

By Senator Altman

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1                   A bill to be entitled  
2       An act relating to onsite sewage treatment and  
3       disposal systems; amending s. 381.0065, F.S.;  
4       providing legislative intent; defining the term  
5       "combined system"; requiring the Department of Health  
6       to establish and collect fees for combined systems;  
7       requiring the department to approve the installation  
8       of a combined system under certain circumstances;  
9       requiring a person to obtain a permit approved by the  
10      department before constructing, repairing, modifying,  
11      abandoning, or operating a combined system; providing  
12      conditions for issuance of permits relating to such  
13      systems; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17       Section 1. Section 381.0065, Florida Statutes, is amended  
18 to read:

19       381.0065 Onsite sewage treatment and disposal systems;  
20 regulation.—

21       (1) LEGISLATIVE INTENT.—

22       (a) It is the intent of the Legislature that proper  
23 management of onsite sewage treatment and disposal systems is  
24 paramount to the health, safety, and welfare of the public.

25       (b) It is the intent of the Legislature that where a  
26 publicly owned or investor-owned sewerage system is not  
27 available, the department shall issue permits for the  
28 construction, installation, modification, abandonment, or repair  
29 of onsite sewage treatment and disposal systems under conditions

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30 as described in this section and rules adopted under this  
31 section. It is further the intent of the Legislature that the  
32 installation and use of onsite sewage treatment and disposal  
33 systems not adversely affect the public health or significantly  
34 degrade the groundwater or surface water.

35 (c) It is the intent of the Legislature that where a  
36 publicly owned or investor-owned sewerage system is available,  
37 the department shall issue permits for the construction of a  
38 combined system when connection to the publicly owned or  
39 investor-owned sewerage system results in the use of any part of  
40 an onsite sewage treatment and disposal system.

41 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
42 term:

43 (a) "Available," as applied to a publicly owned or  
44 investor-owned sewerage system, means that the publicly owned or  
45 investor-owned sewerage system is capable of being connected to  
46 the plumbing of an establishment or residence, is not under a  
47 Department of Environmental Protection moratorium, and has  
48 adequate permitted capacity to accept the sewage to be generated  
49 by the establishment or residence; and:

50 1. For a residential subdivision lot, a single-family  
51 residence, or an establishment, any of which has an estimated  
52 sewage flow of 1,000 gallons per day or less, a gravity sewer  
53 line to maintain gravity flow from the property's drain to the  
54 sewer line, or a low pressure or vacuum sewage collection line  
55 in those areas approved for low pressure or vacuum sewage  
56 collection, exists in a public easement or right-of-way that  
57 abuts the property line of the lot, residence, or establishment.

58 2. For an establishment with an estimated sewage flow

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59 exceeding 1,000 gallons per day, a sewer line, force main, or  
60 lift station exists in a public easement or right-of-way that  
61 abuts the property of the establishment or is within 50 feet of  
62 the property line of the establishment as accessed via existing  
63 rights-of-way or easements.

64 3. For proposed residential subdivisions with more than 50  
65 lots, for proposed commercial subdivisions with more than 5  
66 lots, and for areas zoned or used for an industrial or  
67 manufacturing purpose or its equivalent, a sewerage system  
68 exists within one-fourth mile of the development as measured and  
69 accessed via existing easements or rights-of-way.

70 4. For repairs or modifications within areas zoned or used  
71 for an industrial or manufacturing purpose or its equivalent, a  
72 sewerage system exists within 500 feet of an establishment's or  
73 residence's sewer stub-out as measured and accessed via existing  
74 rights-of-way or easements.

75 (b)1. "Bedroom" means a room that can be used for sleeping  
76 and that:

77 a. For site-built dwellings, has a minimum of 70 square  
78 feet of conditioned space;

79 b. For manufactured homes, is constructed according to the  
80 standards of the United States Department of Housing and Urban  
81 Development and has a minimum of 50 square feet of floor area;

82 c. Is located along an exterior wall;

83 d. Has a closet and a door or an entrance where a door  
84 could be reasonably installed; and

85 e. Has an emergency means of escape and rescue opening to  
86 the outside in accordance with the Florida Building Code.

87 2. A room may not be considered a bedroom if it is used to

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88 access another room except a bathroom or closet.

89 3. "Bedroom" does not include a hallway, bathroom, kitchen,  
90 living room, family room, dining room, den, breakfast nook,  
91 pantry, laundry room, sunroom, recreation room, media/video  
92 room, or exercise room.

93 (c) "Blackwater" means that part of domestic sewage carried  
94 off by toilets, urinals, and kitchen drains.

95 (d) "Combined system" means a system that includes any part  
96 of an onsite sewage and disposal system that is also connected  
97 to a publicly owned or investor-owned sewerage system regulated  
98 under chapter 403.

99 (e)~~(d)~~ "Domestic sewage" means human body waste and  
100 wastewater, including bath and toilet waste, residential laundry  
101 waste, residential kitchen waste, and other similar waste from  
102 appurtenances at a residence or establishment.

103 (f)~~(e)~~ "Graywater" means that part of domestic sewage that  
104 is not blackwater, including waste from the bath, lavatory,  
105 laundry, and sink, except kitchen sink waste.

106 (g)~~(f)~~ "Florida Keys" means those islands of the state  
107 located within the boundaries of Monroe County.

108 (h)~~(g)~~ "Injection well" means an open vertical hole at  
109 least 90 feet in depth, cased and grouted to at least 60 feet in  
110 depth which is used to dispose of effluent from an onsite sewage  
111 treatment and disposal system.

112 (i)~~(h)~~ "Innovative system" means an onsite sewage treatment  
113 and disposal system that, in whole or in part, employs  
114 materials, devices, or techniques that are novel or unique and  
115 that have not been successfully field-tested under sound  
116 scientific and engineering principles under climatic and soil

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117 conditions found in this state.

118 (j)~~(i)~~ "Lot" means a parcel or tract of land described by  
119 reference to recorded plats or by metes and bounds, or the least  
120 fractional part of subdivided lands having limited fixed  
121 boundaries or an assigned number, letter, or any other legal  
122 description by which it can be identified.

123 (k)~~(j)~~ "Mean annual flood line" means the elevation  
124 determined by calculating the arithmetic mean of the elevations  
125 of the highest yearly flood stage or discharge for the period of  
126 record, to include at least the most recent 10-year period. If  
127 at least 10 years of data is not available, the mean annual  
128 flood line shall be as determined based upon the data available  
129 and field verification conducted by a certified professional  
130 surveyor and mapper with experience in the determination of  
131 flood water elevation lines or, at the option of the applicant,  
132 by department personnel. Field verification of the mean annual  
133 flood line shall be performed using a combination of those  
134 indicators listed in subparagraphs 1.-7. that are present on the  
135 site, and that reflect flooding that recurs on an annual basis.  
136 In those situations where any one or more of these indicators  
137 reflect a rare or aberrant event, such indicator or indicators  
138 may ~~shall~~ not be used ~~utilized~~ in determining the mean annual  
139 flood line. The indicators that may be considered are:

- 140 1. Water stains on the ground surface, trees, and other  
141 fixed objects;
- 142 2. Hydric adventitious roots;
- 143 3. Drift lines;
- 144 4. Rafted debris;
- 145 5. Aquatic mosses and liverworts;

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146 6. Moss collars; and

147 7. Lichen lines.

148 (1)~~(k)~~ "Onsite sewage treatment and disposal system" means  
149 a system that contains a standard subsurface, filled, or mound  
150 drainfield system; an aerobic treatment unit; a graywater system  
151 tank; a laundry wastewater system tank; a septic tank; a grease  
152 interceptor; a pump tank; a solids or effluent pump; a  
153 waterless, incinerating, or organic waste-composting toilet; or  
154 a sanitary pit privy that is installed or proposed to be  
155 installed beyond the building sewer on land of the owner or on  
156 other land to which the owner has the legal right to install a  
157 system. The term includes any item placed within, or intended to  
158 be used as a part of or in conjunction with, the system. This  
159 term does not include package sewage treatment facilities and  
160 other treatment works regulated under chapter 403.

161 (m)~~(l)~~ "Permanent nontidal surface water body" means a  
162 perennial stream, a perennial river, an intermittent stream, a  
163 perennial lake, a submerged marsh or swamp, a submerged wooded  
164 marsh or swamp, a spring, or a seep, as identified on the most  
165 recent quadrangle map, 7.5 minute series (topographic), produced  
166 by the United States Geological Survey, or products derived from  
167 that series. "Permanent nontidal surface water body" shall also  
168 mean an artificial surface water body that does not have an  
169 impermeable bottom and side and that is designed to hold, or  
170 does hold, visible standing water for at least 180 days of the  
171 year. However, a nontidal surface water body that is drained,  
172 either naturally or artificially, where the intent or the result  
173 is that such drainage be temporary, shall be considered a  
174 permanent nontidal surface water body. A nontidal surface water

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175 body that is drained of all visible surface water, where the  
176 lawful intent or the result of such drainage is that such  
177 drainage will be permanent, may ~~shall~~ not be considered a  
178 permanent nontidal surface water body. The boundary of a  
179 permanent nontidal surface water body shall be the mean annual  
180 flood line.

181 (n) ~~(m)~~ "Potable water line" means any water line that is  
182 connected to a potable water supply source, but the term does  
183 not include an irrigation line with any of the following types  
184 of backflow devices:

185 1. For irrigation systems into which chemicals are not  
186 injected, any atmospheric or pressure vacuum breaker or double  
187 check valve or any detector check assembly.

188 2. For irrigation systems into which chemicals such as  
189 fertilizers, pesticides, or herbicides are injected, any reduced  
190 pressure backflow preventer.

191 (o) ~~(n)~~ "Septage" means a mixture of sludge, fatty  
192 materials, human feces, and wastewater removed during the  
193 pumping of an onsite sewage treatment and disposal system.

194 (p) ~~(o)~~ "Subdivision" means, for residential use, any tract  
195 or plot of land divided into two or more lots or parcels of  
196 which at least one is 1 acre or less in size for sale, lease, or  
197 rent. A subdivision for commercial or industrial use is any  
198 tract or plot of land divided into two or more lots or parcels  
199 of which at least one is 5 acres or less in size and which is  
200 for sale, lease, or rent. A subdivision shall be deemed to be  
201 proposed until such time as an application is submitted to the  
202 local government for subdivision approval or, in those areas  
203 where no local government subdivision approval is required,

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204 until such time as a plat of the subdivision is recorded.

205 (q)~~(p)~~ "Tidally influenced surface water body" means a body  
206 of water that is subject to the ebb and flow of the tides and  
207 has as its boundary a mean high-water line as defined by s.  
208 177.27(15).

209 (r)~~(q)~~ "Toxic or hazardous chemical" means a substance that  
210 poses a serious danger to human health or the environment.

211 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The  
212 department shall:

213 (a) Adopt rules to administer ss. 381.0065-381.0067,  
214 including definitions that are consistent with the definitions  
215 in this section, decreases to setback requirements where no  
216 health hazard exists, increases for the lot-flow allowance for  
217 performance-based systems, requirements for separation from  
218 water table elevation during the wettest season, requirements  
219 for the design and construction of any component part of an  
220 onsite sewage treatment and disposal system, application and  
221 permit requirements for persons who maintain an onsite sewage  
222 treatment and disposal system, requirements for maintenance and  
223 service agreements for aerobic treatment units and performance-  
224 based treatment systems, and recommended standards, including  
225 disclosure requirements, for voluntary system inspections to be  
226 performed by individuals who are authorized by law to perform  
227 such inspections and who shall inform a person having ownership,  
228 control, or use of an onsite sewage treatment and disposal  
229 system of the inspection standards and of that person's  
230 authority to request an inspection based on all or part of the  
231 standards.

232 (b) Perform application reviews and site evaluations, issue



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233 permits, and conduct inspections and complaint investigations  
234 associated with the construction, installation, maintenance,  
235 modification, abandonment, operation, use, or repair of an  
236 onsite sewage treatment and disposal system for a residence or  
237 establishment with an estimated domestic sewage flow of 10,000  
238 gallons or less per day, or an estimated commercial sewage flow  
239 of 5,000 gallons or less per day, which is not currently  
240 regulated under chapter 403.

241 (c) Develop a comprehensive program to ensure that onsite  
242 sewage treatment and disposal systems regulated by the  
243 department are sized, designed, constructed, installed,  
244 repaired, modified, abandoned, used, operated, and maintained in  
245 compliance with this section and rules adopted under this  
246 section to prevent groundwater contamination and surface water  
247 contamination and to preserve the public health. The department  
248 is the final administrative interpretive authority regarding  
249 rule interpretation. In the event of a conflict regarding rule  
250 interpretation, the State Surgeon General, or his or her  
251 designee, shall timely assign a staff person to resolve the  
252 dispute.

253 (d) Grant variances in hardship cases under the conditions  
254 prescribed in this section and rules adopted under this section.

255 (e) Permit the use of a limited number of innovative  
256 systems for a specific period ~~of time~~, when there is compelling  
257 evidence that the system will function properly and reliably to  
258 meet the requirements of this section and rules adopted under  
259 this section.

260 (f) Issue annual operating permits under this section.

261 (g) Establish and collect fees as established under s.

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262 381.0066 for services provided with respect to onsite sewage  
263 treatment and disposal systems and combined systems.

264 (h) Conduct enforcement activities, including imposing  
265 fines, issuing citations, suspensions, revocations, injunctions,  
266 and emergency orders for violations of this section, part I of  
267 chapter 386, or part III of chapter 489 or for a violation of  
268 any rule adopted under this section, part I of chapter 386, or  
269 part III of chapter 489.

270 (i) Provide or conduct education and training of department  
271 personnel, service providers, and the public regarding onsite  
272 sewage treatment and disposal systems.

273 (j) Supervise research on, demonstration of, and training  
274 on the performance, environmental impact, and public health  
275 impact of onsite sewage treatment and disposal systems within  
276 this state. Research fees collected under s. 381.0066(2)(k) must  
277 be used to develop and fund hands-on training centers designed  
278 to provide practical information about onsite sewage treatment  
279 and disposal systems to septic tank contractors, master septic  
280 tank contractors, contractors, inspectors, engineers, and the  
281 public and must also be used to fund research projects which  
282 focus on improvements of onsite sewage treatment and disposal  
283 systems, including use of performance-based standards and  
284 reduction of environmental impact. Research projects shall be  
285 initially approved by the technical review and advisory panel  
286 and shall be applicable to and reflect the soil conditions  
287 specific to Florida. Such projects shall be awarded through  
288 competitive negotiation, using the procedures provided in s.  
289 287.055, to public or private entities that have experience in  
290 onsite sewage treatment and disposal systems in Florida and that

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291 are principally located in Florida. Research projects may ~~shall~~  
292 not be awarded to firms or entities that employ or are  
293 associated with persons who serve on either the technical review  
294 and advisory panel or the research review and advisory  
295 committee.

296 (k) Approve the installation of individual graywater  
297 disposal systems in which blackwater is treated by a central  
298 sewerage system.

299 (l) Regulate and permit the sanitation, handling,  
300 treatment, storage, reuse, and disposal of byproducts from any  
301 system regulated under this chapter and not regulated by the  
302 Department of Environmental Protection.

303 (m) Permit and inspect portable or temporary toilet  
304 services and holding tanks. The department shall review  
305 applications, perform site evaluations, and issue permits for  
306 the temporary use of holding tanks, privies, portable toilet  
307 services, or any other toilet facility that is intended for use  
308 on a permanent or nonpermanent basis, including facilities  
309 placed on construction sites when workers are present. The  
310 department may specify standards for the construction,  
311 maintenance, use, and operation of any such facility for  
312 temporary use.

313 (n) Regulate and permit maintenance entities for  
314 performance-based treatment systems and aerobic treatment unit  
315 systems. To ensure systems are maintained and operated according  
316 to manufacturer's specifications and designs, the department  
317 shall establish by rule minimum qualifying criteria for  
318 maintenance entities. The criteria shall include: training,  
319 access to approved spare parts and components, access to

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320 manufacturer's maintenance and operation manuals, and service  
321 response time. The maintenance entity shall employ a contractor  
322 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
323 a state-licensed wastewater plant operator, who is responsible  
324 for maintenance and repair of all systems under contract.

325 (o) Approve the installation of a combined system when  
326 connection to a publicly owned or investor-owned sewerage system  
327 results in the use of any part of an onsite sewage and disposal  
328 system.

329 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
330 construct, repair, modify, abandon, or operate an onsite sewage  
331 treatment and disposal system or combined system without first  
332 obtaining a permit approved by the department. The department  
333 may issue permits to carry out this section, but may ~~shall~~ not  
334 make the issuance of such permits contingent upon prior approval  
335 by the Department of Environmental Protection, except that the  
336 issuance of a permit for work seaward of the coastal  
337 construction control line established under s. 161.053 shall be  
338 contingent upon receipt of any required coastal construction  
339 control line permit from the Department of Environmental  
340 Protection and the construction of a combined system shall be  
341 contingent upon approval of the receiving force main system by  
342 the Department of Environmental Protection. A construction  
343 permit is valid for 18 months from the issuance date and may be  
344 extended by the department for one 90-day period under rules  
345 adopted by the department. A repair permit is valid for 90 days  
346 from the date of issuance. An operating permit must be obtained  
347 before ~~prior to~~ the use of any aerobic treatment unit or if the  
348 establishment generates commercial waste. Buildings or

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349 establishments that use an aerobic treatment unit or generate  
350 commercial waste shall be inspected by the department at least  
351 annually to assure compliance with the terms of the operating  
352 permit. The operating permit for a commercial wastewater system  
353 is valid for 1 year from the date of issuance and must be  
354 renewed annually. The operating permit for an aerobic treatment  
355 unit is valid for 2 years from the date of issuance and must be  
356 renewed every 2 years. If all information pertaining to the  
357 siting, location, and installation conditions or repair of an  
358 onsite sewage treatment and disposal system remains the same, a  
359 construction or repair permit for the onsite sewage treatment  
360 and disposal system may be transferred to another person, if the  
361 transferee files, within 60 days after the transfer of  
362 ownership, an amended application providing all corrected  
363 information and proof of ownership of the property. There is no  
364 fee associated with the processing of this supplemental  
365 information. A person may not contract to construct, modify,  
366 alter, repair, service, abandon, or maintain any portion of an  
367 onsite sewage treatment and disposal system without being  
368 registered under part III of chapter 489. A property owner who  
369 personally performs construction, maintenance, or repairs to a  
370 system serving his or her own owner-occupied single-family  
371 residence is exempt from registration requirements for  
372 performing such construction, maintenance, or repairs on that  
373 residence, but is subject to all permitting requirements. A  
374 municipality or political subdivision ~~of the state~~ may not issue  
375 a building or plumbing permit for any building that requires the  
376 use of an onsite sewage treatment and disposal system or  
377 combined system unless the owner or builder has received a

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378 construction permit for such system from the department. A  
379 building or structure may not be occupied and a municipality,  
380 political subdivision, or any state or federal agency may not  
381 authorize occupancy until the department approves the final  
382 installation of the onsite sewage treatment and disposal system  
383 or combined system. A municipality or political subdivision ~~of~~  
384 ~~the state~~ may not approve any change in occupancy or tenancy of  
385 a building that uses an onsite sewage treatment and disposal  
386 system until the department has reviewed the use of the system  
387 with the proposed change, approved the change, and amended the  
388 operating permit.

389 (a) Subdivisions and lots in which each lot has a minimum  
390 area of at least one-half acre and either a minimum dimension of  
391 100 feet or a mean of at least 100 feet of the side bordering  
392 the street and the distance formed by a line parallel to the  
393 side bordering the street drawn between the two most distant  
394 points of the remainder of the lot may be developed with a water  
395 system regulated under s. 381.0062 and onsite sewage treatment  
396 and disposal systems, if provided the projected daily sewage  
397 flow does not exceed an average of 1,500 gallons per acre per  
398 day, ~~and if provided~~ satisfactory drinking water can be obtained  
399 and all distance and setback, soil condition, water table  
400 elevation, and other related requirements of this section and  
401 rules adopted under this section can be met.

402 (b) Subdivisions and lots using a public water system as  
403 defined in s. 403.852 may use onsite sewage treatment and  
404 disposal systems, if provided there are no more than four lots  
405 per acre, if provided the projected daily sewage flow does not  
406 exceed an average of 2,500 gallons per acre per day, and if

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407 ~~provided that~~ all distance and setback, soil condition, water  
408 table elevation, and other related requirements that are  
409 generally applicable to the use of onsite sewage treatment and  
410 disposal systems are met.

411 (c) Notwithstanding paragraphs (a) and (b), for  
412 subdivisions platted of record on or before October 1, 1991,  
413 when a developer or other appropriate entity has previously made  
414 or makes provisions, including financial assurances or other  
415 commitments, acceptable to the Department of Health, that a  
416 central water system will be installed by a regulated public  
417 utility based on a density formula, private potable wells may be  
418 used with onsite sewage treatment and disposal systems until the  
419 agreed-upon densities are reached. In a subdivision regulated by  
420 this paragraph, the average daily sewage flow may not exceed  
421 2,500 gallons per acre per day. This section does not affect the  
422 validity of existing prior agreements. After October 1, 1991,  
423 the exception provided under this paragraph is not available to  
424 a developer or other appropriate entity.

425 (d) Paragraphs (a) and (b) do not apply to any proposed  
426 residential subdivision with more than 50 lots or to any  
427 proposed commercial subdivision with more than 5 lots where a  
428 publicly owned or investor-owned sewerage system is available.  
429 It is the intent of this paragraph not to allow development of  
430 additional proposed subdivisions in order to evade the  
431 requirements of this paragraph.

432 (e) Onsite sewage treatment and disposal systems must not  
433 be placed closer than:

- 434 1. Seventy-five feet from a private potable well.
- 435 2. Two hundred feet from a public potable well serving a

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436 residential or nonresidential establishment having a total  
437 sewage flow of greater than 2,000 gallons per day.

438 3. One hundred feet from a public potable well serving a  
439 residential or nonresidential establishment having a total  
440 sewage flow of less than or equal to 2,000 gallons per day.

441 4. Fifty feet from any nonpotable well.

442 5. Ten feet from any storm sewer pipe, to the maximum  
443 extent possible, but in no instance shall the setback be less  
444 than 5 feet.

445 6. Seventy-five feet from the mean high-water line of a  
446 tidally influenced surface water body.

447 7. Seventy-five feet from the mean annual flood line of a  
448 permanent nontidal surface water body.

449 8. Fifteen feet from the design high-water line of  
450 retention areas, detention areas, or swales designed to contain  
451 standing or flowing water for less than 72 hours after a  
452 rainfall or the design high-water level of normally dry drainage  
453 ditches or normally dry individual lot stormwater retention  
454 areas.

455 (f) Except as provided under paragraphs (e) and (t), ~~no~~  
456 limitations may not ~~shall~~ be imposed by rule, relating to the  
457 distance between an onsite disposal system and any area that  
458 either permanently or temporarily has visible surface water.

459 (g) ~~All provisions of~~ This section and rules adopted under  
460 this section relating to soil condition, water table elevation,  
461 distance, and other setback requirements must be equally applied  
462 to all lots, with the following exceptions:

463 1. Any residential lot that was platted and recorded on or  
464 after January 1, 1972, or that is part of a residential



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465 subdivision that was approved by the appropriate permitting  
466 agency on or after January 1, 1972, and that was eligible for an  
467 onsite sewage treatment and disposal system construction permit  
468 on the date of such platting and recording or approval shall be  
469 eligible for an onsite sewage treatment and disposal system  
470 construction permit, regardless of when the application for a  
471 permit is made. If rules in effect at the time the permit  
472 application is filed cannot be met, residential lots platted and  
473 recorded or approved on or after January 1, 1972, shall, to the  
474 maximum extent possible, comply with the rules in effect at the  
475 time the permit application is filed. At a minimum, however,  
476 those residential lots platted and recorded or approved on or  
477 after January 1, 1972, but before January 1, 1983, shall comply  
478 with those rules in effect on January 1, 1983, and those  
479 residential lots platted and recorded or approved on or after  
480 January 1, 1983, shall comply with those rules in effect at the  
481 time of such platting and recording or approval. In determining  
482 the maximum extent of compliance with current rules that is  
483 possible, the department shall allow structures and  
484 appurtenances thereto which were authorized at the time such  
485 lots were platted and recorded or approved.

486 2. Lots platted before 1972 are subject to a 50-foot  
487 minimum surface water setback and are not subject to lot size  
488 requirements. The projected daily flow for onsite sewage  
489 treatment and disposal systems for lots platted before 1972 may  
490 not exceed:

491 a. Two thousand five hundred gallons per acre per day for  
492 lots served by public water systems as defined in s. 403.852.

493 b. One thousand five hundred gallons per acre per day for

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494 lots served by water systems regulated under s. 381.0062.

495 (h)1. The department may grant variances in hardship cases  
496 which may be less restrictive than the provisions specified in  
497 this section. If a variance is granted and the onsite sewage  
498 treatment and disposal system construction permit has been  
499 issued, the variance may be transferred with the system  
500 construction permit, if the transferee files, within 60 days  
501 after the transfer of ownership, an amended construction permit  
502 application providing all corrected information and proof of  
503 ownership of the property and if the same variance would have  
504 been required for the new owner of the property as was  
505 originally granted to the original applicant for the variance.  
506 There is no fee associated with the processing of this  
507 supplemental information. A variance may not be granted under  
508 this section until the department is satisfied that:

509 a. The hardship was not caused intentionally by the action  
510 of the applicant;

511 b. No reasonable alternative, taking into consideration  
512 factors such as cost, exists for the treatment of the sewage;  
513 and

514 c. The discharge from the onsite sewage treatment and  
515 disposal system will not adversely affect the health of the  
516 applicant or the public or significantly degrade the groundwater  
517 or surface waters.

518  
519 Where soil conditions, water table elevation, and setback  
520 provisions are determined by the department to be satisfactory,  
521 special consideration must be given to those lots platted before  
522 1972.

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523           2. The department shall appoint and staff a variance review  
524 and advisory committee, which shall meet monthly to recommend  
525 agency action on variance requests. The committee shall make its  
526 recommendations on variance requests at the meeting in which the  
527 application is scheduled for consideration, except for an  
528 extraordinary change in circumstances, the receipt of new  
529 information that raises new issues, or when the applicant  
530 requests an extension. The committee shall consider the criteria  
531 in subparagraph 1. in its recommended agency action on variance  
532 requests and shall also strive to allow property owners the full  
533 use of their land where possible. The committee consists of the  
534 following:

- 535           a. The State Surgeon General or his or her designee.  
536           b. A representative from the county health departments.  
537           c. A representative from the home building industry  
538 recommended by the Florida Home Builders Association.  
539           d. A representative from the septic tank industry  
540 recommended by the Florida Onsite Wastewater Association.  
541           e. A representative from the Department of Environmental  
542 Protection.  
543           f. A representative from the real estate industry who is  
544 also a developer in this state who develops lots using onsite  
545 sewage treatment and disposal systems, recommended by the  
546 Florida Association of Realtors.  
547           g. A representative from the engineering profession  
548 recommended by the Florida Engineering Society.

549  
550 Members shall be appointed for a term of 3 years, with such  
551 appointments being staggered so that the terms of no more than

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552 two members expire in any one year. Members shall serve without  
553 remuneration, but if requested, shall be reimbursed for per diem  
554 and travel expenses as provided in s. 112.061.

555 (i) A construction permit may not be issued for an onsite  
556 sewage treatment and disposal system in any area zoned or used  
557 for industrial or manufacturing purposes, or its equivalent,  
558 where a publicly owned or investor-owned sewage treatment system  
559 is available, or where a likelihood exists that the system will  
560 receive toxic, hazardous, or industrial waste. An existing  
561 onsite sewage treatment and disposal system may be repaired if a  
562 publicly owned or investor-owned sewerage system is not  
563 available within 500 feet of the building sewer stub-out and if  
564 system construction and operation standards can be met. This  
565 paragraph does not require publicly owned or investor-owned  
566 sewerage treatment systems to accept anything other than  
567 domestic wastewater.

568 1. A building located in an area zoned or used for  
569 industrial or manufacturing purposes, or its equivalent, when  
570 such building is served by an onsite sewage treatment and  
571 disposal system, must not be occupied until the owner or tenant  
572 has obtained written approval from the department. The  
573 department may ~~shall~~ not grant approval when the proposed use of  
574 the system is to dispose of toxic, hazardous, or industrial  
575 wastewater or toxic or hazardous chemicals.

576 2. Each person who owns or operates a business or facility  
577 in an area zoned or used for industrial or manufacturing  
578 purposes, or its equivalent, or who owns or operates a business  
579 that has the potential to generate toxic, hazardous, or  
580 industrial wastewater or toxic or hazardous chemicals, and uses

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581 an onsite sewage treatment and disposal system that is installed  
582 on or after July 5, 1989, must obtain an annual system operating  
583 permit from the department. A person who owns or operates a  
584 business that uses an onsite sewage treatment and disposal  
585 system that was installed and approved before July 5, 1989, does  
586 not need to ~~not~~ obtain a system operating permit. However, upon  
587 change of ownership or tenancy, the new owner or operator must  
588 notify the department of the change, and the new owner or  
589 operator must obtain an annual system operating permit,  
590 regardless of the date that the system was installed or  
591 approved.

592 3. The department shall periodically review and evaluate  
593 the continued use of onsite sewage treatment and disposal  
594 systems in areas zoned or used for industrial or manufacturing  
595 purposes, or its equivalent, and may require the collection and  
596 analyses of samples from within and around such systems. If the  
597 department finds that toxic or hazardous chemicals or toxic,  
598 hazardous, or industrial wastewater have been or are being  
599 disposed of through an onsite sewage treatment and disposal  
600 system, the department shall initiate enforcement actions  
601 against the owner or tenant to ensure adequate cleanup,  
602 treatment, and disposal.

603 (j) An onsite sewage treatment and disposal system designed  
604 by a professional engineer registered in the state and certified  
605 by such engineer as complying with performance criteria adopted  
606 by the department must be approved by the department subject to  
607 the following:

608 1. The performance criteria applicable to engineer-designed  
609 systems must be limited to those necessary to ensure that such

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610 systems do not adversely affect the public health or  
611 significantly degrade the groundwater or surface water. Such  
612 performance criteria shall include consideration of the quality  
613 of system effluent, the proposed total sewage flow per acre,  
614 wastewater treatment capabilities of the natural or replaced  
615 soil, water quality classification of the potential surface-  
616 water-receiving body, and the structural and maintenance  
617 viability of the system for the treatment of domestic  
618 wastewater. However, performance criteria shall address only the  
619 performance of a system and not a system's design.

620 2. A person electing to use ~~utilize~~ an engineer-designed  
621 system shall, upon completion of the system design, submit such  
622 design, certified by a registered professional engineer, to the  
623 county health department. The county health department may use  
624 ~~utilize~~ an outside consultant to review the engineer-designed  
625 system, with the actual cost of such review to be borne by the  
626 applicant. Within 5 working days after receiving an engineer-  
627 designed system permit application, the county health department  
628 shall request additional information if the application is not  
629 complete. Within 15 working days after receiving a complete  
630 application for an engineer-designed system, the county health  
631 department either shall issue the permit or, if it determines  
632 that the system does not comply with the performance criteria,  
633 shall notify the applicant of that determination and refer the  
634 application to the department for a determination as to whether  
635 the system should be approved, disapproved, or approved with  
636 modification. The department engineer's determination shall  
637 prevail over the action of the county health department. The  
638 applicant shall be notified in writing of the department's

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639 determination and of the applicant's rights to pursue a variance  
640 or seek review under ~~the provisions of~~ chapter 120.

641 3. The owner of an engineer-designed performance-based  
642 system must maintain a current maintenance service agreement  
643 with a maintenance entity permitted by the department. The  
644 maintenance entity shall inspect each system at least twice each  
645 year and shall report quarterly to the department on the number  
646 of systems inspected and serviced. The reports may be submitted  
647 electronically.

648 4. The property owner of an owner-occupied, single-family  
649 residence may be approved and permitted by the department as a  
650 maintenance entity for his or her own performance-based  
651 treatment system upon written certification from the system  
652 manufacturer's approved representative that the property owner  
653 has received training on the proper installation and service of  
654 the system. The maintenance service agreement must conspicuously  
655 disclose that the property owner has the right to maintain his  
656 or her own system and is exempt from contractor registration  
657 requirements for performing construction, maintenance, or  
658 repairs on the system but is subject to all permitting  
659 requirements.

660 5. The property owner shall obtain a biennial system  
661 operating permit from the department for each system. The  
662 department shall inspect the system at least annually, or on  
663 such periodic basis as the fee collected permits, and may  
664 collect system-effluent samples if appropriate to determine  
665 compliance with the performance criteria. The fee for the  
666 biennial operating permit shall be collected beginning with the  
667 second year of system operation.

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668           6. If an engineer-designed system fails to properly  
669 function or fails to meet performance standards, the system  
670 shall be re-engineered, if necessary, to bring the system into  
671 compliance with ~~the provisions of~~ this section.

672           (k) An innovative system may be approved in conjunction  
673 with an engineer-designed site-specific system which is  
674 certified by the engineer to meet the performance-based criteria  
675 adopted by the department.

676           (l) For the Florida Keys, the department shall adopt a  
677 special rule for the construction, installation, modification,  
678 operation, repair, maintenance, and performance of onsite sewage  
679 treatment and disposal systems which considers the unique soil  
680 conditions and water table elevations, densities, and setback  
681 requirements. On lots where a setback distance of 75 feet from  
682 surface waters, saltmarsh, and buttonwood association habitat  
683 areas cannot be met, an injection well, approved and permitted  
684 by the department, may be used for disposal of effluent from  
685 onsite sewage treatment and disposal systems. The following  
686 additional requirements apply to onsite sewage treatment and  
687 disposal systems in Monroe County:

688           1. The county, each municipality, and those special  
689 districts established for the purpose of the collection,  
690 transmission, treatment, or disposal of sewage shall ensure, in  
691 accordance with the specific schedules adopted by the  
692 Administration Commission under s. 380.0552, the completion of  
693 onsite sewage treatment and disposal system upgrades to meet the  
694 requirements of this paragraph.

695           2. Onsite sewage treatment and disposal systems must cease  
696 discharge by December 31, 2015, or must comply with department



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697 rules and provide the level of treatment which, on a permitted  
698 annual average basis, produces an effluent that contains no more  
699 than the following concentrations:

- 700 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
701 b. Suspended Solids of 10 mg/l.  
702 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
703 reduction in nitrogen of at least 70 percent. A system that has  
704 been tested and certified to reduce nitrogen concentrations by  
705 at least 70 percent shall be deemed to be in compliance with  
706 this standard.  
707 d. Total Phosphorus, expressed as P, of 1 mg/l.

708  
709 In addition, onsite sewage treatment and disposal systems  
710 discharging to an injection well must provide basic disinfection  
711 as defined by department rule.

712 3. In areas not scheduled to be served by a central sewer,  
713 onsite sewage treatment and disposal systems must, by December  
714 31, 2015, comply with department rules and provide the level of  
715 treatment described in subparagraph 2.

716 4. In areas scheduled to be served by central sewer by  
717 December 31, 2015, if the property owner has paid a connection  
718 fee or assessment for connection to the central sewer system,  
719 the property owner may install a holding tank with a high water  
720 alarm or an onsite sewage treatment and disposal system that  
721 meets the following minimum standards:

- 722 a. The existing tanks must be pumped and inspected and  
723 certified as being watertight and free of defects in accordance  
724 with department rule; and  
725 b. A sand-lined drainfield or injection well in accordance

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726 with department rule must be installed.

727       5. Onsite sewage treatment and disposal systems must be  
728 monitored for total nitrogen and total phosphorus concentrations  
729 as required by department rule.

730       6. The department shall enforce proper installation,  
731 operation, and maintenance of onsite sewage treatment and  
732 disposal systems pursuant to this chapter, including ensuring  
733 that the appropriate level of treatment described in  
734 subparagraph 2. is met.

735       7. The authority of a local government, including a special  
736 district, to mandate connection of an onsite sewage treatment  
737 and disposal system is governed by s. 4, chapter 99-395, Laws of  
738 Florida.

739       8. Notwithstanding any other provision of law, an onsite  
740 sewage treatment and disposal system installed after July 1,  
741 2010, in unincorporated Monroe County, excluding special  
742 wastewater districts, that complies with the standards in  
743 subparagraph 2. is not required to connect to a central sewer  
744 system until December 31, 2020.

745       (m) A ~~Ne~~ product sold in the state for use in onsite sewage  
746 treatment and disposal systems may not contain any substance in  
747 concentrations or amounts that would interfere with or prevent  
748 the successful operation of such system, or that would cause  
749 discharges from such systems to violate applicable water quality  
750 standards. The department shall publish criteria for products  
751 known or expected to meet the conditions of this paragraph. In  
752 the event a product does not meet such criteria, such product  
753 may be sold if the manufacturer satisfactorily demonstrates to  
754 the department that the conditions of this paragraph are met.

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755 (n) Evaluations for determining the seasonal high-water  
756 table elevations or the suitability of soils for the use of a  
757 new onsite sewage treatment and disposal system shall be  
758 performed by department personnel, professional engineers  
759 registered in the state, or such other persons with expertise,  
760 as defined by rule, in making such evaluations. Evaluations for  
761 determining mean annual flood lines shall be performed by those  
762 persons identified in paragraph (2) (j). The department shall  
763 accept evaluations submitted by professional engineers and such  
764 other persons as meet the expertise established by this section  
765 or by rule unless the department has a reasonable scientific  
766 basis for questioning the accuracy or completeness of the  
767 evaluation.

768 (o) The department shall appoint a research review and  
769 advisory committee, which shall meet at least semiannually. The  
770 committee shall advise the department on directions for new  
771 research, review and rank proposals for research contracts, and  
772 review draft research reports and make comments. The committee  
773 is comprised of:

774 1. A representative of the State Surgeon General, or his or  
775 her designee.

776 2. A representative from the septic tank industry.

777 3. A representative from the home building industry.

778 4. A representative from an environmental interest group.

779 5. A representative from the State University System, from  
780 a department knowledgeable about onsite sewage treatment and  
781 disposal systems.

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

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784 7. A representative from local government who is  
785 knowledgeable about domestic wastewater treatment.

786 8. A representative from the real estate profession.

787 9. A representative from the restaurant industry.

788 10. A consumer.

789

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

795 (p) An application for an onsite sewage treatment and  
796 disposal system permit shall be completed in full, signed by the  
797 owner or the owner's authorized representative, or by a  
798 contractor licensed under chapter 489, and shall be accompanied  
799 by all required exhibits and fees. ~~No~~ Specific documentation of  
800 property ownership may not shall be required as a prerequisite  
801 to the review of an application or the issuance of a permit. The  
802 issuance of a permit does not constitute determination by the  
803 department of property ownership.

804 (q) The department may not require any form of subdivision  
805 analysis of property by an owner, developer, or subdivider  
806 before ~~prior to~~ submission of an application for an onsite  
807 sewage treatment and disposal system.

808 (r) ~~Nothing in~~ This section does not limit ~~limits~~ the power  
809 of a municipality or county to enforce other laws for the  
810 protection of the public health and safety.

811 (s) In the siting of onsite sewage treatment and disposal  
812 systems, including drainfields, shoulders, and slopes, guttering

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813 ~~may shall~~ not be required on single-family residential dwelling  
814 units for systems located greater than 5 feet from the roof drip  
815 line of the house. If guttering is used on residential dwelling  
816 units, the downspouts shall be directed away from the  
817 drainfield.

818 (t) Notwithstanding ~~the provisions of~~ subparagraph (g)1.,  
819 onsite sewage treatment and disposal systems located in  
820 floodways of the Suwannee and Aucilla Rivers must adhere to the  
821 following requirements:

822 1. The absorption surface of the drainfield must ~~shall~~ not  
823 be subject to flooding based on 10-year flood elevations.  
824 ~~Provided,~~ However, for lots or parcels created by the  
825 subdivision of land in accordance with applicable local  
826 government regulations before ~~prior to~~ January 17, 1990, if an  
827 applicant cannot construct a drainfield system with the  
828 absorption surface of the drainfield at an elevation equal to or  
829 above 10-year flood elevation, the department shall issue a  
830 permit for an onsite sewage treatment and disposal system within  
831 the 10-year floodplain of rivers, streams, and other bodies of  
832 flowing water if all of the following criteria are met:

833 a. The lot is at least one-half acre in size. †

834 b. The bottom of the drainfield is at least 36 inches above  
835 the 2-year flood elevation. † ~~and~~

836 c. The applicant installs either: a waterless,  
837 incinerating, or organic waste composting toilet and a graywater  
838 system and drainfield in accordance with department rules; an  
839 aerobic treatment unit and drainfield in accordance with  
840 department rules; a system approved by the State Health Office  
841 that is capable of reducing effluent nitrate by at least 50

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842 percent; or a system approved by the county health department  
843 pursuant to department rule other than a system using  
844 alternative drainfield materials. The United States Department  
845 of Agriculture Soil Conservation Service soil maps, State of  
846 Florida Water Management District data, and Federal Emergency  
847 Management Agency Flood Insurance maps are resources that shall  
848 be used to identify flood-prone areas.

849 2. The use of fill or mounding to elevate a drainfield  
850 system out of the 10-year floodplain of rivers, streams, or  
851 other bodies of flowing water must ~~shall~~ not be permitted if  
852 such a system lies within a regulatory floodway of the Suwannee  
853 and Aucilla Rivers. In cases where the 10-year flood elevation  
854 does not coincide with the boundaries of the regulatory  
855 floodway, the regulatory floodway will be considered for the  
856 purposes of this subsection to extend at a minimum to the 10-  
857 year flood elevation.

858 (u)1. The owner of an aerobic treatment unit system shall  
859 maintain a current maintenance service agreement with an aerobic  
860 treatment unit maintenance entity permitted by the department.  
861 The maintenance entity shall inspect each aerobic treatment unit  
862 system at least twice each year and shall report quarterly to  
863 the department on the number of aerobic treatment unit systems  
864 inspected and serviced. The reports may be submitted  
865 electronically.

866 2. The property owner of an owner-occupied, single-family  
867 residence may be approved and permitted by the department as a  
868 maintenance entity for his or her own aerobic treatment unit  
869 system upon written certification from the system manufacturer's  
870 approved representative that the property owner has received

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871 training on the proper installation and service of the system.  
872 The maintenance entity service agreement must conspicuously  
873 disclose that the property owner has the right to maintain his  
874 or her own system and is exempt from contractor registration  
875 requirements for performing construction, maintenance, or  
876 repairs on the system but is subject to all permitting  
877 requirements.

878         3. A septic tank contractor licensed under part III of  
879 chapter 489, if approved by the manufacturer, may not be denied  
880 access by the manufacturer to aerobic treatment unit system  
881 training or spare parts for maintenance entities. After the  
882 original warranty period, component parts for an aerobic  
883 treatment unit system may be replaced with parts that meet  
884 manufacturer's specifications but are manufactured by others.  
885 The maintenance entity shall maintain documentation of the  
886 substitute part's equivalency for 2 years and shall provide such  
887 documentation to the department upon request.

888         4. The owner of an aerobic treatment unit system shall  
889 obtain a system operating permit from the department and allow  
890 the department to inspect during reasonable hours each aerobic  
891 treatment unit system at least annually, and such inspection may  
892 include collection and analysis of system-effluent samples for  
893 performance criteria established by rule of the department.

894             (v) The department may require the submission of detailed  
895 system construction plans that are prepared by a professional  
896 engineer registered in this state. The department shall  
897 establish by rule criteria for determining when such a  
898 submission is required.

899             (w) Any permit issued and approved by the department for

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900 the installation, modification, or repair of an onsite sewage  
901 treatment and disposal system or combined system shall transfer  
902 with the title to the property in a real estate transaction. A  
903 title may not be encumbered at the time of transfer by new  
904 permit requirements by a governmental entity for an onsite  
905 sewage treatment and disposal system or combined system which  
906 differ from the permitting requirements in effect at the time  
907 the system was permitted, modified, or repaired. An inspection  
908 of a system may not be mandated by a governmental entity at the  
909 point of sale in a real estate transaction. This paragraph does  
910 not affect a septic tank phase-out deferral program implemented  
911 by a consolidated government as defined in s. 9, Art. VIII of  
912 the State Constitution (1885).

913 (x) A governmental entity, including a municipality,  
914 county, or statutorily created commission, may not require an  
915 engineer-designed performance-based treatment system, excluding  
916 a passive engineer-designed performance-based treatment system,  
917 before the completion of the Florida Onsite Sewage Nitrogen  
918 Reduction Strategies Project. This paragraph does not apply to a  
919 governmental entity, including a municipality, county, or  
920 statutorily created commission, which adopted a local law,  
921 ordinance, or regulation on or before January 31, 2012.  
922 Notwithstanding this paragraph, an engineer-designed  
923 performance-based treatment system may be used to meet the  
924 requirements of the variance review and advisory committee  
925 recommendations.

926 (y)1. An onsite sewage treatment and disposal system is not  
927 considered abandoned if the system is disconnected from a  
928 structure that was made unusable or destroyed following a



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929 disaster and if the system was properly functioning at the time  
930 of disconnection and was not adversely affected by the disaster.  
931 The onsite sewage treatment and disposal system may be  
932 reconnected to a rebuilt structure if:

933 a. The reconnection of the system is to the same type of  
934 structure which contains the same number of bedrooms or fewer,  
935 if the square footage of the structure is less than or equal to  
936 110 percent of the original square footage of the structure that  
937 existed before the disaster;

938 b. The system is not a sanitary nuisance; and

939 c. The system has not been altered without prior  
940 authorization.

941 2. An onsite sewage treatment and disposal system that  
942 serves a property that is foreclosed upon is not considered  
943 abandoned.

944 (z) If an onsite sewage treatment and disposal system  
945 permittee receives, relies upon, and undertakes construction of  
946 a system based upon a validly issued construction permit under  
947 rules applicable at the time of construction but a change to a  
948 rule occurs within 5 years after the approval of the system for  
949 construction but before the final approval of the system, the  
950 rules applicable and in effect at the time of construction  
951 approval apply at the time of final approval if fundamental site  
952 conditions have not changed between the time of construction  
953 approval and final approval.

954 (aa) An existing-system inspection or evaluation and  
955 assessment, or a modification, replacement, or upgrade of an  
956 onsite sewage treatment and disposal system is not required for  
957 a remodeling addition or modification to a single-family home if

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958 a bedroom is not added. However, a remodeling addition or  
959 modification to a single-family home may not cover any part of  
960 the existing system or encroach upon a required setback or the  
961 unobstructed area. To determine if a setback or the unobstructed  
962 area is impacted, the local health department shall review and  
963 verify a floor plan and site plan of the proposed remodeling  
964 addition or modification to the home submitted by a remodeler  
965 which shows the location of the system, including the distance  
966 of the remodeling addition or modification to the home from the  
967 onsite sewage treatment and disposal system. The local health  
968 department may visit the site or otherwise determine the best  
969 means of verifying the information submitted. A verification of  
970 the location of a system is not an inspection or evaluation and  
971 assessment of the system. The review and verification must be  
972 completed within 7 business days after receipt by the local  
973 health department of a floor plan and site plan. If the review  
974 and verification is not completed within such time, the  
975 remodeling addition or modification to the single-family home,  
976 for the purposes of this paragraph, is approved.

977 (5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

978 (a) Department personnel who have reason to believe  
979 noncompliance exists, may at any reasonable time, enter the  
980 premises permitted under ss. 381.0065-381.0066, or the business  
981 premises of any septic tank contractor or master septic tank  
982 contractor registered under part III of chapter 489, or any  
983 premises that the department has reason to believe is being  
984 operated or maintained not in compliance, to determine  
985 compliance with ~~the provisions of~~ this section, part I of  
986 chapter 386, or part III of chapter 489 or rules or standards

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987 adopted under ss. 381.0065-381.0067, part I of chapter 386, or  
988 part III of chapter 489. As used in this paragraph, the term  
989 "premises" does not include a residence or private building. To  
990 gain entry to a residence or private building, the department  
991 must obtain permission from the owner or occupant or secure an  
992 inspection warrant from a court of competent jurisdiction.

993 (b)1. The department may issue citations that may contain  
994 an order of correction or an order to pay a fine, or both, for  
995 violations of ss. 381.0065-381.0067, part I of chapter 386, or  
996 part III of chapter 489 or the rules adopted by the department,  
997 when a violation of these sections or rules is enforceable by an  
998 administrative or civil remedy, or when a violation of these  
999 sections or rules is a misdemeanor of the second degree. A  
1000 citation issued under ss. 381.0065-381.0067, part I of chapter  
1001 386, or part III of chapter 489 constitutes a notice of proposed  
1002 agency action.

1003 2. A citation must be in writing and must describe the  
1004 particular nature of the violation, including specific reference  
1005 to the ~~provisions of~~ law or rule allegedly violated.

1006 3. The fines imposed by a citation issued by the department  
1007 may not exceed \$500 for each violation. Each day the violation  
1008 exists constitutes a separate violation for which a citation may  
1009 be issued.

1010 4. The department shall inform the recipient, by written  
1011 notice pursuant to ss. 120.569 and 120.57, of the right to an  
1012 administrative hearing to contest the citation within 21 days  
1013 after the date the citation is received. The citation must  
1014 contain a conspicuous statement that if the recipient fails to  
1015 pay the fine within the time allowed, or fails to appear to

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1016 contest the citation after having requested a hearing, the  
1017 recipient has waived the recipient's right to contest the  
1018 citation and must pay an amount up to the maximum fine.

1019 5. The department may reduce or waive the fine imposed by  
1020 the citation. In determining whether to reduce or waive the  
1021 fine, the department must consider the gravity of the violation,  
1022 the person's attempts at correcting the violation, and the  
1023 person's history of previous violations including violations for  
1024 which enforcement actions were taken under ss. 381.0065-  
1025 381.0067, part I of chapter 386, part III of chapter 489, or  
1026 other ~~provisions of~~ law or rule.

1027 6. A ~~Any~~ person who willfully refuses to sign and accept a  
1028 citation issued by the department commits a misdemeanor of the  
1029 second degree, punishable as provided in s. 775.082 or s.  
1030 775.083.

1031 7. The department, pursuant to ss. 381.0065-381.0067, part  
1032 I of chapter 386, or part III of chapter 489, shall deposit any  
1033 fines it collects in the county health department trust fund for  
1034 use in providing services specified in those sections.

1035 8. This section provides an alternative means of enforcing  
1036 ss. 381.0065-381.0067, part I of chapter 386, and part III of  
1037 chapter 489. This section does not prohibit the department from  
1038 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part  
1039 III of chapter 489, or its rules, by any other means. However,  
1040 the department must elect to use only a single method of  
1041 enforcement for each violation.

1042 (6) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective  
1043 January 1, 2016, the land application of septage from onsite  
1044 sewage treatment and disposal systems is prohibited.

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1045

Section 2. This act shall take effect July 1, 2014.