

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Research Review and Advisory Committee

The Research Review and Advisory Committee (committee) is created in statute to advise the Department of Health (department). The committee is directed “to advise the department on directions for new research, review and rank proposals for research contracts, and review draft research reports and make comments.”¹ Currently, the committee is comprised of the following nine members:²

- A representative of the Division of Environmental Health of the department
- A representative from the septic tank industry
- A representative from the home building industry
- A representative from an environmental interest group
- A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems
- A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems
- A representative from the real estate profession
- A representative from the restaurant industry
- A consumer

According to the department, the committee has identified the following research priorities for 2008:³

- Restoration of the University of South Florida Lysimeter Station (\$20,000 to \$50,000 approximate cost)
- Phase II of the Florida Passive Nitrogen Removal Project (\$200,000 approximate cost)
- Wekiva Onsite Sewage Treatment and Disposal System Seasonal Variability Assessment (\$200,000 approximate cost)
- Alternative Drainfield Product Assessment (\$300,000 approximate cost)
- Long-term Deformation of Tanks on Different Materials (\$20,000 approximate cost)

The Technical Review and Advisory Panel

The Technical Review and Advisory Panel (panel) is created in statute “to assist the department in rulemaking and decision making by drawing on the expertise of representatives from several groups that are affected by onsite sewage treatment and disposal systems. The panel may also review and comment on any legislation or any existing or proposed state policy or issue related to onsite sewage

¹ Section 381.0065(4)(o), F.S.

² *Id.*

³ http://floridashealth.com/Environment/ostds/research/Research_Priorities_2008.pdf (visited February 8, 2008).

treatment and disposal systems.”⁴ Currently, the committee is comprised of the following ten members:⁵

- A soil scientist
- A professional engineer, recommended by the Florida Engineering Society
- Two representatives from the home building industry, recommended by the Florida Home Builders Association, including one who is a developer who develops lots using onsite sewage treatment and disposal systems
- A representative from the county health departments who has experience permitting and inspecting the installation of onsite sewage treatment and disposal systems
- A representative from the real estate industry, recommended by the Florida Association of Realtors
- A consumer with a science background
- Two representatives of the septic tank industry, recommended by the Florida Onsite Wastewater Association, including one who is a manufacturer of onsite sewage treatment and disposal systems
- A representative from the environmental health profession, recommended by the Florida Environmental Health Association, who is not employed by a county health department

At their most recent meeting (January 2008), the panel discussed several issues, which included:⁶

- Septic tank lids, Rule 64E-6.013, F.A.C., requiring all treatment receptacles to have a watertight lid.
- Mound stabilization, Rule 64E-6.009, F.A.C., allowing mounds to be hydro seeded.
- Alternative Systems, Rule 64E-6.009, F.A.C., removing the requirement that the county health department (CHD) require an engineer to design a system having a total absorption area greater than 1,000 square feet and removing the requirement that the CHD require the design engineer to certify that the installed system complies with the approved design and installation requirements.
- Septic tank installation, Rule 64E-6.013, F.A.C., removing the requirement that the access manhole over the inlet and outlet extend within eight inches and requiring the manhole to be exposed at the ground surface. Also requiring all fiberglass tanks to be covered with a minimum of four inches of soil, with the exception of the exposed hatch or riser covers.

Members of both the committee and panel receive reimbursement for per diem and travel expenses. Section 381.0065(3)(j), F.S., specifies that “research projects shall not be awarded to firms or entities that employ or are associated with persons who serve on either the technical review and advisory panel or the research review and advisory committee.”

Effect of Proposed Changes

The bill adds a representative from local government who is knowledgeable about domestic wastewater treatment to the research review and advisory committee. The membership of the committee is increased to a total of ten members.

⁴ Section 381.0068(2), F.S.

⁵ *Id.*

⁶ <http://www.doh.state.fl.us/environment/ostds/trap/agenda/Ag20080124.pdf> (visited February 8, 2008).

The bill adds a representative from local government who is knowledgeable about domestic wastewater treatment and who is recommended by the Florida Association of Counties and the Florida League of Cities to the technical review and advisory panel. The membership of the panel is increased to a total of eleven members.

Last, the bill exempts from certification as an environmental health professional a person who has successfully completed a department-approved soils morphology course and who is working under the direct responsible charge of an engineer licensed under chapter 471. A person who is exempt from certification must receive a minimum of 6 continuing education units of department-approved training in soils morphology every two years.

C. SECTION DIRECTORY

Section 1: Amends s. 381.0065, F.S., relating to regulation of onsite sewage treatment and disposal systems.

Section 2: Amends s. 381.0068, F.S., relating to the technical review and advisory panel.

Section 3. Amends s. 381.0101, F.S., relating to environmental health professionals.

Section 4: Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Estimated Recurring Expenditures

1st Year

2nd Year

Travel and per diem for two new members estimated at four meetings each year at \$500 per meeting

\$4,000

\$4,000

Total Estimated Trust Fund Expenditures

\$4,000

\$4,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The department may incur a nominal increase in Trust Fund expenditures for travel and per diem expenses associated with the two new members.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required as a result of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 8, 2008, the Healthcare Council adopted an amendment to the bill. The amendment exempts from certification as an environmental health professional a person who has successfully completed a department-approved soils morphology course and who is working under the direct responsible charge of an engineer licensed under chapter 471. A person who is exempt from certification must receive a minimum of 6 continuing education units of department-approved training in soils morphology every two years.

The bill was reported favorably with a Council Substitute. The analysis reflects the Council Substitute.