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1
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 an effective date.
18

19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Paragraph (o) of subsection (4) of section
22 381.0065, Florida Statutes, is amended to read:

23 381.0065 Onsite sewage treatment and disposal systems;
24 regulation.--

25 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may
26 not construct, repair, modify, abandon, or operate an onsite
27 sewage treatment and disposal system without first obtaining a
28 permit approved by the department. The department may issue
29 permits to carry out this section, but shall not make the

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

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

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

86 | 1. A representative of the Division of Environmental Health
87 | of the Department of Health.

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- 88 2. A representative from the septic tank industry.
89 3. A representative from the home building industry.
90 4. A representative from an environmental interest group.
91 5. A representative from the State University System, from
92 a department knowledgeable about onsite sewage treatment and
93 disposal systems.
94 6. A professional engineer registered in this state who has
95 work experience in onsite sewage treatment and disposal systems.
96 7. A representative from local government who is
97 knowledgeable about domestic wastewater treatment.
98 ~~8.7.~~ A representative from the real estate profession.
99 ~~9.8.~~ A representative from the restaurant industry.
100 ~~10.9.~~ A consumer.

101
102 Members shall be appointed for a term of 3 years, with the
103 appointments being staggered so that the terms of no more than
104 four members expire in any one year. Members shall serve without
105 remuneration, but are entitled to reimbursement for per diem and
106 travel expenses as provided in s. 112.061.

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

109 381.0068 Technical review and advisory panel.--

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

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

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

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

165 381.0101 Environmental health professionals.--

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

172 (a) Persons performing inspections of public food service
173 establishments licensed under chapter 509; or-

174 (b) Persons performing site evaluations in order to

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175 | determine proper placement and installation of onsite wastewater
176 | treatment and disposal systems who have successfully completed a
177 | department-approved soils morphology course and who are working
178 | under the direct responsible charge of an engineer licensed under
179 | chapter 471.

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