

By the Committee on Health Regulation and Representatives
 Farkas and Argenziano

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 providing for regulation by the Department of
 5 Health of maintenance entities for
 6 performance-based treatment systems and aerobic
 7 treatment unit systems; requiring such systems
 8 to contract with a permitted maintenance
 9 entity; providing duties of such entities;
 10 providing for biennial operating permits for
 11 aerobic treatment units; revising duties of the
 12 department; amending s. 381.0066, F.S.;
 13 reducing the operating permit fee for aerobic
 14 treatment units and providing operating permit
 15 and maintenance entity permit fees for
 16 performance-based treatment systems; providing
 17 an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Paragraph (n) is added to subsection (3) of
 22 section 381.0065, Florida Statutes, and subsection (4) of said
 23 section is amended, to read:

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

26 (3) DUTIES AND POWERS OF THE DEPARTMENT OF
 27 HEALTH.--The department shall:

28 (n) Regulate and permit maintenance entities for
 29 performance-based treatment systems and aerobic treatment unit
 30 systems. To ensure systems are maintained and operated
 31 according to manufacturer's specifications and designs, the

1 department shall establish by rule minimum qualifying criteria
2 for maintenance entities. The criteria shall include:
3 training, access to approved spare parts and components,
4 access to manufacturer's maintenance and operation manuals,
5 and service response time. The maintenance entity shall employ
6 a contractor licensed under s. 489.105(3)(m), or part III of
7 chapter 489, or a state-licensed wastewater plant operator,
8 who is responsible for maintenance and repair of all systems
9 under contract.

10 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
11 may not construct, repair, modify, abandon, or operate an
12 onsite sewage treatment and disposal system without first
13 obtaining a permit approved by the department. The department
14 may issue permits to carry out this section, but shall not
15 make the issuance of such permits contingent upon prior
16 approval by the Department of Environmental Protection. A
17 construction permit is valid for 18 months from the issuance
18 date and may be extended by the department for one 90-day
19 period under rules adopted by the department. A repair permit
20 is valid for 90 days from the date of issuance. An operating
21 permit must be obtained prior to the use of any aerobic
22 treatment unit or if the establishment generates commercial
23 waste. Buildings or establishments that use an aerobic
24 treatment unit or generate commercial waste shall be inspected
25 by the department at least annually to assure compliance with
26 the terms of the operating permit. The operating permit for a
27 commercial wastewater system is valid for 1 year from the date
28 of issuance and must be renewed annually. The operating permit
29 for an aerobic treatment unit is valid for 2 years from the
30 date of issuance and must be renewed every 2 years. If all
31 information pertaining to the siting, location, and

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

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

17 (b) Subdivisions and lots using a public water system
18 as defined in s. 403.852 may use onsite sewage treatment and
19 disposal systems, provided there are no more than four lots
20 per acre, provided the projected daily sewage flow does not
21 exceed an average of 2,500 gallons per acre per day, and
22 provided that all distance and setback, soil condition, water
23 table elevation, and other related requirements that are
24 generally applicable to the use of onsite sewage treatment and
25 disposal systems are met.

26 (c) Notwithstanding the provisions of paragraphs (a)
27 and (b), for subdivisions platted of record on or before
28 October 1, 1991, when a developer or other appropriate entity
29 has previously made or makes provisions, including financial
30 assurances or other commitments, acceptable to the Department
31 of Health, that a central water system will be installed by a

1 regulated public utility based on a density formula, private
2 potable wells may be used with onsite sewage treatment and
3 disposal systems until the agreed-upon densities are reached.
4 The department may consider assurances filed with the
5 Department of Business and Professional Regulation under
6 chapter 498 in determining the adequacy of the financial
7 assurance required by this paragraph. In a subdivision
8 regulated by this paragraph, the average daily sewage flow may
9 not exceed 2,500 gallons per acre per day. This section does
10 not affect the validity of existing prior agreements. After
11 October 1, 1991, the exception provided under this paragraph
12 is not available to a developer or other appropriate entity.

13 (d) Paragraphs (a) and (b) do not apply to any
14 proposed residential subdivision with more than 50 lots or to
15 any proposed commercial subdivision with more than 5 lots
16 where a publicly owned or investor-owned sewerage system is
17 available. It is the intent of this paragraph not to allow
18 development of additional proposed subdivisions in order to
19 evade the requirements of this paragraph. The department
20 shall report to the Legislature by February 1 of each
21 odd-numbered year concerning the success in meeting this
22 intent.

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

- 25 1. Seventy-five feet from a private potable well.
- 26 2. Two hundred feet from a public potable well serving
27 a residential or nonresidential establishment having a total
28 sewage flow of greater than 2,000 gallons per day.
- 29 3. One hundred feet from a public potable well serving
30 a residential or nonresidential establishment having a total
31 sewage flow of less than or equal to 2,000 gallons per day.

- 1 4. Fifty feet from any nonpotable well.
- 2 5. Ten feet from any storm sewer pipe, to the maximum
3 extent possible, but in no instance shall the setback be less
4 than 5 feet.
- 5 6. Seventy-five feet from the mean high-water line of
6 a tidally influenced surface water body.
- 7 7. Seventy-five feet from the normal annual flood line
8 of a permanent nontidal surface water body.
- 9 8. Fifteen feet from the design high-water line of
10 retention areas, detention areas, or swales designed to
11 contain standing or flowing water for less than 72 hours after
12 a rainfall or the design high-water level of normally dry
13 drainage ditches or normally dry individual lot stormwater
14 retention areas.
- 15 (f) Except as provided under paragraphs (e) and (t),
16 no limitations shall be imposed by rule, relating to the
17 distance between an onsite disposal system and any area that
18 either permanently or temporarily has visible surface water.
- 19 (g) All provisions of this section and rules adopted
20 under this section relating to soil condition, water table
21 elevation, distance, and other setback requirements must be
22 equally applied to all lots, with the following exceptions:
- 23 1. Any residential lot that was platted and recorded
24 on or after January 1, 1972, or that is part of a residential
25 subdivision that was approved by the appropriate permitting
26 agency on or after January 1, 1972, and that was eligible for
27 an onsite sewage treatment and disposal system construction
28 permit on the date of such platting and recording or approval
29 shall be eligible for an onsite sewage treatment and disposal
30 system construction permit, regardless of when the application
31 for a permit is made. If rules in effect at the time the

1 permit application is filed cannot be met, residential lots
2 platted and recorded or approved on or after January 1, 1972,
3 shall, to the maximum extent possible, comply with the rules
4 in effect at the time the permit application is filed. At a
5 minimum, however, those residential lots platted and recorded
6 or approved on or after January 1, 1972, but before January 1,
7 1983, shall comply with those rules in effect on January 1,
8 1983, and those residential lots platted and recorded or
9 approved on or after January 1, 1983, shall comply with those
10 rules in effect at the time of such platting and recording or
11 approval. In determining the maximum extent of compliance
12 with current rules that is possible, the department shall
13 allow structures and appurtenances thereto which were
14 authorized at the time such lots were platted and recorded or
15 approved.

16 2. Lots platted before 1972 are subject to a 50-foot
17 minimum surface water setback and are not subject to lot size
18 requirements. The projected daily flow for onsite sewage
19 treatment and disposal systems for lots platted before 1972
20 may not exceed:

21 a. Two thousand five hundred gallons per acre per day
22 for lots served by public water systems as defined in s.
23 403.852.

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

26 (h)1. The department may grant variances in hardship
27 cases which may be less restrictive than the provisions
28 specified in this section. If a variance is granted and the
29 onsite sewage treatment and disposal system construction
30 permit has been issued, the variance may be transferred with
31 the system construction permit, if the transferee files,

1 within 60 days after the transfer of ownership, an amended
2 construction permit application providing all corrected
3 information and proof of ownership of the property and if the
4 same variance would have been required for the new owner of
5 the property as was originally granted to the original
6 applicant for the variance. There is no fee associated with
7 the processing of this supplemental information. A variance
8 may not be granted under this section until the department is
9 satisfied that:

10 a. The hardship was not caused intentionally by the
11 action of the applicant;

12 b. No reasonable alternative, taking into
13 consideration factors such as cost, exists for the treatment
14 of the sewage; and

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

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

24 2. The department shall appoint and staff a variance
25 review and advisory committee, which shall meet monthly to
26 recommend agency action on variance requests. The committee
27 shall make its recommendations on variance requests at the
28 meeting in which the application is scheduled for
29 consideration, except for an extraordinary change in
30 circumstances, the receipt of new information that raises new
31 issues, or when the applicant requests an extension. The

1 committee shall consider the criteria in subparagraph 1. in
2 its recommended agency action on variance requests and shall
3 also strive to allow property owners the full use of their
4 land where possible. The committee consists of the following:

5 a. The Division Director for Environmental Health of
6 the department or his or her designee.

7 b. A representative from the county health
8 departments.

9 c. A representative from the home building industry
10 recommended by the Florida Home Builders Association.

11 d. A representative from the septic tank industry
12 recommended by the Florida Onsite Wastewater ~~Septic Tank~~
13 Association.

14 e. A representative from the Department of
15 Environmental Protection.

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

20 g. A representative from the engineering profession
21 recommended by the Florida Engineering Society.

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

28 (i) A construction permit may not be issued for an
29 onsite sewage treatment and disposal system in any area zoned
30 or used for industrial or manufacturing purposes, or its
31 equivalent, where a publicly owned or investor-owned sewage

1 treatment system is available, or where a likelihood exists
2 that the system will receive toxic, hazardous, or industrial
3 waste. An existing onsite sewage treatment and disposal
4 system may be repaired if a publicly owned or investor-owned
5 sewerage system is not available within 500 feet of the
6 building sewer stub-out and if system construction and
7 operation standards can be met. This paragraph does not
8 require publicly owned or investor-owned sewerage treatment
9 systems to accept anything other than domestic wastewater.

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

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

1 annual system operating permit, regardless of the date that
2 the system was installed or approved.

3 3. The department shall periodically review and
4 evaluate the continued use of onsite sewage treatment and
5 disposal systems in areas zoned or used for industrial or
6 manufacturing purposes, or its equivalent, and may require the
7 collection and analyses of samples from within and around such
8 systems. If the department finds that toxic or hazardous
9 chemicals or toxic, hazardous, or industrial wastewater have
10 been or are being disposed of through an onsite sewage
11 treatment and disposal system, the department shall initiate
12 enforcement actions against the owner or tenant to ensure
13 adequate cleanup, treatment, and disposal.

14 (j) An onsite sewage treatment and disposal system for
15 a single-family residence that is designed by a professional
16 engineer registered in the state and certified by such
17 engineer as complying with performance criteria adopted by the
18 department must be approved by the department subject to the
19 following:

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

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1 address only the performance of a system and not a system's
2 design.

3 2. The technical review and advisory panel shall
4 assist the department in the development of performance
5 criteria applicable to engineer-designed systems. Workshops
6 on the development of the rules delineating such criteria
7 shall commence not later than September 1, 1996, and the
8 department shall advertise such rules for public hearing no
9 later than October 1, 1997.

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

1 4. The owner of an engineer-designed performance-based
2 system must maintain a current maintenance service agreement
3 with a maintenance entity permitted by the department. The
4 maintenance entity shall obtain a biennial ~~an annual~~ system
5 operating permit from the department for each system under
6 service contract. The department shall inspect the system at
7 least annually, or on such periodic basis as the fee collected
8 permits, and may collect system-effluent samples if
9 appropriate to determine compliance with the performance
10 criteria. The fee for the biennial ~~annual~~ operating permit
11 shall be collected beginning with the second year of system
12 operation. The maintenance entity shall inspect each system at
13 least twice each year and shall report quarterly to the
14 department on the number of systems inspected and serviced.

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

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

23 (1) For the Florida Keys, the department shall adopt a
24 special rule for the construction, installation, modification,
25 operation, repair, maintenance, and performance of onsite
26 sewage treatment and disposal systems which considers the
27 unique soil conditions and which considers water table
28 elevations, densities, and setback requirements. On lots
29 where a setback distance of 75 feet from surface waters,
30 saltmarsh, and buttonwood association habitat areas cannot be
31 met, an injection well, approved and permitted by the

1 department, may be used for disposal of effluent from onsite
2 sewage treatment and disposal systems.

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

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

27 (o) The department shall appoint a research review and
28 advisory committee, which shall meet at least semiannually.
29 The committee shall advise the department on directions for
30 new research, review and rank proposals for research

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1 contracts, and review draft research reports and make
2 comments. The committee is comprised of:
3 1. A representative of the Division of Environmental
4 Health of the Department of Health.
5 2. A representative from the septic tank industry.
6 3. A representative from the home building industry.
7 4. A representative from an environmental interest
8 group.
9 5. A representative from the State University System,
10 from a department knowledgeable about onsite sewage treatment
11 and disposal systems.
12 6. A professional engineer registered in this state
13 who has work experience in onsite sewage treatment and
14 disposal systems.
15 7. A representative from the real estate profession.
16 8. A representative from the restaurant industry.
17 9. A consumer.
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19 Members shall be appointed for a term of 3 years, with the
20 appointments being staggered so that the terms of no more than
21 four members expire in any one year. Members shall serve
22 without remuneration, but are entitled to reimbursement for
23 per diem and travel expenses as provided in s. 112.061.
24 (p) An application for an onsite sewage treatment and
25 disposal system permit shall be completed in full, signed by
26 the owner or the owner's authorized representative, or by a
27 contractor licensed under chapter 489, and shall be
28 accompanied by all required exhibits and fees. No specific
29 documentation of property ownership shall be required as a
30 prerequisite to the review of an application or the issuance
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1 of a permit. The issuance of a permit does not constitute
2 determination by the department of property ownership.

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

7 (r) Nothing in this section limits the power of a
8 municipality or county to enforce other laws for the
9 protection of the public health and safety.

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

17 (t) Notwithstanding the provisions of subparagraph
18 (f)1., onsite sewage treatment and disposal systems located in
19 floodways of the Suwannee and Aucilla Rivers must adhere to
20 the following requirements:

21 1. The absorption surface of the drainfield shall not
22 be subject to flooding based on 10-year flood elevations.
23 Provided, however, for lots or parcels created by the
24 subdivision of land in accordance with applicable local
25 government regulations prior to January 17, 1990, if an
26 applicant cannot construct a drainfield system with the
27 absorption surface of the drainfield at an elevation equal to
28 or above 10-year flood elevation, the department shall issue a
29 permit for an onsite sewage treatment and disposal system
30 within the 10-year floodplain of rivers, streams, and other
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1 bodies of flowing water if all of the following criteria are
2 met:

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

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

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

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

28 (u) The owner of an aerobic treatment unit system
29 shall maintain a current maintenance service agreement with an
30 aerobic treatment unit maintenance entity permitted by the
31 department. The maintenance entity shall obtain a system

1 operating permit from the department for each aerobic
2 treatment unit under service contract. The maintenance entity
3 shall inspect each aerobic treatment unit system at least
4 twice each year and shall report quarterly to the department
5 on the number of aerobic treatment unit systems inspected and
6 serviced. The owner shall allow the department to inspect
7 during reasonable hours each aerobic treatment unit system at
8 least annually, and such inspection may include collection and
9 analysis of system-effluent samples for performance criteria
10 established by rule of the department.

11 Section 2. Paragraphs (c) and (i) of subsection (2) of
12 section 381.0066, Florida Statutes, are amended to read:

13 381.0066 Onsite sewage treatment and disposal systems;
14 fees.--

15 (2) The minimum fees in the following fee schedule
16 apply until changed by rule by the department within the
17 following limits:

18 (c) Biennial ~~Annual~~ Operating permit for aerobic
19 treatment units or performance-based treatment systems;
20 ~~including quarterly evaluation, annual sampling, and~~
21 ~~laboratory analysis of effluent from aerobic treatment units:~~
22 a fee of not ~~less than \$150, or more than \$100~~ \$300.

23 (i) Aerobic treatment unit or performance-based
24 treatment system maintenance entity permit: a fee of not less
25 than \$25, or more than \$150, per year.

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27 The funds collected pursuant to this subsection must be
28 deposited in a trust fund administered by the department, to
29 be used for the purposes stated in this section and ss.
30 381.0065 and 381.00655.

31 Section 3. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

Provides for regulation by the Department of Health of maintenance entities for performance-based onsite sewage treatment and disposal systems and aerobic treatment unit systems. Requires the department to establish minimum qualifying criteria for such entities. Requires such systems to contract with a permitted maintenance entity. Requires such entities to obtain the system operating permits from the department, perform twice-yearly system inspections, and report quarterly to the department. Provides for biennial operating permits for aerobic treatment units. Revises the department's annual inspection requirement. Reduces from \$300 to \$100 the maximum permit fee for aerobic treatment unit systems. Sets a \$100 maximum operating permit fee for performance-based systems, and requires a maintenance entity fee for such systems of not less than \$25 nor more than \$150.