

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 & disposal system regulation; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (o) of subsection (4) of section
 15 381.0065, Florida Statutes, is amended to read:

16 381.0065 Onsite sewage treatment and disposal systems;
 17 regulation.--

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

29 permit is valid for 18 months from the issuance date and may be
30 extended by the department for one 90-day period under rules
31 adopted by the department. A repair permit is valid for 90 days
32 from the date of issuance. An operating permit must be obtained
33 prior to the use of any aerobic treatment unit or if the
34 establishment generates commercial waste. Buildings or
35 establishments that use an aerobic treatment unit or generate
36 commercial waste shall be inspected by the department at least
37 annually to assure compliance with the terms of the operating
38 permit. The operating permit for a commercial wastewater system
39 is valid for 1 year from the date of issuance and must be
40 renewed annually. The operating permit for an aerobic treatment
41 unit is valid for 2 years from the date of issuance and must be
42 renewed every 2 years. If all information pertaining to the
43 siting, location, and installation conditions or repair of an
44 onsite sewage treatment and disposal system remains the same, a
45 construction or repair permit for the onsite sewage treatment
46 and disposal system may be transferred to another person, if the
47 transferee files, within 60 days after the transfer of
48 ownership, an amended application providing all corrected
49 information and proof of ownership of the property. There is no
50 fee associated with the processing of this supplemental
51 information. A person may not contract to construct, modify,
52 alter, repair, service, abandon, or maintain any portion of an
53 onsite sewage treatment and disposal system without being
54 registered under part III of chapter 489. A property owner who
55 personally performs construction, maintenance, or repairs to a
56 system serving his or her own owner-occupied single-family

57 residence is exempt from registration requirements for
58 performing such construction, maintenance, or repairs on that
59 residence, but is subject to all permitting requirements. A
60 municipality or political subdivision of the state may not issue
61 a building or plumbing permit for any building that requires the
62 use of an onsite sewage treatment and disposal system unless the
63 owner or builder has received a construction permit for such
64 system from the department. A building or structure may not be
65 occupied and a municipality, political subdivision, or any state
66 or federal agency may not authorize occupancy until the
67 department approves the final installation of the onsite sewage
68 treatment and disposal system. A municipality or political
69 subdivision of the state may not approve any change in occupancy
70 or tenancy of a building that uses an onsite sewage treatment
71 and disposal system until the department has reviewed the use of
72 the system with the proposed change, approved the change, and
73 amended the operating permit.

74 (o) The department shall appoint a research review and
75 advisory committee, which shall meet at least semiannually. The
76 committee shall advise the department on directions for new
77 research, review and rank proposals for research contracts, and
78 review draft research reports and make comments. The committee
79 is comprised of:

- 80 1. A representative of the Division of Environmental
81 Health of the Department of Health.
- 82 2. A representative from the septic tank industry.
- 83 3. A representative from the home building industry.
- 84 4. A representative from an environmental interest group.

85 5. A representative from the State University System, from
86 a department knowledgeable about onsite sewage treatment and
87 disposal systems.

88 6. A professional engineer registered in this state who
89 has work experience in onsite sewage treatment and disposal
90 systems.

91 7. A representative from local government who is
92 knowledgeable about domestic wastewater treatment.

93 ~~8.7.~~ A representative from the real estate profession.

94 ~~9.8.~~ A representative from the restaurant industry.

95 ~~10.9.~~ A consumer.

96
97 Members shall be appointed for a term of 3 years, with the
98 appointments being staggered so that the terms of no more than
99 four members expire in any one year. Members shall serve without
100 remuneration, but are entitled to reimbursement for per diem and
101 travel expenses as provided in s. 112.061.

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

104 381.0068 Technical review and advisory panel.--

105 (2) The primary purpose of the panel is to assist the
106 department in rulemaking and decisionmaking by drawing on the
107 expertise of representatives from several groups that are
108 affected by onsite sewage treatment and disposal systems. The
109 panel may also review and comment on any legislation or any
110 existing or proposed state policy or issue related to onsite
111 sewage treatment and disposal systems. If requested by the
112 panel, the chair will advise any affected person or member of

HB 567

2008

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

HB 567

2008

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

159 Section 3. This act shall take effect July 1, 2008.