

Bill No. CS for SB 2448

Amendment No. ____ Barcode 111340

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 9, line 11, through
page 13, line 7, delete those lines

and insert:

Section 6. Paragraph (k) of subsection (2) 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, 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 recent quadrangle map, 7.5 minute series (topographic), produced by the United States Geological Survey, or products

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

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

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

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1 system. A municipality or political subdivision of the state
2 may not approve any change in occupancy or tenancy of a
3 building that uses an onsite sewage treatment and disposal
4 system until the department has reviewed the use of the system
5 with the proposed change, approved the change, and amended the
6 operating permit.

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

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

- 19 1. Seventy-five feet from a private potable well.
- 20 2. Two hundred feet from a public potable well serving
21 a residential or nonresidential establishment having a total
22 sewage flow of greater than 2,000 gallons per day.
- 23 3. One hundred feet from a public potable well serving
24 a residential or nonresidential establishment having a total
25 sewage flow of less than or equal to 2,000 gallons per day.
- 26 4. Fifty feet from any nonpotable well.
- 27 5. Ten feet from any storm sewer pipe, to the maximum
28 extent possible, but in no instance shall the setback be less
29 than 5 feet.
- 30 6. Seventy-five feet from the mean high-water line of
31 a tidally influenced surface water body.

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

3 8. Fifteen feet from the design high-water line of
4 retention areas, detention areas, or swales designed to
5 contain standing or flowing water for less than 72 hours after
6 a rainfall or the design high-water level of normally dry
7 drainage ditches or normally dry individual lot stormwater
8 retention areas.

9 (v) The department may require the submission of
10 detailed system construction plans that are prepared by a
11 professional engineer registered in this state. The department
12 shall establish by rule criteria for determining when such a
13 submission is required.

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

17 And the title is amended as follows:

18 On page 1, line 26, through
19 page 2, line 2, delete those lines

20

21 and insert:

22 lead in blood; amending s. 381.0065, F.S.;

23 relating to onsite sewage treatment and

24 disposal systems; revising a definition;

25 deleting a requirement that the department make

26 certain biennial reports to the Legislature;

27 authorizing the department to require the

28 submission of certain construction plans

29 pursuant to adopted rule;

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