraph does not
3 require publicly owned or investor-owned sewerage treatment
4 systems to accept anything other than domestic wastewater.

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

13 2. Each person who owns or operates a business or
14 facility in an area zoned or used for industrial or
15 manufacturing purposes, or its equivalent, or who owns or
16 operates a business that has the potential to generate toxic,
17 hazardous, or industrial wastewater or toxic or hazardous
18 chemicals, and uses an onsite sewage treatment and disposal
19 system that is installed on or after July 5, 1989, must obtain
20 an annual system operating permit from the department. A
21 person who owns or operates a business that uses an onsite
22 sewage treatment and disposal system that was installed and
23 approved before July 5, 1989, need not obtain a system
24 operating permit. However, upon change of ownership or
25 tenancy, the new owner or operator must notify the department
26 of the change, and the new owner or operator must obtain an
27 annual system operating permit, regardless of the date that
28 the system was installed or approved.

29 3. The department shall periodically review and
30 evaluate the continued use of onsite sewage treatment and
31 disposal systems in areas zoned or used for industrial or

1 manufacturing purposes, or its equivalent, and may require the
2 collection and analyses of samples from within and around such
3 systems. If the department finds that toxic or hazardous
4 chemicals or toxic, hazardous, or industrial wastewater have
5 been or are being disposed of through an onsite sewage
6 treatment and disposal system, the department shall initiate
7 enforcement actions against the owner or tenant to ensure
8 adequate cleanup, treatment, and disposal.

9 (j)~~(i)~~ An onsite sewage treatment and disposal system
10 for a single-family residence that is designed by a
11 professional engineer registered in the state and certified by
12 such engineer as complying with performance criteria adopted
13 by the department must be approved by the department subject
14 to the following:

15 1. The performance criteria applicable to
16 engineer-designed systems must be limited to those necessary
17 to ensure that such systems do not adversely affect the public
18 health or significantly degrade the groundwater or surface
19 water. Such performance criteria shall include consideration
20 of the quality of system effluent, the proposed total sewage
21 flow per acre, wastewater treatment capabilities of the
22 natural or replaced soil, water quality classification of the
23 potential surface-water-receiving body, and the structural and
24 maintenance viability of the system for the treatment of
25 domestic wastewater. However, performance criteria shall
26 address only the performance of a system and not a system's
27 design.

28 2. The technical review and advisory panel shall
29 assist the department in the development of performance
30 criteria applicable to engineer-designed systems. Workshops
31 on the development of the rules delineating such criteria

1 shall commence not later than September 1, 1996, and the
2 department shall advertise such rules for public hearing no
3 later than October 1, 1997.

4 3. A person electing to utilize an engineer-designed
5 system shall, upon completion of the system design, submit
6 such design, certified by a registered professional engineer,
7 to the county health department. The county health department
8 may utilize an outside consultant to review the
9 engineer-designed system, with the actual cost of such review
10 to be borne by the applicant. Within 5 working days after
11 receiving an engineer-designed system permit application, the
12 county health department shall request additional information
13 if the application is not complete. Within 15 working days
14 after receiving a complete application for an
15 engineer-designed system, the county health department either
16 shall issue the permit or, if it determines that the system
17 does not comply with the performance criteria, shall notify
18 the applicant of that determination and refer the application
19 to the department for a determination as to whether the system
20 should be approved, disapproved, or approved with
21 modification. The department engineer's determination shall
22 prevail over the action of the county health department. The
23 applicant shall be notified in writing of the department's
24 determination and of the applicant's rights to pursue a
25 variance or seek review under the provisions of chapter 120.

26 4. The owner of an engineer-designed performance-based
27 system must obtain an annual system operating permit from the
28 department. The department shall inspect the system at least
29 annually and may collect system-effluent samples if
30 appropriate to determine compliance with the performance

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1 criteria. The fee for the annual operating permit shall be
2 collected beginning with the second year of system operation.

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

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

11 (l)~~(k)~~ For the Florida Keys, the department shall
12 adopt a special rule for the construction, installation,
13 modification, operation, repair, maintenance, and performance
14 of onsite sewage treatment and disposal systems which
15 considers the unique soil conditions and which considers water
16 table elevations, densities, and setback requirements. On
17 lots where a setback distance of 75 feet from surface waters,
18 saltmarsh, and buttonwood association habitat areas cannot be
19 met, an injection well, approved and permitted by the
20 department, may be used for disposal of effluent from onsite
21 sewage treatment and disposal systems. The department shall
22 require effluent from onsite sewage treatment and disposal
23 systems to meet advanced waste treatment concentrations, as
24 defined in s. 403.086.

25 (m)~~(l)~~ No product sold in the state for use in onsite
26 sewage treatment and disposal systems may contain any
27 substance in concentrations or amounts that would interfere
28 with or prevent the successful operation of such system, or
29 that would cause discharges from such systems to violate
30 applicable water quality standards. The department shall
31 publish criteria for products known or expected to meet the

1 conditions of this paragraph. In the event a product does not
2 meet such criteria, such product may be sold if the
3 manufacturer satisfactorily demonstrates to the department
4 that the conditions of this paragraph are met.

5 (n)~~(m)~~ Evaluations for determining the seasonal
6 high-water table elevations or the suitability of soils for
7 the use of a new onsite sewage treatment and disposal system
8 shall be performed by department personnel, professional
9 engineers registered in the state, or such other persons with
10 expertise, as defined by rule, in making such evaluations. The
11 department shall accept evaluations submitted by professional
12 engineers and such other persons as meet the expertise
13 established by rule unless the department has a reasonable
14 scientific basis for questioning the accuracy or completeness
15 of the evaluation.

16 (o)~~(n)~~ The department shall appoint a research review
17 and advisory committee, which shall meet at least
18 semiannually. The committee shall advise the department on
19 directions for new research, review and rank proposals for
20 research contracts, and review draft research reports and make
21 comments. The committee is comprised of:

- 22 1. A representative of the Division of Environmental
23 Health of the Department of Health.
- 24 2. A representative from the septic tank industry.
- 25 3. A representative from the home building industry.
- 26 4. A representative from an environmental interest
27 group.
- 28 5. A representative from the State University System,
29 from a department knowledgeable about onsite sewage treatment
30 and disposal systems.

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1 6. A professional engineer registered in this state
2 who has work experience in onsite sewage treatment and
3 disposal systems.

4 7. A representative from the real estate profession.

5 8. A representative from the restaurant industry.

6 9. A consumer.
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8 Members shall be appointed for a term of 3 years, with the
9 appointments being staggered so that the terms of no more than
10 four members expire in any one year. Members shall serve
11 without remuneration, but are entitled to reimbursement for
12 per diem and travel expenses as provided in s. 112.061.

13 (p)~~(o)~~ An application for an onsite sewage treatment
14 and disposal system permit shall be completed in full, signed
15 by the owner or the owner's authorized representative, or by a
16 contractor licensed under chapter 489, and shall be
17 accompanied by all required exhibits and fees. No specific
18 documentation of property ownership shall be required as a
19 prerequisite to the review of an application or the issuance
20 of a permit. The issuance of a permit does not constitute
21 determination by the department of property ownership.

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

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

29 (s)~~(r)~~ In the siting of onsite sewage treatment and
30 disposal systems, including drainfields, shoulders, and
31 slopes, guttering shall not be required on single-family

1 residential dwelling units for systems located greater than 5
2 feet from the roof drip line of the house. If guttering is
3 used on residential dwelling units, the downspouts shall be
4 directed away from the drainfield.

5 (t)~~(s)~~ Notwithstanding the provisions of subparagraph
6 (g)1.(f)1., onsite sewage treatment and disposal systems
7 located in floodways of the Suwannee and Aucilla Rivers must
8 adhere to the following requirements:

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

- 21 a. The lot is at least one-half acre in size;
22 b. The bottom of the drainfield is at least 36 inches
23 above the 2-year flood elevation; and
24 c. The applicant installs either: a waterless,
25 incinerating, or organic waste composting toilet and a
26 graywater system and drainfield in accordance with department
27 rules; an aerobic treatment unit and drainfield in accordance
28 with department rules; a system approved by the State Health
29 Office that is capable of reducing effluent nitrate by at
30 least 50 percent; or a system approved by the county health
31 department pursuant to department rule other than a system

1 using alternative drainfield materials. The United States
2 Department of Agriculture Soil Conservation Service soil maps,
3 State of Florida Water Management District data, and Federal
4 Emergency Management Agency Flood Insurance maps are resources
5 that shall be used to identify flood-prone areas.

6 2. The use of fill or mounding to elevate a drainfield
7 system out of the 10-year floodplain of rivers, streams, or
8 other bodies of flowing water shall not be permitted if such a
9 system lies within a regulatory floodway of the Suwannee and
10 Aucilla Rivers. In cases where the 10-year flood elevation
11 does not coincide with the boundaries of the regulatory
12 floodway, the regulatory floodway will be considered for the
13 purposes of this subsection to extend at a minimum to the
14 10-year flood elevation.

15 Section 2. Paragraph (k) of subsection (2) of section
16 381.0066, Florida Statutes, is amended to read:

17 381.0066 Onsite sewage treatment and disposal systems;
18 fees.--

19 (2) The minimum fees in the following fee schedule
20 apply until changed by rule by the department within the
21 following limits:

22 (k) Research: An additional \$5 fee shall be added to
23 each new system construction permit issued during fiscal years
24 1996-2002 to be used for onsite sewage treatment and disposal
25 system research, demonstration, and training projects. Five
26 dollars from any repair permits collected under this section
27 must be used for funding the hands-on training center
28 described in s. 381.0065(3)(i).

29
30 The funds collected pursuant to this subsection must be
31 deposited in a trust fund administered by the department, to

1 be used for the purposes stated in this section and ss.
2 381.0065 and 381.00655.

3 Section 3. This act shall take effect upon becoming a
4 law.

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7 SENATE SUMMARY

8 For the purposes of the regulation of onsite sewage
9 treatment and disposal systems by the Department of
10 Health:

- 11 1. Defines several terms relating to surface water
12 bodies;
 - 13 2. Revises the permitting and siting processes; and
 - 14 3. Directs that certain fees be used for funding a
15 hands-on training center.
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