

Bill No. CS for CS for SB 2216

Amendment No. \_\_\_\_ Barcode 625112

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

**Senate Amendment (with title amendment)**

On page 5, lines 29, through  
page 7, line 29, delete those lines

and insert:

Section 3. Paragraph (k) of subsection (2), paragraphs (a) and (j) of subsection (3), and paragraphs (d) and (e) of subsection (4) of section 381.0065, Florida Statutes, are amended, and paragraph (v) is added to subsection (4) of that section and paragraph (c) is added to subsection (5) of that section, to read:

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

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

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

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

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

19 (a) Adopt rules to administer ss. 381.0065-381.0067,  
20 including definitions that are consistent with the definitions  
21 in this section, decreases to setback requirements where no  
22 health hazard exists, increases for the lot-flow allowance for  
23 performance-based systems, requirements for separation from  
24 water table elevation during the wettest season, requirements  
25 for the design and construction of any component part of an  
26 onsite sewage treatment and disposal system, application and  
27 permit requirements for persons who maintain an onsite sewage  
28 treatment and disposal system, requirements for maintenance  
29 and service agreements for aerobic treatment units and  
30 performance-based treatment systems, ~~and~~ recommended  
31 standards, including disclosure requirements, for voluntary

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1 system inspections to be performed by individuals who are  
2 authorized by law to perform such inspections and who shall  
3 inform a person having ownership, control, or use of an onsite  
4 sewage treatment and disposal system of the inspection  
5 standards and of that person's authority to request an  
6 inspection based on all or part of the standards, and  
7 requirements for implementation of the United States  
8 Environmental Protection Agency's voluntary national  
9 guidelines for management of onsite and clustered or  
10 decentralized wastewater treatment systems.

11 (j) Supervise research on, demonstration of, and  
12 training on the performance, environmental impact, and public  
13 health impact of onsite sewage treatment and disposal systems  
14 within this state. Research fees collected under s.  
15 381.0066(2)(k) must be used to develop and fund hands-on  
16 training centers designed to provide practical information  
17 about onsite sewage treatment and disposal systems to septic  
18 tank contractors, master septic tank contractors, contractors,  
19 inspectors, engineers, and the public and must also be used to  
20 fund research projects which focus on improvements of onsite  
21 sewage treatment and disposal systems, including use of  
22 performance-based standards and reduction of environmental  
23 impact. Research projects shall be initially approved by the  
24 technical advisory panel and shall be applicable to and  
25 reflect the soil conditions specific to Florida. Such projects  
26 shall be awarded through competitive negotiation, using the  
27 procedures provided in s. 287.055, to public or private  
28 entities that have experience in onsite sewage treatment and  
29 disposal systems in Florida and that are principally located  
30 in Florida. ~~Research projects shall not be awarded to firms or~~  
31 ~~entities that employ or are associated with persons who serve~~

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1 ~~on either the technical advisory panel or the research review~~  
2 ~~and advisory committee.~~

3 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
4 may not construct, repair, modify, abandon, or operate an  
5 onsite sewage treatment and disposal system without first  
6 obtaining a permit approved by the department. The department  
7 may issue permits to carry out this section, but shall not  
8 make the issuance of such permits contingent upon prior  
9 approval by the Department of Environmental Protection. A  
10 construction permit is valid for 18 months from the issuance  
11 date and may be extended by the department for one 90-day  
12 period under rules adopted by the department. A repair permit  
13 is valid for 90 days from the date of issuance. An operating  
14 permit must be obtained prior to the use of any aerobic  
15 treatment unit or if the establishment generates commercial  
16 waste. Buildings or establishments that use an aerobic  
17 treatment unit or generate commercial waste shall be inspected  
18 by the department at least annually to assure compliance with  
19 the terms of the operating permit. The operating permit for a  
20 commercial wastewater system is valid for 1 year from the date  
21 of issuance and must be renewed annually. The operating permit  
22 for an aerobic treatment unit is valid for 2 years from the  
23 date of issuance and must be renewed every 2 years. If all  
24 information pertaining to the siting, location, and  
25 installation conditions or repair of an onsite sewage  
26 treatment and disposal system remains the same, a construction  
27 or repair permit for the onsite sewage treatment and disposal  
28 system may be transferred to another person, if the transferee  
29 files, within 60 days after the transfer of ownership, an  
30 amended application providing all corrected information and  
31 proof of ownership of the property. There is no fee

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1 associated with the processing of this supplemental  
2 information. A person may not contract to construct, modify,  
3 alter, repair, service, abandon, or maintain any portion of an  
4 onsite sewage treatment and disposal system without being  
5 registered under part III of chapter 489. A property owner  
6 who personally performs construction, maintenance, or repairs  
7 to a system serving his or her own owner-occupied  
8 single-family residence is exempt from registration  
9 requirements for performing such construction, maintenance, or  
10 repairs on that residence, but is subject to all permitting  
11 requirements. A municipality or political subdivision of the  
12 state may not issue a building or plumbing permit for any  
13 building that requires the use of an onsite sewage treatment  
14 and disposal system unless the owner or builder has received a  
15 construction permit for such system from the department. A  
16 building or structure may not be occupied and a municipality,  
17 political subdivision, or any state or federal agency may not  
18 authorize occupancy until the department approves the final  
19 installation of the onsite sewage treatment and disposal  
20 system. A municipality or political subdivision of the state  
21 may not approve any change in occupancy or tenancy of a  
22 building that uses an onsite sewage treatment and disposal  
23 system until the department has reviewed the use of the system  
24 with the proposed change, approved the change, and amended the  
25 operating permit.

26 (d) Paragraphs (a) and (b) do not apply to any  
27 proposed residential subdivision with more than 50 lots or to  
28 any proposed commercial subdivision with more than 5 lots  
29 where a publicly owned or investor-owned sewerage system is  
30 available. It is the intent of this paragraph not to allow  
31 development of additional proposed subdivisions in order to

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1 evade the requirements of this paragraph. ~~The department~~  
2 ~~shall report to the Legislature by February 1 of each~~  
3 ~~odd-numbered year concerning the success in meeting this~~  
4 ~~intent.~~

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

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

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

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

14 4. Fifty feet from any nonpotable well.

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

18 6. Seventy-five feet from the mean high-water line of  
19 a tidally influenced surface water body.

20 7. Seventy-five feet from the mean ~~normal~~ annual flood  
21 line of a permanent nontidal surface water body.

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

28 (v) The department may require the submission of  
29 detailed system construction plans that are prepared by a  
30 professional engineer registered in this state. The department  
31 shall establish by rule criteria for determining when such a

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1 submission is required.

2 (5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.--

3 (c) Department personnel may enter the premises of  
4 others when necessary to conduct site evaluations and  
5 inspections relating to the permitting of onsite sewage  
6 treatment and disposal systems. Such entry does not constitute  
7 trespass, and department personnel making such entry are not  
8 subject to arrest or to a civil action by reason of such  
9 entry. This paragraph does not authorize a department employee  
10 to destroy, injure, damage, or move anything on the premises  
11 of another without the written permission of the landowner.

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

15 And the title is amended as follows:

16 On page 1, lines 11-16, delete those lines

17

18 and insert:

19 preliminary test results; amending s. 381.0065,  
20 F.S., relating to onsite sewage treatment and  
21 disposal systems; revising a definition;  
22 modifying standards for rulemaking applicable  
23 to regulation of onsite sewage treatment and  
24 disposal systems; revising research award  
25 qualifications; deleting a requirement that the  
26 department make certain biennial reports to the  
27 Legislature; authorizing the department to  
28 require the submission of certain construction  
29 plans pursuant to adopted rule; providing for  
30 an extended right of entry; amending s.

31 381.0101,