

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:

Present Situation

In the 1990s concerns were raised about nutrients from sewage entering the nearshore waters of the Florida Keys from both onsite sewage treatment and disposal systems (septic tanks and cesspits) and from central wastewater treatment facilities. In order to address these concerns, the 1999 Legislature established uniform sewage treatment and disposal standards in the Keys for both onsite sewage treatment and disposal systems (OSTDS), which are permitted by the Department of Health (DOH), and wastewater treatment plants, which are permitted by the Department of Environmental Protection (DEP). For OSTDS, the minimum treatment standards for phosphorus removal were strengthened while the overall treatment levels were relaxed from the advanced waste treatment requirements in the 1998 statutes. For central wastewater treatment facilities, the treatment standards 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 2010.¹

Ch. 99-395, L.O.F., required that each OSTDS either cease discharging or comply with the stringent effluent water quality standards provided by law and the rules of the DEP or the DOH, as applicable, by 2010.

The 2001 Legislature amended ch. 99-395, L.O.F., to provide interim construction standards for new, expanded, or existing OSTDS in Monroe County through July 1, 2004, in areas scheduled to be served by a central wastewater treatment facility before July 1, 2010. After July 1, 2004, the interim construction standards are to continue to apply only under certain limited conditions. All OSTDSs in Monroe County must provide the level of treatment required by ch. 99-395, L.O.F., by July 1, 2010.²

As a result of the 1999 and 2001 legislation, each OSTDS must either cease discharging or comply with the stringent effluent water quality standards by 2010. Accordingly, 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 wastewater treatment facility before July 1, 2010. Once the home is connected to a central wastewater treatment 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 wastewater treatment facility line.

¹ Ch. 99-395, Laws of Florida

² Ch. 2001-337, Laws of Florida

Effect Proposed Changes

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

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.