



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2013	.	
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	.	
	.	

The Committee on Rules (Smith) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 93 and 94

insert:

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

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



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14 performance criteria shall include consideration of the quality
15 of system effluent, the proposed total sewage flow per acre,
16 wastewater treatment capabilities of the natural or replaced
17 soil, water quality classification of the potential surface-
18 water-receiving body, and the structural and maintenance
19 viability of the system for the treatment of domestic
20 wastewater. However, performance criteria shall address only the
21 performance of a system and not a system's design.

22 ~~2. The technical review and advisory panel shall assist the~~
23 ~~department in the development of performance criteria applicable~~
24 ~~to engineer-designed systems.~~

25 2.3. A person electing to utilize an engineer-designed
26 system shall, upon completion of the system design, submit such
27 design, certified by a registered professional engineer, to the
28 county health department. The county health department may
29 utilize an outside consultant to review the engineer-designed
30 system, with the actual cost of such review to be borne by the
31 applicant. Within 5 working days after receiving an engineer-
32 designed system permit application, the county health department
33 shall request additional information if the application is not
34 complete. Within 15 working days after receiving a complete
35 application for an engineer-designed system, the county health
36 department either shall issue the permit or, if it determines
37 that the system does not comply with the performance criteria,
38 shall notify the applicant of that determination and refer the
39 application to the department for a determination as to whether
40 the system should be approved, disapproved, or approved with
41 modification. The department engineer's determination shall
42 prevail over the action of the county health department. The



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43 applicant shall be notified in writing of the department's
44 determination and of the applicant's rights to pursue a variance
45 or seek review under the provisions of chapter 120.

46 ~~3.4.~~ The owner of an engineer-designed performance-based
47 system must maintain a current maintenance service agreement
48 with a maintenance entity permitted by the department. ~~The~~
49 ~~maintenance entity shall obtain a biennial system operating~~
50 ~~permit from the department for each system under service~~
51 ~~contract. The department shall inspect the system at least~~
52 ~~annually, or on such periodic basis as the fee collected~~
53 ~~permits, and may collect system-effluent samples if appropriate~~
54 ~~to determine compliance with the performance criteria. The fee~~
55 ~~for the biennial operating permit shall be collected beginning~~
56 ~~with the second year of system operation.~~ The maintenance entity
57 shall inspect each system at least twice each year and shall
58 report quarterly to the department on the number of systems
59 inspected and serviced. The reports may be submitted
60 electronically.

61 4. The department may approve and permit a property owner
62 of an owner-occupied, single-family residence as a maintenance
63 entity for his or her own performance-based treatment system if
64 the system manufacturer's approved representative certifies in
65 writing that the property owner has received training on the
66 proper installation and service of the system. The maintenance
67 service agreement must conspicuously disclose that the property
68 owner has the right to maintain his or her own system and is
69 exempt from contractor registration requirements for performing
70 construction, maintenance, or repairs on the system but is
71 subject to all permitting requirements.



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72 5. The property owner shall obtain a biennial system
73 operating permit from the department for each system. The
74 department shall inspect the system at least annually, or on
75 such periodic basis as the fee collected allows, and may collect
76 system-effluent samples if appropriate to determine compliance
77 with the performance criteria. The fee for the biennial
78 operating permit shall be collected beginning with the second
79 year of system operation.

80 ~~6.5.~~ If an engineer-designed system fails to properly
81 function or fails to meet performance standards, the system
82 shall be re-engineered, if necessary, to bring the system into
83 compliance with the provisions of this section.

84
85 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

86 And the directory clause is amended as follows:

87 Delete line 35

88 and insert:

89 Section 1. Paragraphs (j), (l), and (u) of subsection (4)
90 of

91
92 ===== T I T L E A M E N D M E N T =====

93 And the title is amended as follows:

94 Delete line 3

95 and insert:

96 disposal systems; amending s. 381.0065, F.S.; deleting
97 provisions relating to the development of performance
98 criteria applicable to engineer-designed systems;
99 revising requirements for maintenance entity service
100 agreements for certain engineer-designed systems;



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101 authorizing certain property owners to be approved and
102 permitted as maintenance entities for performance-
103 based treatment systems under certain conditions;
104 requiring owners of performance-based treatment unit
105 systems to obtain certain permits;