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CHAMBER ACTION

1 The Environmental Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to hazard mitigation for coastal
7 redevelopment; amending s. 161.085, F.S.; specifying
8 entities that are authorized to install or authorize
9 installation of rigid coastal armoring structures;
10 authorizing the Department of Environmental Protection to
11 revoke certain authority; amending s. 163.3178, F.S.;
12 defining the term "coastal high-hazard areas"; providing
13 criteria for mitigation for certain comprehensive plan
14 amendments; authorizing local governments to amend
15 comprehensive plans to increase residential densities for
16 certain properties; providing standards for certain
17 comprehensive plan compliance; requiring local governments
18 to adopt a certain level of service for out-of-county
19 hurricane evacuation under certain circumstances;
20 prohibiting new development of certain facilities in
21 certain areas; providing a deadline for local governments
22 to amend future land use maps; amending s. 163.3178, F.S.;
23 requiring the Division of Emergency Management to manage

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24 | certain hurricane evacuation studies; requiring that such
 25 | studies be performed in a specified manner; amending s.
 26 | 381.0065, F.S.; requiring the issuance of certain permits
 27 | by the Department of Health to be contingent upon the
 28 | receipt of certain permits issued by the Department of
 29 | Environmental Protection; providing an effective date.
 30 |

31 | Be It Enacted by the Legislature of the State of Florida:
 32 |

33 | Section 1. Subsection (3) of section 161.085, Florida
 34 | Statutes, is amended, and subsection (8) is added to that
 35 | section, to read:

36 | 161.085 Rigid coastal armoring structures.--

37 | (3) If erosion occurs as a result of a storm event which
 38 | threatens private structures or public infrastructure and a
 39 | permit has not been issued pursuant to subsection (2), unless
 40 | the authority has been revoked by order of the department
 41 | pursuant to subsection (8), an ~~the~~ agency, political
 42 | subdivision, or municipality having jurisdiction over the
 43 | impacted area may install or authorize installation of rigid
 44 | coastal armoring structures for the protection of private
 45 | structures or public infrastructure, or take other measures to
 46 | relieve the threat to private structures or public
 47 | infrastructure as long as the following items are considered and
 48 | incorporated into such emergency measures:

49 | (a) Protection of the beach-dune system.

50 | (b) Siting and design criteria for the protective
 51 | structure.

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52 (c) Impacts on adjacent properties.

53 (d) Preservation of public beach access.

54 (e) Protection of native coastal vegetation and nesting
55 marine turtles and their hatchlings.

56 (8) If an agency, political subdivision, or municipality
57 installs or authorizes installation of a rigid coastal armoring
58 structure that does not comply with subsection (3), and if the
59 department determines that the action harms or interferes with
60 the protection of the beach-dune system, adversely impacts
61 adjacent properties, interferes with public beach access, or
62 harms native coastal vegetation or nesting marine turtles or
63 their hatchlings, the department may revoke by order the
64 authority of the agency, political subdivision, or municipality
65 under subsection (3) to install or authorize the installation of
66 rigid coastal armoring structures.

67 Section 2. Paragraph (h) of subsection (2) of section
68 163.3178, Florida Statutes, is amended, and subsection (9) is
69 added to that section, to read:

70 163.3178 Coastal management.--

71 (2) Each coastal management element required by s.
72 163.3177(6)(g) shall be based on studies, surveys, and data; be
73 consistent with coastal resource plans prepared and adopted
74 pursuant to general or special law; and contain:

75 (h) Designation of coastal high-hazard coastal areas and
76 the criteria for mitigation for a comprehensive plan amendment
77 in a coastal high-hazard area, which for uniformity and planning
78 purposes herein, are defined as category 1 evacuation zones. The
79 coastal high-hazard area is the area below the elevation of the

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80 Category 1 storm surge line as established by a Sea, Lake and
 81 Overland Surges from Hurricanes (SLOSH) computerized storm surge
 82 model. The application for development ~~However, application of~~
 83 ~~mitigation~~ and redevelopment policies, pursuant to s. 380.27(2),
 84 and any rules adopted thereunder, shall be at the discretion of
 85 local government.

86 (9) (a) A proposed comprehensive plan amendment shall be
 87 found in compliance with state coastal high-hazard standards
 88 pursuant to rules 9J-5.012(3)(b)(6) and 9J-5.012(3)(b)(7),
 89 Florida Administrative Code, if:

90 1. The adopted level of service for out-of-county
 91 hurricane evacuation is maintained; or

92 2. A 12-hour evacuation time to shelter is maintained and
 93 shelter space reasonably expected to accommodate the residents
 94 of the development contemplated by a proposed comprehensive plan
 95 amendment is available; or

96 3. Appropriate mitigation to satisfy the provisions of
 97 subparagraph 1. or subparagraph 2. is provided. Appropriate
 98 mitigation shall include, but not be limited to, payment of
 99 money, contribution of land, and construction of hurricane
 100 shelters and transportation facilities. Required mitigation
 101 shall not exceed the amount required for a developer to
 102 accommodate impacts reasonably attributable to its development.

103 (b) For those local governments that have not established
 104 a level of service for out-of-county hurricane evacuation by
 105 July 1, 2008, the level of service shall be no greater than 16
 106 hours.

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107 (c) No new adult congregate living facilities, community
108 residential homes, group homes, homes for the aged, hospitals,
109 or nursing homes shall be located within the coastal high-hazard
110 area.

111 (d) This subsection shall become effective immediately and
112 shall apply to all local governments. No later than July 1,
113 2008, local governments shall amend their future land use map
114 and coastal management element to include the new definition of
115 coastal high-hazard area, the coastal high-hazard map, and the
116 appropriate mitigation strategies.

117 Section 3. Paragraph (d) of subsection (2) of section
118 163.3178, Florida Statutes, is amended to read:

119 163.3178 Coastal management.--

120 (2) Each coastal management element required by s.
121 163.3177(6)(g) shall be based on studies, surveys, and data; be
122 consistent with coastal resource plans prepared and adopted
123 pursuant to general or special law; and contain:

124 (d) A component which outlines principles for hazard
125 mitigation and protection of human life against the effects of
126 natural disaster, including population evacuation, which take
127 into consideration the capability to safely evacuate the density
128 of coastal population proposed in the future land use plan
129 element in the event of an impending natural disaster. The
130 Division of Emergency Management shall manage the update of the
131 regional hurricane evacuation studies, ensure such studies are
132 done in a consistent manner, and ensure that the methodology
133 used for modeling storm surge is that used by the National
134 Hurricane Center.

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135 Section 4. Subsection (4) of section 381.0065, Florida
136 Statutes, is amended to read:

137 381.0065 Onsite sewage treatment and disposal systems;
138 regulation.--

139 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may
140 not construct, repair, modify, abandon, or operate an onsite
141 sewage treatment and disposal system without first obtaining a
142 permit approved by the department. The department may issue
143 permits to carry out this section, but shall not make the
144 issuance of such permits contingent upon prior approval by the
145 Department of Environmental Protection, except that the issuance
146 of a permit for work seaward of the coastal construction control
147 line established under s. 161.053 shall be contingent upon
148 receipt of any required coastal construction control line permit
149 from the Department of Environmental Protection. A construction
150 permit is valid for 18 months from the issuance date and may be
151 extended by the department for one 90-day period under rules
152 adopted by the department. A repair permit is valid for 90 days
153 from the date of issuance. An operating permit must be obtained
154 prior to the use of any aerobic treatment unit or if the
155 establishment generates commercial waste. Buildings or
156 establishments that use an aerobic treatment unit or generate
157 commercial waste shall be inspected by the department at least
158 annually to assure compliance with the terms of the operating
159 permit. The operating permit for a commercial wastewater system
160 is valid for 1 year from the date of issuance and must be
161 renewed annually. The operating permit for an aerobic treatment
162 unit is valid for 2 years from the date of issuance and must be

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163 renewed every 2 years. If all information pertaining to the
164 siting, location, and installation conditions or repair of an
165 onsite sewage treatment and disposal system remains the same, a
166 construction or repair permit for the onsite sewage treatment
167 and disposal system may be transferred to another person, if the
168 transferee files, within 60 days after the transfer of
169 ownership, an amended application providing all corrected
170 information and proof of ownership of the property. There is no
171 fee associated with the processing of this supplemental
172 information. A person may not contract to construct, modify,
173 alter, repair, service, abandon, or maintain any portion of an
174 onsite sewage treatment and disposal system without being
175 registered under part III of chapter 489. A property owner who
176 personally performs construction, maintenance, or repairs to a
177 system serving his or her own owner-occupied single-family
178 residence is exempt from registration requirements for
179 performing such construction, maintenance, or repairs on that
180 residence, but is subject to all permitting requirements. A
181 municipality or political subdivision of the state may not issue
182 a building or plumbing permit for any building that requires the
183 use of an onsite sewage treatment and disposal system unless the
184 owner or builder has received a construction permit for such
185 system from the department. A building or structure may not be
186 occupied and a municipality, political subdivision, or any state
187 or federal agency may not authorize occupancy until the
188 department approves the final installation of the onsite sewage
189 treatment and disposal system. A municipality or political
190 subdivision of the state may not approve any change in occupancy

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191 or tenancy of a building that uses an onsite sewage treatment
 192 and disposal system until the department has reviewed the use of
 193 the system with the proposed change, approved the change, and
 194 amended the operating permit.

195 (a) Subdivisions and lots in which each lot has a minimum
 196 area of at least one-half acre and either a minimum dimension of
 197 100 feet or a mean of at least 100 feet of the side bordering
 198 the street and the distance formed by a line parallel to the
 199 side bordering the street drawn between the two most distant
 200 points of the remainder of the lot may be developed with a water
 201 system regulated under s. 381.0062 and onsite sewage treatment
 202 and disposal systems, provided the projected daily sewage flow
 203 does not exceed an average of 1,500 gallons per acre per day,
 204 and provided satisfactory drinking water can be obtained and all
 205 distance and setback, soil condition, water table elevation, and
 206 other related requirements of this section and rules adopted
 207 under this section can be met.

208 (b) Subdivisions and lots using a public water system as
 209 defined in s. 403.852 may use onsite sewage treatment and
 210 disposal systems, provided there are no more than four lots per
 211 acre, provided the projected daily sewage flow does not exceed
 212 an average of 2,500 gallons per acre per day, and provided that
 213 all distance and setback, soil condition, water table elevation,
 214 and other related requirements that are generally applicable to
 215 the use of onsite sewage treatment and disposal systems are met.

216 (c) Notwithstanding the provisions of paragraphs (a) and
 217 (b), for subdivisions platted of record on or before October 1,
 218 1991, when a developer or other appropriate entity has

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219 | previously made or makes provisions, including financial
220 | assurances or other commitments, acceptable to the Department of
221 | Health, that a central water system will be installed by a
222 | regulated public utility based on a density formula, private
223 | potable wells may be used with onsite sewage treatment and
224 | disposal systems until the agreed-upon densities are reached.
225 | The department may consider assurances filed with the Department
226 | of Business and Professional Regulation under chapter 498 in
227 | determining the adequacy of the financial assurance required by
228 | this paragraph. In a subdivision regulated by this paragraph,
229 | the average daily sewage flow may not exceed 2,500 gallons per
230 | acre per day. This section does not affect the validity of
231 | existing prior agreements. After October 1, 1991, the exception
232 | provided under this paragraph is not available to a developer or
233 | other appropriate entity.

234 | (d) Paragraphs (a) and (b) do not apply to any proposed
235 | residential subdivision with more than 50 lots or to any
236 | proposed commercial subdivision with more than 5 lots where a
237 | publicly owned or investor-owned sewerage system is available.
238 | It is the intent of this paragraph not to allow development of
239 | additional proposed subdivisions in order to evade the
240 | requirements of this paragraph.

241 | (e) Onsite sewage treatment and disposal systems must not
242 | be placed closer than:

- 243 | 1. Seventy-five feet from a private potable well.
- 244 | 2. Two hundred feet from a public potable well serving a
245 | residential or nonresidential establishment having a total
246 | sewage flow of greater than 2,000 gallons per day.

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

250 | 4. Fifty feet from any nonpotable well.

251 | 5. Ten feet from any storm sewer pipe, to the maximum
252 | extent possible, but in no instance shall the setback be less
253 | than 5 feet.

254 | 6. Seventy-five feet from the mean high-water line of a
255 | tidally influenced surface water body.

256 | 7. Seventy-five feet from the mean annual flood line of a
257 | permanent nontidal surface water body.

258 | 8. Fifteen feet from the design high-water line of
259 | retention areas, detention areas, or swales designed to contain
260 | standing or flowing water for less than 72 hours after a
261 | rainfall or the design high-water level of normally dry drainage
262 | ditches or normally dry individual lot stormwater retention
263 | areas.

264 | (f) Except as provided under paragraphs (e) and (t), no
265 | limitations shall be imposed by rule, relating to the distance
266 | between an onsite disposal system and any area that either
267 | permanently or temporarily has visible surface water.

268 | (g) All provisions of this section and rules adopted under
269 | this section relating to soil condition, water table elevation,
270 | distance, and other setback requirements must be equally applied
271 | to all lots, with the following exceptions:

272 | 1. Any residential lot that was platted and recorded on or
273 | after January 1, 1972, or that is part of a residential
274 | subdivision that was approved by the appropriate permitting

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275 agency on or after January 1, 1972, and that was eligible for an
276 onsite sewage treatment and disposal system construction permit
277 on the date of such platting and recording or approval shall be
278 eligible for an onsite sewage treatment and disposal system
279 construction permit, regardless of when the application for a
280 permit is made. If rules in effect at the time the permit
281 application is filed cannot be met, residential lots platted and
282 recorded or approved on or after January 1, 1972, shall, to the
283 maximum extent possible, comply with the rules in effect at the
284 time the permit application is filed. At a minimum, however,
285 those residential lots platted and recorded or approved on or
286 after January 1, 1972, but before January 1, 1983, shall comply
287 with those rules in effect on January 1, 1983, and those
288 residential lots platted and recorded or approved on or after
289 January 1, 1983, shall comply with those rules in effect at the
290 time of such platting and recording or approval. In determining
291 the maximum extent of compliance with current rules that is
292 possible, the department shall allow structures and
293 appurtenances thereto which were authorized at the time such
294 lots were platted and recorded or approved.

295 2. Lots platted before 1972 are subject to a 50-foot
296 minimum surface water setback and are not subject to lot size
297 requirements. The projected daily flow for onsite sewage
298 treatment and disposal systems for lots platted before 1972 may
299 not exceed:

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

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

304 (h)1. The department may grant variances in hardship cases
305 which may be less restrictive than the provisions specified in
306 this section. If a variance is granted and the onsite sewage
307 treatment and disposal system construction permit has been
308 issued, the variance may be transferred with the system
309 construction permit, if the transferee files, within 60 days
310 after the transfer of ownership, an amended construction permit
311 application providing all corrected information and proof of
312 ownership of the property and if the same variance would have
313 been required for the new owner of the property as was
314 originally granted to the original applicant for the variance.
315 There is no fee associated with the processing of this
316 supplemental information. A variance may not be granted under
317 this section until the department is satisfied that:

318 a. The hardship was not caused intentionally by the action
319 of the applicant;

320 b. No reasonable alternative, taking into consideration
321 factors such as cost, exists for the treatment of the sewage;
322 and

323 c. The discharge from the onsite sewage treatment and
324 disposal system will not adversely affect the health of the
325 applicant or the public or significantly degrade the groundwater
326 or surface waters.

327
328 Where soil conditions, water table elevation, and setback
329 provisions are determined by the department to be satisfactory,

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330 special consideration must be given to those lots platted before
331 1972.

332 2. The department shall appoint and staff a variance
333 review and advisory committee, which shall meet monthly to
334 recommend agency action on variance requests. The committee
335 shall make its recommendations on variance requests at the
336 meeting in which the application is scheduled for consideration,
337 except for an extraordinary change in circumstances, the receipt
338 of new information that raises new issues, or when the applicant
339 requests an extension. The committee shall consider the criteria
340 in subparagraph 1. in its recommended agency action on variance
341 requests and shall also strive to allow property owners the full
342 use of their land where possible. The committee consists of the
343 following:

344 a. The Division Director for Environmental Health of the
345 department or his or her designee.

346 b. A representative from the county health departments.

347 c. A representative from the home building industry
348 recommended by the Florida Home Builders Association.

349 d. A representative from the septic tank industry
350 recommended by the Florida Onsite Wastewater Association.

351 e. A representative from the Department of Environmental
352 Protection.

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

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357 g. A representative from the engineering profession
358 recommended by the Florida Engineering Society.

359
360 Members shall be appointed for a term of 3 years, with such
361 appointments being staggered so that the terms of no more than
362 two members expire in any one year. Members shall serve without
363 remuneration, but if requested, shall be reimbursed for per diem
364 and travel expenses as provided in s. 112.061.

365 (i) A construction permit may not be issued for an onsite
366 sewage treatment and disposal system in any area zoned or used
367 for industrial or manufacturing purposes, or its equivalent,
368 where a publicly owned or investor-owned sewage treatment system
369 is available, or where a likelihood exists that the system will
370 receive toxic, hazardous, or industrial waste. An existing
371 onsite sewage treatment and disposal system may be repaired if a
372 publicly owned or investor-owned sewerage system is not
373 available within 500 feet of the building sewer stub-out and if
374 system construction and operation standards can be met. This
375 paragraph does not require publicly owned or investor-owned
376 sewerage treatment systems to accept anything other than
377 domestic wastewater.

378 1. A building located in an area zoned or used for
379 industrial or manufacturing purposes, or its equivalent, when
380 such building is served by an onsite sewage treatment and
381 disposal system, must not be occupied until the owner or tenant
382 has obtained written approval from the department. The
383 department shall not grant approval when the proposed use of the

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384 system is to dispose of toxic, hazardous, or industrial
385 wastewater or toxic or hazardous chemicals.

386 2. Each person who owns or operates a business or facility
387 in an area zoned or used for industrial or manufacturing
388 purposes, or its equivalent, or who owns or operates a business
389 that has the potential to generate toxic, hazardous, or
390 industrial wastewater or toxic or hazardous chemicals, and uses
391 an onsite sewage treatment and disposal system that is installed
392 on or after July 5, 1989, must obtain an annual system operating
393 permit from the department. A person who owns or operates a
394 business that uses an onsite sewage treatment and disposal
395 system that was installed and approved before July 5, 1989, need
396 not obtain a system operating permit. However, upon change of
397 ownership or tenancy, the new owner or operator must notify the
398 department of the change, and the new owner or operator must
399 obtain an annual system operating permit, regardless of the date
400 that the system was installed or approved.

401 3. The department shall periodically review and evaluate
402 the continued use of onsite sewage treatment and disposal
403 systems in areas zoned or used for industrial or manufacturing
404 purposes, or its equivalent, and may require the collection and
405 analyses of samples from within and around such systems. If the
406 department finds that toxic or hazardous chemicals or toxic,
407 hazardous, or industrial wastewater have been or are being
408 disposed of through an onsite sewage treatment and disposal
409 system, the department shall initiate enforcement actions
410 against the owner or tenant to ensure adequate cleanup,
411 treatment, and disposal.

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412 (j) An onsite sewage treatment and disposal system for a
413 single-family residence that is designed by a professional
414 engineer registered in the state and certified by such engineer
415 as complying with performance criteria adopted by the department
416 must be approved by the department subject to the following:

417 1. The performance criteria applicable to engineer-
418 designed systems must be limited to those necessary to ensure
419 that such systems do not adversely affect the public health or
420 significantly degrade the groundwater or surface water. Such
421 performance criteria shall include consideration of the quality
422 of system effluent, the proposed total sewage flow per acre,
423 wastewater treatment capabilities of the natural or replaced
424 soil, water quality classification of the potential surface-
425 water-receiving body, and the structural and maintenance
426 viability of the system for the treatment of domestic
427 wastewater. However, performance criteria shall address only the
428 performance of a system and not a system's design.

429 2. The technical review and advisory panel shall assist
430 the department in the development of performance criteria
431 applicable to engineer-designed systems.

432 3. A person electing to utilize an engineer-designed
433 system shall, upon completion of the system design, submit such
434 design, certified by a registered professional engineer, to the
435 county health department. The county health department may
436 utilize an outside consultant to review the engineer-designed
437 system, with the actual cost of such review to be borne by the
438 applicant. Within 5 working days after receiving an engineer-
439 designed system permit application, the county health department

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440 shall request additional information if the application is not
441 complete. Within 15 working days after receiving a complete
442 application for an engineer-designed system, the county health
443 department either shall issue the permit or, if it determines
444 that the system does not comply with the performance criteria,
445 shall notify the applicant of that determination and refer the
446 application to the department for a determination as to whether
447 the system should be approved, disapproved, or approved with
448 modification. The department engineer's determination shall
449 prevail over the action of the county health department. The
450 applicant shall be notified in writing of the department's
451 determination and of the applicant's rights to pursue a variance
452 or seek review under the provisions of chapter 120.

453 4. The owner of an engineer-designed performance-based
454 system must maintain a current maintenance service agreement
455 with a maintenance entity permitted by the department. The
456 maintenance entity shall obtain a biennial system operating
457 permit from the department for each system under service
458 contract. The department shall inspect the system at least
459 annually, or on such periodic basis as the fee collected
460 permits, and may collect system-effluent samples if appropriate
461 to determine compliance with the performance criteria. The fee
462 for the biennial operating permit shall be collected beginning
463 with the second year of system operation. The maintenance entity
464 shall inspect each system at least twice each year and shall
465 report quarterly to the department on the number of systems
466 inspected and serviced.

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

471 (k) An innovative system may be approved in conjunction
472 with an engineer-designed site-specific system which is
473 certified by the engineer to meet the performance-based criteria
474 adopted by the department.

475 (l) For the Florida Keys, the department shall adopt a
476 special rule for the construction, installation, modification,
477 operation, repair, maintenance, and performance of onsite sewage
478 treatment and disposal systems which considers the unique soil
479 conditions and which considers water table elevations,
480 densities, and setback requirements. On lots where a setback
481 distance of 75 feet from surface waters, saltmarsh, and
482 buttonwood association habitat areas cannot be met, an injection
483 well, approved and permitted by the department, may be used for
484 disposal of effluent from onsite sewage treatment and disposal
485 systems.

486 (m) No product sold in the state for use in onsite sewage
487 treatment and disposal systems may contain any substance in
488 concentrations or amounts that would interfere with or prevent
489 the successful operation of such system, or that would cause
490 discharges from such systems to violate applicable water quality
491 standards. The department shall publish criteria for products
492 known or expected to meet the conditions of this paragraph. In
493 the event a product does not meet such criteria, such product

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494 may be sold if the manufacturer satisfactorily demonstrates to
495 the department that the conditions of this paragraph are met.

496 (n) Evaluations for determining the seasonal high-water
497 table elevations or the suitability of soils for the use of a
498 new onsite sewage treatment and disposal system shall be
499 performed by department personnel, professional engineers
500 registered in the state, or such other persons with expertise,
501 as defined by rule, in making such evaluations. Evaluations for
502 determining mean annual flood lines shall be performed by those
503 persons identified in paragraph (2)(i). The department shall
504 accept evaluations submitted by professional engineers and such
505 other persons as meet the expertise established by this section
506 or by rule unless the department has a reasonable scientific
507 basis for questioning the accuracy or completeness of the
508 evaluation.

509 (o) The department shall appoint a research review and
510 advisory committee, which shall meet at least semiannually. The
511 committee shall advise the department on directions for new
512 research, review and rank proposals for research contracts, and
513 review draft research reports and make comments. The committee
514 is comprised of:

- 515 1. A representative of the Division of Environmental
516 Health of the Department of Health.
- 517 2. A representative from the septic tank industry.
- 518 3. A representative from the home building industry.
- 519 4. A representative from an environmental interest group.

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520 5. A representative from the State University System, from
521 a department knowledgeable about onsite sewage treatment and
522 disposal systems.

523 6. A professional engineer registered in this state who
524 has work experience in onsite sewage treatment and disposal
525 systems.

526 7. A representative from the real estate profession.

527 8. A representative from the restaurant industry.

528 9. A consumer.

529

530 Members shall be appointed for a term of 3 years, with the
531 appointments being staggered so that the terms of no more than
532 four members expire in any one year. Members shall serve without
533 remuneration, but are entitled to reimbursement for per diem and
534 travel expenses as provided in s. 112.061.

535 (p) An application for an onsite sewage treatment and
536 disposal system permit shall be completed in full, signed by the
537 owner or the owner's authorized representative, or by a
538 contractor licensed under chapter 489, and shall be accompanied
539 by all required exhibits and fees. No specific documentation of
540 property ownership shall be required as a prerequisite to the
541 review of an application or the issuance of a permit. The
542 issuance of a permit does not constitute determination by the
543 department of property ownership.

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

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

551 (s) In the siting of onsite sewage treatment and disposal
552 systems, including drainfields, shoulders, and slopes, guttering
553 shall not be required on single-family residential dwelling
554 units for systems located greater than 5 feet from the roof drip
555 line of the house. If guttering is used on residential dwelling
556 units, the downspouts shall be directed away from the
557 drainfield.

558 (t) Notwithstanding the provisions of subparagraph (g)1.,
559 onsite sewage treatment and disposal systems located in
560 floodways of the Suwannee and Aucilla Rivers must adhere to the
561 following requirements:

562 1. The absorption surface of the drainfield shall not be
563 subject to flooding based on 10-year flood elevations. Provided,
564 however, for lots or parcels created by the subdivision of land
565 in accordance with applicable local government regulations prior
566 to January 17, 1990, if an applicant cannot construct a
567 drainfield system with the absorption surface of the drainfield
568 at an elevation equal to or above 10-year flood elevation, the
569 department shall issue a permit for an onsite sewage treatment
570 and disposal system within the 10-year floodplain of rivers,
571 streams, and other bodies of flowing water if all of the
572 following criteria are met:

- 573 a. The lot is at least one-half acre in size;
574 b. The bottom of the drainfield is at least 36 inches
575 above the 2-year flood elevation; and

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576 c. The applicant installs either: a waterless,
577 incinerating, or organic waste composting toilet and a graywater
578 system and drainfield in accordance with department rules; an
579 aerobic treatment unit and drainfield in accordance with
580 department rules; a system approved by the State Health Office
581 that is capable of reducing effluent nitrate by at least 50
582 percent; or a system approved by the county health department
583 pursuant to department rule other than a system using
584 alternative drainfield materials. The United States Department
585 of Agriculture Soil Conservation Service soil maps, State of
586 Florida Water Management District data, and Federal Emergency
587 Management Agency Flood Insurance maps are resources that shall
588 be used to identify flood-prone areas.

589 2. The use of fill or mounding to elevate a drainfield
590 system out of the 10-year floodplain of rivers, streams, or
591 other bodies of flowing water shall not be permitted if such a
592 system lies within a regulatory floodway of the Suwannee and
593 Aucilla Rivers. In cases where the 10-year flood elevation does
594 not coincide with the boundaries of the regulatory floodway, the
595 regulatory floodway will be considered for the purposes of this
596 subsection to extend at a minimum to the 10-year flood
597 elevation.

598 (u) The owner of an aerobic treatment unit system shall
599 maintain a current maintenance service agreement with an aerobic
600 treatment unit maintenance entity permitted by the department.
601 The maintenance entity shall obtain a system operating permit
602 from the department for each aerobic treatment unit under
603 service contract. The maintenance entity shall inspect each

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604 aerobic treatment unit system at least twice each year and shall
605 report quarterly to the department on the number of aerobic
606 treatment unit systems inspected and serviced. The owner shall
607 allow the department to inspect during reasonable hours each
608 aerobic treatment unit system at least annually, and such
609 inspection may include collection and analysis of system-
610 effluent samples for performance criteria established by rule of
611 the department.

612 (v) The department may require the submission of detailed
613 system construction plans that are prepared by a professional
614 engineer registered in this state. The department shall
615 establish by rule criteria for determining when such a
616 submission is required.

617 Section 5. This act shall take effect upon becoming a law.