

By the Committee on Community Affairs; and Senator Gaetz

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1 A bill to be entitled

2 An act relating to onsite sewage treatment and disposal
3 systems; amending ss. 381.0065 and 381.0068, F.S.;
4 providing that a member of local government who is
5 knowledgeable about domestic wastewater treatment be added
6 to the research review and advisory committee and the
7 technical review and advisory panel established by the
8 Department of Health for purposes of onsite sewage
9 treatment and disposal system regulation; amending s.
10 318.0101, F.S.; exempting certain persons who are
11 performing site evaluations relating to wastewater
12 treatment and disposal systems from having to be certified
13 as an environmental health professional by the Department
14 of Health; providing that such persons must have completed
15 a soils morphology course approved by the department and
16 be working under the direct responsible charge of a
17 licensed engineer; providing continuing education
18 requirements for such persons; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (o) of subsection (4) of section
24 381.0065, Florida Statutes, is amended to read:

25 381.0065 Onsite sewage treatment and disposal systems;
26 regulation.--

27 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may
28 not construct, repair, modify, abandon, or operate an onsite
29 sewage treatment and disposal system without first obtaining a

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30 | permit approved by the department. The department may issue
31 | permits to carry out this section, but shall not make the
32 | issuance of such permits contingent upon prior approval by the
33 | Department of Environmental Protection, except that the issuance
34 | of a permit for work seaward of the coastal construction control
35 | line established under s. 161.053 shall be contingent upon
36 | receipt of any required coastal construction control line permit
37 | from the Department of Environmental Protection. A construction
38 | permit is valid for 18 months from the issuance date and may be
39 | extended by the department for one 90-day period under rules
40 | adopted by the department. A repair permit is valid for 90 days
41 | from the date of issuance. An operating permit must be obtained
42 | prior to the use of any aerobic treatment unit or if the
43 | establishment generates commercial waste. Buildings or
44 | establishments that use an aerobic treatment unit or generate
45 | commercial waste shall be inspected by the department at least
46 | annually to assure compliance with the terms of the operating
47 | permit. The operating permit for a commercial wastewater system
48 | is valid for 1 year from the date of issuance and must be renewed
49 | annually. The operating permit for an aerobic treatment unit is
50 | valid for 2 years from the date of issuance and must be renewed
51 | every 2 years. If all information pertaining to the siting,
52 | location, and installation conditions or repair of an onsite
53 | sewage treatment and disposal system remains the same, a
54 | construction or repair permit for the onsite sewage treatment and
55 | disposal system may be transferred to another person, if the
56 | transferee files, within 60 days after the transfer of ownership,
57 | an amended application providing all corrected information and
58 | proof of ownership of the property. There is no fee associated

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59 | with the processing of this supplemental information. A person
60 | may not contract to construct, modify, alter, repair, service,
61 | abandon, or maintain any portion of an onsite sewage treatment
62 | and disposal system without being registered under part III of
63 | chapter 489. A property owner who personally performs
64 | construction, maintenance, or repairs to a system serving his or
65 | her own owner-occupied single-family residence is exempt from
66 | registration requirements for performing such construction,
67 | maintenance, or repairs on that residence, but is subject to all
68 | permitting requirements. A municipality or political subdivision
69 | of the state may not issue a building or plumbing permit for any
70 | building that requires the use of an onsite sewage treatment and
71 | disposal system unless the owner or builder has received a
72 | construction permit for such system from the department. A
73 | building or structure may not be occupied and a municipality,
74 | political subdivision, or any state or federal agency may not
75 | authorize occupancy until the department approves the final
76 | installation of the onsite sewage treatment and disposal system.
77 | A municipality or political subdivision of the state may not
78 | approve any change in occupancy or tenancy of a building that
79 | uses an onsite sewage treatment and disposal system until the
80 | department has reviewed the use of the system with the proposed
81 | change, approved the change, and amended the operating permit.

82 | (o) The department shall appoint a research review and
83 | advisory committee, which shall meet at least semiannually. The
84 | committee shall advise the department on directions for new
85 | research, review and rank proposals for research contracts, and
86 | review draft research reports and make comments. The committee is
87 | comprised of:

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88 1. A representative of the Division of Environmental Health
89 of the Department of Health.

90 2. A representative from the septic tank industry.

91 3. A representative from the home building industry.

92 4. A representative from an environmental interest group.

93 5. A representative from the State University System, from
94 a department knowledgeable about onsite sewage treatment and
95 disposal systems.

96 6. A professional engineer registered in this state who has
97 work experience in onsite sewage treatment and disposal systems.

98 7. A representative from local government who is
99 knowledgeable about domestic wastewater treatment.

100 ~~8.7.~~ A representative from the real estate profession.

101 ~~9.8.~~ A representative from the restaurant industry.

102 ~~10.9.~~ A consumer.

103
104 Members shall be appointed for a term of 3 years, with the
105 appointments being staggered so that the terms of no more than
106 four members expire in any one year. Members shall serve without
107 remuneration, but are entitled to reimbursement for per diem and
108 travel expenses as provided in s. 112.061.

109 Section 2. Subsection (2) of section 381.0068, Florida
110 Statutes, is amended to read:

111 381.0068 Technical review and advisory panel.--

112 (2) The primary purpose of the panel is to assist the
113 department in rulemaking and decisionmaking by drawing on the
114 expertise of representatives from several groups that are
115 affected by onsite sewage treatment and disposal systems. The
116 panel may also review and comment on any legislation or any

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117 existing or proposed state policy or issue related to onsite
118 sewage treatment and disposal systems. If requested by the panel,
119 the chair will advise any affected person or member of the
120 Legislature of the panel's position on the legislation or any
121 existing or proposed state policy or issue. The chair may also
122 take such other action as is appropriate to allow the panel to
123 function. At a minimum, the panel shall consist of a soil
124 scientist; a professional engineer registered in this state who
125 is recommended by the Florida Engineering Society and who has
126 work experience in onsite sewage treatment and disposal systems;
127 two representatives from the home-building industry recommended
128 by the Florida Home Builders Association, including one who is a
129 developer in this state who develops lots using onsite sewage
130 treatment and disposal systems; a representative from the county
131 health departments who has experience permitting and inspecting
132 the installation of onsite sewage treatment and disposal systems
133 in this state; a representative from the real estate industry who
134 is recommended by the Florida Association of Realtors; a consumer
135 representative with a science background; two representatives of
136 the septic tank industry recommended by the Florida Onsite
137 Wastewater Association, including one who is a manufacturer of
138 onsite sewage treatment and disposal systems; a representative
139 from local government who is knowledgeable about domestic
140 wastewater treatment and who is recommended by the Florida
141 Association of Counties and the Florida League of Cities; and a
142 representative from the environmental health profession who is
143 recommended by the Florida Environmental Health Association and
144 who is not employed by a county health department. Members are to
145 be appointed for a term of 2 years. The panel may also, as

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146 needed, be expanded to include ad hoc, nonvoting representatives
147 who have topic-specific expertise. All rules proposed by the
148 department which relate to onsite sewage treatment and disposal
149 systems must be presented to the panel for review and comment
150 prior to adoption. The panel's position on proposed rules shall
151 be made a part of the rulemaking record that is maintained by the
152 agency. The panel shall select a chair, who shall serve for a
153 period of 1 year and who shall direct, coordinate, and execute
154 the duties of the panel. The panel shall also solicit input from
155 the department's variance review and advisory committee before
156 submitting any comments to the department concerning proposed
157 rules. The panel's comments must include any dissenting points of
158 view concerning proposed rules. The panel shall hold meetings as
159 it determines necessary to conduct its business, except that the
160 chair, a quorum of the voting members of the panel, or the
161 department may call meetings. The department shall keep minutes
162 of all meetings of the panel. Panel members shall serve without
163 remuneration, but, if requested, shall be reimbursed for per diem
164 and travel expenses as provided in s. 112.061.

165 Section 3. Subsection (3) of section 381.0101, Florida
166 Statutes, is amended to read:

167 381.0101 Environmental health professionals.--

168 (3) CERTIFICATION REQUIRED.--No person shall perform
169 environmental health or sanitary evaluations in any primary
170 program area of environmental health without being certified by
171 the department as competent to perform such evaluations. ~~The~~
172 ~~requirements of This section does not apply to: shall not be~~
173 ~~mandatory for~~

174 (a) Persons performing inspections of public food service

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175 establishments licensed under chapter 509; or-

176 (b) Persons performing site evaluations in order to
177 determine proper placement and installation of onsite wastewater
178 treatment and disposal systems who have successfully completed a
179 department-approved soils morphology course and who are working
180 under the direct responsible charge of an engineer licensed under
181 chapter 471. Such persons shall receive a minimum of 6 continuing
182 education units of department-approved training in soils
183 morphology every 2 years.

184 Section 4. This act shall take effect July 1, 2008.