

Bill No. CS for SB 2216

Barcode 060974

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (King) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (3) of section 161.085, Florida Statutes, is amended, and subsections (8) and (9) are added to that section, to read:

161.085 Rigid coastal armoring structures.--

(3) If erosion occurs as a result of a storm event which threatens private structures or public infrastructure and a permit has not been issued pursuant to subsection (2), unless the authority has been revoked by order of the department pursuant to subsection (8), an ~~the~~ agency, political subdivision, or municipality having jurisdiction over the impacted area may install or authorize installation of rigid coastal armoring structures for the protection of private structures or public infrastructure, or take other measures to relieve the threat to private structures or public

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1 infrastructure as long as the following items are considered
2 and incorporated into such emergency measures:

- 3 (a) Protection of the beach-dune system.
- 4 (b) Siting and design criteria for the protective
5 structure.
- 6 (c) Impacts on adjacent properties.
- 7 (d) Preservation of public beach access.
- 8 (e) Protection of native coastal vegetation and
9 nesting marine turtles and their hatchlings.

10 (8) If an agency, political subdivision, or
 11 municipality installs or authorizes installation of a rigid
 12 coastal armoring structure that does not comply with
 13 subsection (3), and if the department determines that the
 14 action harms or interferes with the protection of the
 15 beach-dune system, adversely impacts adjacent properties,
 16 interferes with public beach access, or harms native coastal
 17 vegetation or nesting marine turtles or their hatchlings, the
 18 department may revoke by order the authority of the agency,
 19 political subdivision, or municipality under subsection (3) to
 20 install or authorize the installation of rigid coastal
 21 armoring structures.

22 (9) The department, or an agency, political
 23 subdivision, or municipality described in subsection (3), may
 24 authorize sand-filled tubes or similar structures proposed as
 25 the core of a restored dune feature if the applicant meets the
 26 requirements of this part and:

27 (a) Demonstrates that the United States Fish and
 28 Wildlife Service has approved a habitat conservation plan that
 29 includes the shoreline where each structure will be placed;

30 (b) Provides reasonable assurance that adequate sand
 31 cover will be maintained over the structure such that the

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1 structure will not interact with the beach dune system as
2 rigid coastal armoring or adversely affect marine turtle
3 nesting and provides for a responsible entity to conduct such
4 maintenance; and

5 (c) Provides reasonable assurance that each structure
6 will be removed if the maintenance required by paragraph (b)
7 proves to be not feasible.

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

11 163.3178 Coastal management.--

12 (2) Each coastal management element required by s.
13 163.3177(6)(g) shall be based on studies, surveys, and data;
14 be consistent with coastal resource plans prepared and adopted
15 pursuant to general or special law; and contain:

16 (h) Designation of coastal high-hazard ~~coastal~~ areas
17 and the criteria for mitigation for a comprehensive plan
18 amendment in a coastal high-hazard area, which for uniformity
19 and planning purposes herein, are defined as category 1
20 evacuation zones. The coastal high-hazard area is the area
21 below the elevation of the Category 1 storm surge line as
22 established by a Sea, Lake and Overland Surges from Hurricanes
23 (SLOSH) computerized storm surge model. The application of
24 development ~~However, application of mitigation and~~
25 redevelopment policies, pursuant to s. 380.27(2), and any
26 rules adopted thereunder, shall be at the discretion of local
27 government.

28 (9)(a) A proposed comprehensive plan amendment shall
29 be found in compliance with state coastal high-hazard
30 standards pursuant to rules 9J-5.012(3)(b)(6) and
31 9J-5.012(3)(b)(7), Florida Administrative Code, if:

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

3 2. A 12-hour evacuation time to shelter is maintained
4 and shelter space reasonably expected to accommodate the
5 residents of the development contemplated by the amendment is
6 available; or

7 3. Appropriate mitigation to satisfy subparagraph 1.
8 or subparagraph 2. is provided. Appropriate mitigation
9 includes, but is not limited to, payment of money,
10 contribution of land, and construction of hurricane shelters
11 and transportation facilities. Required mitigation shall not
12 exceed the amount required for a developer to accommodate
13 impacts reasonably attributable to its development.

14 (b) For any local government that has not established
15 a level of service for out-of-county hurricane evacuation by
16 July 1, 2008, the level of service shall be no greater than 16
17 hours.

18 (c) No new adult congregate living facilities,
19 community residential homes, group homes, homes for the aged,
20 hospitals, or nursing homes shall be located within the
21 coastal high-hazard area.

22 (d) No later than July 1, 2008, each local governments
23 shall amend its future land use map and coastal management
24 element to include the new definition of coastal high-hazard
25 area, coastal high-hazard map, and the appropriate mitigation
26 strategies. Paragraphs (a)-(c) apply notwithstanding
27 compliance with this paragraph.

28 Section 3. Paragraph (d) of subsection (2) of section
29 163.3178, Florida Statutes, is amended to read:

30 163.3178 Coastal management.--

31 (2) Each coastal management element required by s.

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1 163.3177(6)(g) shall be based on studies, surveys, and data;
2 be consistent with coastal resource plans prepared and adopted
3 pursuant to general or special law; and contain:

4 (d) A component which outlines principles for hazard
5 mitigation and protection of human life against the effects of
6 natural disaster, including population evacuation, which take
7 into consideration the capability to safely evacuate the
8 density of coastal population proposed in the future land use
9 plan element in the event of an impending natural disaster.

10 The Division of Emergency Management shall manage the update
11 of the regional hurricane evacuation studies, ensure such
12 studies are done in a consistent manner, and ensure that the
13 methodology used for modeling storm surge is that used by the
14 National Hurricane Center.

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

17 381.0065 Onsite sewage treatment and disposal systems;
18 regulation.--

19 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
20 may not construct, repair, modify, abandon, or operate an
21 onsite sewage treatment and disposal system without first
22 obtaining a permit approved by the department. The department
23 may issue permits to carry out this section, but shall not
24 make the issuance of such permits contingent upon prior
25 approval by the Department of Environmental Protection, except
26 that the issuance of a permit for work seaward of the coastal
27 construction control line established under s. 161.053 shall
28 be contingent upon receipt of any required coastal
29 construction control line permit from the Department of
30 Environmental Protection. A construction permit is valid for

31 18 months from the issuance date and may be extended by the

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1 department for one 90-day period under rules adopted by the
2 department. A repair permit is valid for 90 days from the date
3 of issuance. An operating permit must be obtained prior to the
4 use of any aerobic treatment unit or if the establishment
5 generates commercial waste. Buildings or establishments that
6 use an aerobic treatment unit or generate commercial waste
7 shall be inspected by the department at least annually to
8 assure compliance with the terms of the operating permit. The
9 operating permit for a commercial wastewater system is valid
10 for 1 year from the date of issuance and must be renewed
11 annually. The operating permit for an aerobic treatment unit
12 is valid for 2 years from the date of issuance and must be
13 renewed every 2 years. If all information pertaining to the
14 siting, location, and installation conditions or repair of an
15 onsite sewage treatment and disposal system remains the same,
16 a construction or repair permit for the onsite sewage
17 treatment and disposal system may be transferred to another
18 person, if the transferee files, within 60 days after the
19 transfer of ownership, an amended application providing all
20 corrected information and proof of ownership of the property.
21 There is no fee associated with the processing of this
22 supplemental information. A person may not contract to
23 construct, modify, alter, repair, service, abandon, or
24 maintain any portion of an onsite sewage treatment and
25 disposal system without being registered under part III of
26 chapter 489. A property owner who personally performs
27 construction, maintenance, or repairs to a system serving his
28 or her own owner-occupied single-family residence is exempt
29 from registration requirements for performing such
30 construction, maintenance, or repairs on that residence, but
31 is subject to all permitting requirements. A municipality or

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1 political subdivision of the state may not issue a building or
 2 plumbing permit for any building that requires the use of an
 3 onsite sewage treatment and disposal system unless the owner
 4 or builder has received a construction permit for such system
 5 from the department. A building or structure may not be
 6 occupied and a municipality, political subdivision, or any
 7 state or federal agency may not authorize occupancy until the
 8 department approves the final installation of the onsite
 9 sewage treatment and disposal system. A municipality or
 10 political subdivision of the state may not approve any change
 11 in occupancy or tenancy of a building that uses an onsite
 12 sewage treatment and disposal system until the department has
 13 reviewed the use of the system with the proposed change,
 14 approved the change, and amended the operating permit.

15 (a) Subdivisions and lots in which each lot has a
 16 minimum area of at least one-half acre and either a minimum
 17 dimension of 100 feet or a mean of at least 100 feet of the
 18 side bordering the street and the distance formed by a line
 19 parallel to the side bordering the street drawn between the
 20 two most distant points of the remainder of the lot may be
 21 developed with a water system regulated under s. 381.0062 and
 22 onsite sewage treatment and disposal systems, provided the
 23 projected daily sewage flow does not exceed an average of
 24 1,500 gallons per acre per day, and provided satisfactory
 25 drinking water can be obtained and all distance and setback,
 26 soil condition, water table elevation, and other related
 27 requirements of this section and rules adopted under this
 28 section can be met.

29 (b) Subdivisions and lots using a public water system
 30 as defined in s. 403.852 may use onsite sewage treatment and
 31 disposal systems, provided there are no more than four lots

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1 per acre, provided the projected daily sewage flow does not
 2 exceed an average of 2,500 gallons per acre per day, and
 3 provided that all distance and setback, soil condition, water
 4 table elevation, and other related requirements that are
 5 generally applicable to the use of onsite sewage treatment and
 6 disposal systems are met.

7 (c) Notwithstanding the provisions of paragraphs (a)
 8 and (b), for subdivisions platted of record on or before
 9 October 1, 1991, when a developer or other appropriate entity
 10 has previously made or makes provisions, including financial
 11 assurances or other commitments, acceptable to the Department
 12 of Health, that a central water system will be installed by a
 13 regulated public utility based on a density formula, private
 14 potable wells may be used with onsite sewage treatment and
 15 disposal systems until the agreed-upon densities are reached.
 16 The department may consider assurances filed with the
 17 Department of Business and Professional Regulation under
 18 chapter 498 in determining the adequacy of the financial
 19 assurance required by this paragraph. In a subdivision
 20 regulated by this paragraph, the average daily sewage flow may
 21 not exceed 2,500 gallons per acre per day. This section does
 22 not affect the validity of existing prior agreements. After
 23 October 1, 1991, the exception provided under this paragraph
 24 is not available to a developer or other appropriate entity.

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

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

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

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

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

10 4. Fifty feet from any nonpotable well.

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

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

16 7. Seventy-five feet from the mean annual flood line
17 of a permanent nontidal surface water body.

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

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

28 (g) All provisions of this section and rules adopted
29 under this section relating to soil condition, water table
30 elevation, distance, and other setback requirements must be
31 equally applied to all lots, with the following exceptions:

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1 1. Any residential lot that was platted and recorded
2 on or after January 1, 1972, or that is part of a residential
3 subdivision that was approved by the appropriate permitting
4 agency on or after January 1, 1972, and that was eligible for
5 an onsite sewage treatment and disposal system construction
6 permit on the date of such platting and recording or approval
7 shall be eligible for an onsite sewage treatment and disposal
8 system construction permit, regardless of when the application
9 for a permit is made. If rules in effect at the time the
10 permit application is filed cannot be met, residential lots
11 platted and recorded or approved on or after January 1, 1972,
12 shall, to the maximum extent possible, comply with the rules
13 in effect at the time the permit application is filed. At a
14 minimum, however, those residential lots platted and recorded
15 or approved on or after January 1, 1972, but before January 1,
16 1983, shall comply with those rules in effect on January 1,
17 1983, and those residential lots platted and recorded or
18 approved on or after January 1, 1983, shall comply with those
19 rules in effect at the time of such platting and recording or
20 approval. In determining the maximum extent of compliance with
21 current rules that is possible, the department shall allow
22 structures and appurtenances thereto which were authorized at
23 the time such lots were platted and recorded or approved.

24 2. Lots platted before 1972 are subject to a 50-foot
25 minimum surface water setback and are not subject to lot size
26 requirements. The projected daily flow for onsite sewage
27 treatment and disposal systems for lots platted before 1972
28 may not exceed:

29 a. Two thousand five hundred gallons per acre per day
30 for lots served by public water systems as defined in s.
31 403.852.

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

3 (h)1. The department may grant variances in hardship
4 cases which may be less restrictive than the provisions
5 specified in this section. If a variance is granted and the
6 onsite sewage treatment and disposal system construction
7 permit has been issued, the variance may be transferred with
8 the system construction permit, if the transferee files,
9 within 60 days after the transfer of ownership, an amended
10 construction permit application providing all corrected
11 information and proof of ownership of the property and if the
12 same variance would have been required for the new owner of
13 the property as was originally granted to the original
14 applicant for the variance. There is no fee associated with
15 the processing of this supplemental information. A variance
16 may not be granted under this section until the department is
17 satisfied that:

18 a. The hardship was not caused intentionally by the
19 action of the applicant;

20 b. No reasonable alternative, taking into
21 consideration factors such as cost, exists for the treatment
22 of the sewage; and

23 c. The discharge from the onsite sewage treatment and
24 disposal system will not adversely affect the health of the
25 applicant or the public or significantly degrade the
26 groundwater or surface waters.

27
28 Where soil conditions, water table elevation, and setback
29 provisions are determined by the department to be
30 satisfactory, special consideration must be given to those
31 lots platted before 1972.

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1 2. The department shall appoint and staff a variance
2 review and advisory committee, which shall meet monthly to
3 recommend agency action on variance requests. The committee
4 shall make its recommendations on variance requests at the
5 meeting in which the application is scheduled for
6 consideration, except for an extraordinary change in
7 circumstances, the receipt of new information that raises new
8 issues, or when the applicant requests an extension. The
9 committee shall consider the criteria in subparagraph 1. in
10 its recommended agency action on variance requests and shall
11 also strive to allow property owners the full use of their
12 land where possible. The committee consists of the following:

13 a. The Division Director for Environmental Health of
14 the department or his or her designee.

15 b. A representative from the county health
16 departments.

17 c. A representative from the home building industry
18 recommended by the Florida Home Builders Association.

19 d. A representative from the septic tank industry
20 recommended by the Florida Onsite Wastewater Association.

21 e. A representative from the Department of
22 Environmental Protection.

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

27 g. A representative from the engineering profession
28 recommended by the Florida Engineering Society.

29
30 Members shall be appointed for a term of 3 years, with such
31 appointments being staggered so that the terms of no more than

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1 two members expire in any one year. Members shall serve
2 without remuneration, but if requested, shall be reimbursed
3 for per diem and travel expenses as provided in s. 112.061.

4 (i) A construction permit may not be issued for an
5 onsite sewage treatment and disposal system in any area zoned
6 or used for industrial or manufacturing purposes, or its
7 equivalent, where a publicly owned or investor-owned sewage
8 treatment system is available, or where a likelihood exists
9 that the system will receive toxic, hazardous, or industrial
10 waste. An existing onsite sewage treatment and disposal system
11 may be repaired if a publicly owned or investor-owned sewerage
12 system is not available within 500 feet of the building sewer
13 stub-out and if system construction and operation standards
14 can be met. This paragraph does not require publicly owned or
15 investor-owned sewerage treatment systems to accept anything
16 other than domestic wastewater.

17 1. A building located in an area zoned or used for
18 industrial or manufacturing purposes, or its equivalent, when
19 such building is served by an onsite sewage treatment and
20 disposal system, must not be occupied until the owner or
21 tenant has obtained written approval from the department. The
22 department shall not grant approval when the proposed use of
23 the system is to dispose of toxic, hazardous, or industrial
24 wastewater or toxic or hazardous chemicals.

25 2. Each person who owns or operates a business or
26 facility in an area zoned or used for industrial or
27 manufacturing purposes, or its equivalent, or who owns or
28 operates a business that has the potential to generate toxic,
29 hazardous, or industrial wastewater or toxic or hazardous
30 chemicals, and uses an onsite sewage treatment and disposal
31 system that is installed on or after July 5, 1989, must obtain

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1 an annual system operating permit from the department. A
 2 person who owns or operates a business that uses an onsite
 3 sewage treatment and disposal system that was installed and
 4 approved before July 5, 1989, need not obtain a system
 5 operating permit. However, upon change of ownership or
 6 tenancy, the new owner or operator must notify the department
 7 of the change, and the new owner or operator must obtain an
 8 annual system operating permit, regardless of the date that
 9 the system was installed or approved.

10 3. The department shall periodically review and
 11 evaluate the continued use of onsite sewage treatment and
 12 disposal systems in areas zoned or used for industrial or
 13 manufacturing purposes, or its equivalent, and may require the
 14 collection and analyses of samples from within and around such
 15 systems. If the department finds that toxic or hazardous
 16 chemicals or toxic, hazardous, or industrial wastewater have
 17 been or are being disposed of through an onsite sewage
 18 treatment and disposal system, the department shall initiate
 19 enforcement actions against the owner or tenant to ensure
 20 adequate cleanup, treatment, and disposal.

21 (j) An onsite sewage treatment and disposal system for
 22 a single-family residence that is designed by a professional
 23 engineer registered in the state and certified by such
 24 engineer as complying with performance criteria adopted by the
 25 department must be approved by the department subject to the
 26 following:

27 1. The performance criteria applicable to
 28 engineer-designed systems must be limited to those necessary
 29 to ensure that such systems do not adversely affect the public
 30 health or significantly degrade the groundwater or surface
 31 water. Such performance criteria shall include consideration

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1 of the quality of system effluent, the proposed total sewage
2 flow per acre, wastewater treatment capabilities of the
3 natural or replaced soil, water quality classification of the
4 potential surface-water-receiving body, and the structural and
5 maintenance viability of the system for the treatment of
6 domestic wastewater. However, performance criteria shall
7 address only the performance of a system and not a system's
8 design.

9 2. The technical review and advisory panel shall
10 assist the department in the development of performance
11 criteria applicable to engineer-designed systems.

12 3. A person electing to utilize an engineer-designed
13 system shall, upon completion of the system design, submit
14 such design, certified by a registered professional engineer,
15 to the county health department. The county health department
16 may utilize an outside consultant to review the
17 engineer-designed system, with the actual cost of such review
18 to be borne by the applicant. Within 5 working days after
19 receiving an engineer-designed system permit application, the
20 county health department shall request additional information
21 if the application is not complete. Within 15 working days
22 after receiving a complete application for an
23 engineer-designed system, the county health department either
24 shall issue the permit or, if it determines that the system
25 does not comply with the performance criteria, shall notify
26 the applicant of that determination and refer the application
27 to the department for a determination as to whether the system
28 should be approved, disapproved, or approved with
29 modification. The department engineer's determination shall
30 prevail over the action of the county health department. The
31 applicant shall be notified in writing of the department's

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1 determination and of the applicant's rights to pursue a
2 variance or seek review under the provisions of chapter 120.

3 4. The owner of an engineer-designed performance-based
4 system must maintain a current maintenance service agreement
5 with a maintenance entity permitted by the department. The
6 maintenance entity shall obtain a biennial system operating
7 permit from the department for each system under service
8 contract. The department shall inspect the system at least
9 annually, or on such periodic basis as the fee collected
10 permits, and may collect system-effluent samples if
11 appropriate to determine compliance with the performance
12 criteria. The fee for the biennial operating permit shall be
13 collected beginning with the second year of system operation.
14 The maintenance entity shall inspect each system at least
15 twice each year and shall report quarterly to the department
16 on the number of systems inspected and serviced.

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

21 (k) An innovative system may be approved in
22 conjunction with an engineer-designed site-specific system
23 which is certified by the engineer to meet the
24 performance-based criteria adopted by the department.

25 (1) For the Florida Keys, the department shall adopt a
26 special rule for the construction, installation, modification,
27 operation, repair, maintenance, and performance of onsite
28 sewage treatment and disposal systems which considers the
29 unique soil conditions and which considers water table
30 elevations, densities, and setback requirements. On lots where
31 a setback distance of 75 feet from surface waters, saltmarsh,

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1 and buttonwood association habitat areas cannot be met, an
2 injection well, approved and permitted by the department, may
3 be used for disposal of effluent from onsite sewage treatment
4 and disposal systems.

5 (m) No product sold in the state for use in onsite
6 sewage treatment and disposal systems may contain any
7 substance in concentrations or amounts that would interfere
8 with or prevent the successful operation of such system, or
9 that would cause discharges from such systems to violate
10 applicable water quality standards. The department shall
11 publish criteria for products known or expected to meet the
12 conditions of this paragraph. In the event a product does not
13 meet such criteria, such product may be sold if the
14 manufacturer satisfactorily demonstrates to the department
15 that the conditions of this paragraph are met.

16 (n) Evaluations for determining the seasonal
17 high-water table elevations or the suitability of soils for
18 the use of a new onsite sewage treatment and disposal system
19 shall be performed by department personnel, professional
20 engineers registered in the state, or such other persons with
21 expertise, as defined by rule, in making such evaluations.
22 Evaluations for determining mean annual flood lines shall be
23 performed by those persons identified in paragraph (2)(i). The
24 department shall accept evaluations submitted by professional
25 engineers and such other persons as meet the expertise
26 established by this section or by rule unless the department
27 has a reasonable scientific basis for questioning the accuracy
28 or completeness of the evaluation.

29 (o) The department shall appoint a research review and
30 advisory committee, which shall meet at least semiannually.
31 The committee shall advise the department on directions for

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1 new research, review and rank proposals for research
2 contracts, and review draft research reports and make
3 comments. The committee is comprised of:

4 1. A representative of the Division of Environmental
5 Health of the Department of Health.

6 2. A representative from the septic tank industry.

7 3. A representative from the home building industry.

8 4. A representative from an environmental interest
9 group.

10 5. A representative from the State University System,
11 from a department knowledgeable about onsite sewage treatment
12 and disposal systems.

13 6. A professional engineer registered in this state
14 who has work experience in onsite sewage treatment and
15 disposal systems.

16 7. A representative from the real estate profession.

17 8. A representative from the restaurant industry.

18 9. A consumer.

19

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

25 (p) An application for an onsite sewage treatment and
26 disposal system permit shall be completed in full, signed by
27 the owner or the owner's authorized representative, or by a
28 contractor licensed under chapter 489, and shall be
29 accompanied by all required exhibits and fees. No specific
30 documentation of property ownership shall be required as a
31 prerequisite to the review of an application or the issuance

1 of a permit. The issuance of a permit does not constitute
2 determination by the department of property ownership.

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

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

10 (s) In the siting of onsite sewage treatment and
11 disposal systems, including drainfields, shoulders, and
12 slopes, guttering shall not be required on single-family
13 residential dwelling units for systems located greater than 5
14 feet from the roof drip line of the house. If guttering is
15 used on residential dwelling units, the downspouts shall be
16 directed away from the drainfield.

17 (t) Notwithstanding the provisions of subparagraph
18 (g)1., onsite sewage treatment and disposal systems located in
19 floodways of the Suwannee and Aucilla Rivers must adhere to
20 the following requirements:

21 1. The absorption surface of the drainfield shall not
22 be subject to flooding based on 10-year flood elevations.
23 Provided, however, for lots or parcels created by the
24 subdivision of land in accordance with applicable local
25 government regulations prior to January 17, 1990, if an
26 applicant cannot construct a drainfield system with the
27 absorption surface of the drainfield at an elevation equal to
28 or above 10-year flood elevation, the department shall issue a
29 permit for an onsite sewage treatment and disposal system
30 within the 10-year floodplain of rivers, streams, and other
31 bodies of flowing water if all of the following criteria are

1 met:

2 a. The lot is at least one-half acre in size;

3 b. The bottom of the drainfield is at least 36 inches
4 above the 2-year flood elevation; and

5 c. The applicant installs either: a waterless,
6 incinerating, or organic waste composting toilet and a
7 graywater system and drainfield in accordance with department
8 rules; an aerobic treatment unit and drainfield in accordance
9 with department rules; a system approved by the State Health
10 Office that is capable of reducing effluent nitrate by at
11 least 50 percent; or a system approved by the county health
12 department pursuant to department rule other than a system
13 using alternative drainfield materials. The United States
14 Department of Agriculture Soil Conservation Service soil maps,
15 State of Florida Water Management District data, and Federal
16 Emergency Management Agency Flood Insurance maps are resources
17 that shall be used to identify flood-prone areas.

18 2. The use of fill or mounding to elevate a drainfield
19 system out of the 10-year floodplain of rivers, streams, or
20 other bodies of flowing water shall not be permitted if such a
21 system lies within a regulatory floodway of the Suwannee and
22 Aucilla Rivers. In cases where the 10-year flood elevation
23 does not coincide with the boundaries of the regulatory
24 floodway, the regulatory floodway will be considered for the
25 purposes of this subsection to extend at a minimum to the
26 10-year flood elevation.

27 (u) The owner of an aerobic treatment unit system
28 shall maintain a current maintenance service agreement with an
29 aerobic treatment unit maintenance entity permitted by the
30 department. The maintenance entity shall obtain a system
31 operating permit from the department for each aerobic

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1 treatment unit under service contract. The maintenance entity
 2 shall inspect each aerobic treatment unit system at least
 3 twice each year and shall report quarterly to the department
 4 on the number of aerobic treatment unit systems inspected and
 5 serviced. The owner shall allow the department to inspect
 6 during reasonable hours each aerobic treatment unit system at
 7 least annually, and such inspection may include collection and
 8 analysis of system-effluent samples for performance criteria
 9 established by rule of the department.

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

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

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

20 And the title is amended as follows:

21 Delete everything before the enacting clause

22

23 and insert:

24 A bill to be entitled
 25 An act relating to hazard mitigation for
 26 coastal development; amending s. 161.085, F.S.;
 27 authorizing an agency, political subdivision,
 28 or municipality having jurisdiction over an
 29 impacted area to install rigid coastal armoring
 30 structures; authorizing the Department of
 31 Environmental Protection to revoke the

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1 authority of an agency, political subdivision,
2 or municipality to install rigid coastal
3 armoring structures; specifying conditions
4 under which sand filled tubes or similar
5 structures may be authorized as the core of a
6 restored dune feature; amending s. 163.3178,
7 F.S.; defining the term "coastal high-hazard
8 area"; requiring the Department of Community
9 Affairs to find that an application to amend a
10 local government comprehensive plan which meets
11 specified conditions concerning hurricane
12 evacuation, evacuation time, and related
13 mitigation complies with state coastal
14 high-hazard standards; requiring each local
15 government to amend its future land use map and
16 comprehensive plan by a certain date to reflect
17 such requirement and conditions; requiring
18 certain local governments to adopt a specified
19 level of service for out-of-county hurricane
20 evacuation; prohibiting new hospitals and
21 certain new congregate living facilities in a
22 coastal high-hazard area; amending s. 163.3178,
23 F.S.; requiring the Division of Emergency
24 Management to manage the update of regional
25 hurricane evacuation studies; amending s.
26 381.0065, F.S.; requiring the issuance of
27 certain permits by the Department of Health for
28 work seaward of the coastal construction
29 control line to be contingent upon receipt of a
30 coastal construction control line permit from
31 the Department of Environmental Protection;

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1 providing an effective date.

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