

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|-----------------------------------------|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Currently, each home's onsite sewage treatment and disposal system (OSTDS) in Monroe County must cease discharge or comply with stringent effluent water quality standards by 2010. The 2001 Legislature authorized certain interim measures to apply to new construction and improvements prior to 2010. At present, certain interim system requirements are allowed through July 1, 2004, except under specific conditions which are applicable until July 1, 2010.

As a result homeowners in Monroe County are required to purchase expensive upgraded OSTDSs in order to build a new home or expand an existing home even when the home is scheduled to be connected to a central sewage facility before July 1, 2010. Once the home is connected to a central sewage facility, the existing OSTDS is rendered useless and the homeowner often incurs additional expenses associated with removing the OSTDS and paying to connect to the central sewage facility line.

Effect HB 1545

This bill extends the time period to 2010, from 2004, during which the interim OSTDS requirements are allowed in Monroe County. Additionally, the bill eliminates the limitation of the use of interim system requirements during the period from July 1, 2004 to July 1, 2010.

The bill, as amended, provides interim construction standards in Monroe County for new, expanded, or existing onsite sewage and disposal systems for homes scheduled to be served by a central sewage facility before July 1, 2010.

Ch. 2001-337, L.O.F. - Background

The 2001 Legislature provided interim construction standards for new, expanded, or existing OSTDSs in Monroe County through July 1, 2004, in areas scheduled to be served by a central sewage facility before July 1, 2010. After July 1, 2004, interim construction standards in Monroe County will continue to apply only in areas where certain conditions are met. All onsite sewage and disposal systems in Monroe County must provide the level of treatment provided in chapter 99-395, Laws of Florida, by July 1, 2010.

Ch. 99-395, L.O.F.- Background

The 1999 Legislature established uniform sewage treatment and disposal standards for systems permitted either by the Department of Environmental Protection (DEP) or the Department of Health (DOH) in the Florida Keys. To do this, minimum treatment standards for phosphorus removal were strengthened over the then existing onsite sewage treatment and disposal systems (OSTDS)

requirements while the overall OSTDS treatment levels were relaxed from advanced waste treatment requirements in the 1998 statutes. Treatment standards for DEP-permitted systems were strengthened by eliminating all surface water discharges by the year 2006; requiring proper operation, maintenance and performance monitoring of all sewage treatment systems; and requiring the upgrading of all systems to meet the enhanced sewage treatment requirements specified in the bill by the year 2010.

Ch. 99-395, L.O.F., required that each home's onsite sewage treatment and disposal system must cease discharge or comply with stringent effluent water quality standards provided by law and the rules of the DEP or the DOH, as applicable, by 2010. The law and various administrative rules have operated to require that all new, repaired, or expanded onsite sewage and disposal systems must comport with the 2010 effluent water quality standards.

C. SECTION DIRECTORY:

Section 1. Amends s. 6(8), ch. 99-395, L.O.F., as amended by ch. 2001-337, L.O.F., relating to sewage requirements in Monroe County.

Section 2. Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 31, 2004.

WHERE?

The Key West Citizen, a daily newspaper published in Key West, in Monroe County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

The following comments are included in the Economic Impact Statement:

Advantages: Individuals and businesses requiring new permits or modifications to existing on-site wastewater permits will benefit by the passage of this bill. The bill will allow them to continue installing interim on-site wastewater systems until a central sewer system is available in their area. Interim systems are less expensive than engineered on-site wastewater systems which they would otherwise be required to purchase and have installed. Governmental Agencies will see no economic benefit directly, but have implemented this law so that the cost of wastewater systems to the public is less until a central wastewater system is available. In addition, interim systems are a vast improvement over the un-permitted cesspits of the past or traditional septic systems.

Disadvantages: There may be some incidental impact to firms that would normally engineer and permit engineered on-site wastewater systems. The need for engineering services to complete engineering specifications for engineered systems will be less for the duration of this time extension. It should be noted that engineered systems in the Keys have a limited market anyway, as the majority of the Florida Keys will receive central wastewater service over time.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.