

By the Committee on Environment and Natural Resources; and
Senator Albritton

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1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; transferring the Onsite Sewage
4 Program within the Department of Health to the
5 Department of Environmental Protection; requiring a
6 memorandum of agreement between the Department of
7 Health and the Department of Environmental Protection
8 by a specified date; amending ss. 153.54, 153.73,
9 163.3180, and 180.03, F.S.; conforming provisions to
10 changes made by the act; amending s. 373.036, F.S.;
11 requiring water management districts to submit
12 consolidated annual reports to the Office of Economic
13 and Demographic Research by a specified date;
14 requiring such reports to include septic-to-sewer
15 conversion and septic tank remediation projects;
16 amending ss. 373.807, 381.006, 381.0061, and 381.0064,
17 F.S.; conforming provisions and a cross-reference to
18 changes made by the act; amending s. 381.0065, F.S.;
19 conforming provisions to changes made by the act;
20 removing provisions requiring certain onsite sewage
21 treatment and disposal system research projects to be
22 approved by a Department of Health technical review
23 and advisory panel; removing provisions prohibiting
24 the award of research projects to certain entities;
25 removing provisions establishing a Department of
26 Health onsite sewage treatment and disposal system
27 research review and advisory committee; providing
28 requirements for the department's lot size
29 calculation; authorizing the department to allow the

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30 use of National Sanitation Foundation
31 International/American National Standards Institute
32 245 systems; amending s. 381.00651, F.S.; requiring
33 the county health departments to coordinate with the
34 department to administer onsite sewage treatment and
35 disposal system evaluation programs; conforming
36 provisions to changes made by the act; creating s.
37 381.00652, F.S.; requiring the Department of
38 Environmental Protection to appoint an onsite sewage
39 treatment and disposal systems technical advisory
40 committee; providing for committee purpose,
41 membership, and expiration; directing the department
42 to initiate rulemaking by a specified date and to
43 adopt specified rules; repealing s. 381.0068, F.S.,
44 relating to the Department of Health onsite sewage
45 treatment and disposal systems technical review and
46 advisory panel; amending s. 381.0101, F.S.; conforming
47 provisions to changes made by the act; amending s.
48 403.067, F.S.; directing the department to submit
49 certain water quality project cost estimates to the
50 Office of Economic and Demographic Research; amending
51 s. 489.551, F.S.; conforming provisions to changes
52 made by the act; providing effective dates.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. All powers, duties, functions, records, offices,
57 personnel, associated administrative support positions,
58 property, pending issues, existing contracts, administrative

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59 authority, administrative rules, and unexpended balances of
60 appropriations, allocations, and other funds for the regulation
61 of onsite sewage treatment and disposal systems relating to the
62 Onsite Sewage Program in the Department of Health are
63 transferred by a type two transfer, as defined in s. 20.06(2),
64 Florida Statutes, to the Department of Environmental Protection.

65 Section 2. The Department of Health and the Department of
66 Environmental Protection shall enter into a memorandum of
67 agreement regarding the type 2 transfer of the Onsite Sewage
68 Program before January 1, 2020. The agreement must address all
69 aspects of the transfer identified in section 1 of this act and
70 the respective administrative and regulatory roles of the county
71 health departments and the Department of Environmental
72 Protection after the July 1, 2020 type two transfer of
73 authority.

74 Section 3. Subsection (5) of section 153.54, Florida
75 Statutes, is amended to read:

76 153.54 Preliminary report by county commissioners with
77 respect to creation of proposed district.—Upon receipt of a
78 petition duly signed by not less than 25 qualified electors who
79 are also freeholders residing within an area proposed to be
80 incorporated into a water and sewer district pursuant to this
81 law and describing in general terms the proposed boundaries of
82 such proposed district, the board of county commissioners if it
83 shall deem it necessary and advisable to create and establish
84 such proposed district for the purpose of constructing,
85 establishing or acquiring a water system or a sewer system or
86 both in and for such district (herein called "improvements"),
87 shall first cause a preliminary report to be made which such

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88 report together with any other relevant or pertinent matters,
89 shall include at least the following:

90 (5) For the construction of a new proposed sewerage system
91 or the extension of an existing sewerage system that was not
92 previously approved, the report shall include a study that
93 includes the available information from the Department of
94 Environmental Protection ~~Health~~ on the history of onsite sewage
95 treatment and disposal systems currently in use in the area and
96 a comparison of the projected costs to the owner of a typical
97 lot or parcel of connecting to and using the proposed sewerage
98 system versus installing, operating, and properly maintaining an
99 onsite sewage treatment system that is approved by the
100 Department of Environmental Protection ~~Health~~ and that provides
101 for the comparable level of environmental and health protection
102 as the proposed central sewerage system; consideration of the
103 local authority's obligations or reasonably anticipated
104 obligations for water body cleanup and protection under state or
105 federal programs, including requirements for water bodies listed
106 under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33
107 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by
108 the local authority.

109
110 Such report shall be filed in the office of the clerk of the
111 circuit court and shall be open for the inspection of any
112 taxpayer, property owner, qualified elector or any other
113 interested or affected person.

114 Section 4. Paragraph (c) of subsection (2) of section
115 153.73, Florida Statutes, is amended to read:

116 153.73 Assessable improvements; levy and payment of special

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117 assessments.—Any district may provide for the construction or
118 reconstruction of assessable improvements as defined in s.
119 153.52, and for the levying of special assessments upon
120 benefited property for the payment thereof, under the provisions
121 of this section.

122 (2) (c) For the construction of a new proposed sewerage
123 system or the extension of an existing sewerage system that was
124 not previously approved, the report shall include a study that
125 includes the available information from the Department of
126 Environmental Protection ~~Health~~ on the history of onsite sewage
127 treatment and disposal systems currently in use in the area and
128 a comparison of the projected costs to the owner of a typical
129 lot or parcel of connecting to and using the proposed sewerage
130 system versus installing, operating, and properly maintaining an
131 onsite sewage treatment system that is approved by the
132 Department of Environmental Protection ~~Health~~ and that provides
133 for the comparable level of environmental and health protection
134 as the proposed central sewerage system; consideration of the
135 local authority's obligations or reasonably anticipated
136 obligations for water body cleanup and protection under state or
137 federal programs, including requirements for water bodies listed
138 under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33
139 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by
140 the local authority.

141 Section 5. Subsection (2) of section 163.3180, Florida
142 Statutes, is amended to read:

143 163.3180 Concurrency.—

144 (2) Consistent with public health and safety, sanitary
145 sewer, solid waste, drainage, adequate water supplies, and

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146 potable water facilities shall be in place and available to
147 serve new development no later than the issuance by the local
148 government of a certificate of occupancy or its functional
149 equivalent. Prior to approval of a building permit or its
150 functional equivalent, the local government shall consult with
151 the applicable water supplier to determine whether adequate
152 water supplies to serve the new development will be available no
153 later than the anticipated date of issuance by the local
154 government of a certificate of occupancy or its functional
155 equivalent. A local government may meet the concurrency
156 requirement for sanitary sewer through the use of onsite sewage
157 treatment and disposal systems approved by the Department of
158 Environmental Protection ~~Health~~ to serve new development.

159 Section 6. Subsection (3) of section 180.03, Florida
160 Statutes, is amended to read:

161 180.03 Resolution or ordinance proposing construction or
162 extension of utility; objections to same.-

163 (3) For the construction of a new proposed sewerage system
164 or the extension of an existing sewerage system that was not
165 previously approved, the report shall include a study that
166 includes the available information from the Department of
167 Environmental Protection ~~Health~~ on the history of onsite sewage
168 treatment and disposal systems currently in use in the area and
169 a comparison of the projected costs to the owner of a typical
170 lot or parcel of connecting to and using the proposed sewerage
171 system versus installing, operating, and properly maintaining an
172 onsite sewage treatment system that is approved by the
173 Department of Environmental Protection ~~Health~~ and that provides
174 for the comparable level of environmental and health protection

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175 as the proposed central sewerage system; consideration of the
176 local authority's obligations or reasonably anticipated
177 obligations for water body cleanup and protection under state or
178 federal programs, including requirements for water bodies listed
179 under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33
180 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by
181 the local authority. The results of such a study shall be
182 included in the resolution or ordinance required under
183 subsection (1).

184 Section 7. Paragraphs (a) and (b) of subsection (7) of
185 section 373.036, Florida Statutes, are amended to read:

186 373.036 Florida water plan; district water management
187 plans.—

188 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

189 (a) By March 1, annually, each water management district
190 shall prepare and submit to the Office of Economic and
191 Demographic Research, the department, the Governor, the
192 President of the Senate, and the Speaker of the House of
193 Representatives a consolidated water management district annual
194 report on the management of water resources. In addition, copies
195 must be provided by the water management districts to the chairs
196 of all legislative committees having substantive or fiscal
197 jurisdiction over the districts and the governing board of each
198 county in the district having jurisdiction or deriving any funds
199 for operations of the district. Copies of the consolidated
200 annual report must be made available to the public, either in
201 printed or electronic format.

202 (b) The consolidated annual report must ~~shall~~ contain the
203 following elements, as appropriate to that water management

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204 district:

205 1. A district water management plan annual report or the
206 annual work plan report allowed in subparagraph (2)(e)4.

207 2. The department-approved minimum flows and minimum water
208 levels annual priority list and schedule required by s.
209 373.042(3).

210 3. The annual 5-year capital improvements plan required by
211 s. 373.536(6)(a)3.

212 4. The alternative water supplies annual report required by
213 s. 373.707(8)(n).

214 5. The final annual 5-year water resource development work
215 program required by s. 373.536(6)(a)4.

216 6. The Florida Forever Water Management District Work Plan
217 annual report required by s. 373.199(7).

218 7. The mitigation donation annual report required by s.
219 373.414(1)(b)2.

220 8. Information on all projects related to water quality or
221 water quantity as part of a 5-year work program, including:

222 a. A list of all specific projects identified to implement
223 a basin management action plan, including any septic-to-sewer
224 conversion and septic tank remediation projects, or a recovery
225 or prevention strategy;

226 b. A priority ranking for each listed project for which
227 state funding through the water resources development work
228 program is requested, which must be made available to the public
229 for comment at least 30 days before submission of the
230 consolidated annual report;

231 c. The estimated cost for each listed project;

232 d. The estimated completion date for each listed project;

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233 e. The source and amount of financial assistance to be made
234 available by the department, a water management district, or
235 other entity for each listed project; and

236 f. A quantitative estimate of each listed project's benefit
237 to the watershed, water body, or water segment in which it is
238 located.

239 9. A grade for each watershed, water body, or water segment
240 in which a project listed under subparagraph 8. is located
241 representing the level of impairment and violations of adopted
242 minimum flow or minimum water levels. The grading system must
243 reflect the severity of the impairment of the watershed, water
244 body, or water segment.

245 Section 8. Subsection (3) of section 373.807, Florida
246 Statutes, is amended to read:

247 373.807 Protection of water quality in Outstanding Florida
248 Springs.—By July 1, 2016, the department shall initiate
249 assessment, pursuant to s. 403.067(3), of Outstanding Florida
250 Springs or spring systems for which an impairment determination
251 has not been made under the numeric nutrient standards in effect
252 for spring vents. Assessments must be completed by July 1, 2018.

253 (3) As part of a basin management action plan that includes
254 an Outstanding Florida Spring, the department, ~~the Department of~~
255 ~~Health~~, relevant local governments, and relevant local public
256 and private wastewater utilities shall develop an onsite sewage
257 treatment and disposal system remediation plan for a spring if
258 the department determines onsite sewage treatment and disposal
259 systems within a priority focus area contribute at least 20
260 percent of nonpoint source nitrogen pollution or if the
261 department determines remediation is necessary to achieve the

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262 total maximum daily load. The plan shall identify cost-effective
263 and financially feasible projects necessary to reduce the
264 nutrient impacts from onsite sewage treatment and disposal
265 systems and shall be completed and adopted as part of the basin
266 management action plan no later than the first 5-year milestone
267 required by subparagraph (1)(b)8. The department is the lead
268 agency in coordinating the preparation of and the adoption of
269 the plan. The department shall:

270 (a) Collect and evaluate credible scientific information on
271 the effect of nutrients, particularly forms of nitrogen, on
272 springs and springs systems; and

273 (b) Develop a public education plan to provide area
274 residents with reliable, understandable information about onsite
275 sewage treatment and disposal systems and springs.

276

277 In addition to the requirements in s. 403.067, the plan must
278 ~~shall~~ include options for repair, upgrade, replacement,
279 drainfield modification, addition of effective nitrogen reducing
280 features, connection to a central sewerage system, or other
281 action for an onsite sewage treatment and disposal system or
282 group of systems within a priority focus area that contribute at
283 least 20 percent of nonpoint source nitrogen pollution or if the
284 department determines remediation is necessary to achieve a
285 total maximum daily load. For these systems, the department
286 shall include in the plan a priority ranking for each system or
287 group of systems that requires remediation and shall award funds
288 to implement the remediation projects contingent on an
289 appropriation in the General Appropriations Act, which may
290 include all or part of the costs necessary for repair, upgrade,

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291 replacement, drainfield modification, addition of effective
292 nitrogen reducing features, initial connection to a central
293 sewerage system, or other action. In awarding funds, the
294 department may consider expected nutrient reduction benefit per
295 unit cost, size and scope of project, relative local financial
296 contribution to the project, and the financial impact on
297 property owners and the community. The department may waive
298 matching funding requirements for proposed projects within an
299 area designated as a rural area of opportunity under s.
300 288.0656.

301 Section 9. Section 381.006, Florida Statutes, is amended to
302 read:

303 381.006 Environmental health.—The Department of Health
304 shall conduct an environmental health program as part of
305 fulfilling the state's public health mission. The purpose of
306 this program is to detect and prevent disease caused by natural
307 and manmade factors in the environment. The environmental health
308 program shall include, but not be limited to:

309 (1) A drinking water function.

310 (2) An environmental health surveillance function which
311 shall collect, compile, and correlate information on public
312 health and exposure to hazardous substances through sampling and
313 testing of water, air, or foods. Environmental health
314 surveillance shall include a comprehensive assessment of
315 drinking water under the department's supervision and an indoor
316 air quality testing and monitoring program to assess health
317 risks from exposure to chemical, physical, and biological agents
318 in the indoor environment.

319 (3) A toxicology and hazard assessment function which shall

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320 conduct toxicological and human health risk assessments of
321 exposure to toxic agents, for the purposes of:

322 (a) Supporting determinations by the State Health Officer
323 of safe levels of contaminants in water, air, or food if
324 applicable standards or criteria have not been adopted. These
325 determinations shall include issuance of health advisories to
326 protect the health and safety of the public at risk from
327 exposure to toxic agents.

328 (b) Provision of human toxicological health risk
329 assessments to the public and other governmental agencies to
330 characterize the risks to the public from exposure to
331 contaminants in air, water, or food.

332 (c) Consultation and technical assistance to the Department
333 of Environmental Protection and other governmental agencies on
334 actions necessary to ameliorate exposure to toxic agents,
335 including the emergency provision by the Department of
336 Environmental Protection of drinking water in cases of drinking
337 water contamination that present an imminent and substantial
338 threat to the public's health, as required by s.
339 376.30(3)(c)1.a.

340 (d) Monitoring and reporting the body burden of toxic
341 agents to estimate past exposure to these toxic agents, predict
342 future health effects, and decrease the incidence of poisoning
343 by identifying and eliminating exposure.

344 (4) A sanitary nuisance function, as that term is defined
345 in chapter 386.

346 (5) A migrant labor function.

347 (6) A public facilities function, including sanitary
348 practices relating to state, county, municipal, and private

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349 institutions serving the public; jointly with the Department of
350 Education, publicly and privately owned schools; all places used
351 for the incarceration of prisoners and inmates of state
352 institutions for the mentally ill; toilets and washrooms in all
353 public places and places of employment; any other condition,
354 place, or establishment necessary for the control of disease or
355 the protection and safety of public health.

356 ~~(7) An onsite sewage treatment and disposal function.~~

357 ~~(8) A biohazardous waste control function.~~

358 (8)~~(9)~~ A function to control diseases transmitted from
359 animals to humans, including the segregation, quarantine, and
360 destruction of domestic pets and wild animals having or
361 suspected of having such diseases.

362 (9)~~(10)~~ An environmental epidemiology function which shall
363 investigate food-borne disease, waterborne disease, and other
364 diseases of environmental causation, whether of chemical,
365 radiological, or microbiological origin. A \$10 surcharge for
366 this function shall be assessed upon all persons permitted under
367 chapter 500. This function shall include an educational program
368 for physicians and health professionals designed to promote
369 surveillance and reporting of environmental diseases, and to
370 further the dissemination of knowledge about the relationship
371 between toxic substances and human health which will be useful
372 in the formulation of public policy and will be a source of
373 information for the public.

374 (10)~~(11)~~ Mosquito and pest control functions as provided in
375 chapters 388 and 482.

376 (11)~~(12)~~ A radiation control function as provided in
377 chapter 404 and part IV of chapter 468.

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378 (12)~~(13)~~ A public swimming and bathing facilities function
379 as provided in chapter 514.

380 (13)~~(14)~~ A mobile home park, lodging park, recreational
381 vehicle park, and recreational camp function as provided in
382 chapter 513.

383 (14)~~(15)~~ A sanitary facilities function, which shall
384 include minimum standards for the maintenance and sanitation of
385 sanitary facilities; public access to sanitary facilities; and
386 fixture ratios for special or temporary events and for homeless
387 shelters.

388 (15)~~(16)~~ A group-care-facilities function. As used in this
389 subsection, the term "group care facility" means any public or
390 private school, assisted living facility, adult family-care
391 home, adult day care center, short-term residential treatment
392 center, residential treatment facility, home for special
393 services, transitional living facility, crisis stabilization
394 unit, hospice, prescribed pediatric extended care center,
395 intermediate care facility for persons with developmental
396 disabilities, or boarding school. The department may adopt rules
397 necessary to protect the health and safety of residents, staff,
398 and patrons of group care facilities. Rules related to public
399 and private schools shall be developed by the Department of
400 Education in consultation with the department. Rules adopted
401 under this subsection may include definitions of terms;
402 provisions relating to operation and maintenance of facilities,
403 buildings, grounds, equipment, furnishings, and occupant-space
404 requirements; lighting; heating, cooling, and ventilation; food
405 service; water supply and plumbing; sewage; sanitary facilities;
406 insect and rodent control; garbage; safety; personnel health,

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407 hygiene, and work practices; and other matters the department
408 finds are appropriate or necessary to protect the safety and
409 health of the residents, staff, students, faculty, or patrons.
410 The department may not adopt rules that conflict with rules
411 adopted by the licensing or certifying agency. The department
412 may enter and inspect at reasonable hours to determine
413 compliance with applicable statutes or rules. In addition to any
414 sanctions that the department may impose for violations of rules
415 adopted under this section, the department shall also report
416 such violations to any agency responsible for licensing or
417 certifying the group care facility. The licensing or certifying
418 agency may also impose any sanction based solely on the findings
419 of the department.

420 (16)~~(17)~~ A function for investigating elevated levels of
421 lead in blood. Each participating county health department may
422 expend funds for federally mandated certification or
423 recertification fees related to conducting investigations of
424 elevated levels of lead in blood.

425 (17)~~(18)~~ A food service inspection function for domestic
426 violence centers that are certified by the Department of
427 Children and Families and monitored by the Florida Coalition
428 Against Domestic Violence under part XII of chapter 39 and group
429 care homes as described in subsection (15) ~~(16)~~, which shall be
430 conducted annually and be limited to the requirements in
431 department rule applicable to community-based residential
432 facilities with five or fewer residents.

433
434 The department may adopt rules to carry out ~~the provisions of~~
435 this section.

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436 Section 10. Subsection (1) of section 381.0061, Florida
437 Statutes, is amended to read:

438 381.0061 Administrative fines.—

439 (1) In addition to any administrative action authorized by
440 chapter 120 or by other law, the department may impose a fine,
441 which shall not exceed \$500 for each violation, for a violation
442 of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.
443 381.0072, or part III of chapter 489, for a violation of any
444 rule adopted under this chapter, or for a violation of any of
445 the provisions of chapter 386. Notice of intent to impose such
446 fine shall be given by the department to the alleged violator.
447 Each day that a violation continues may constitute a separate
448 violation.

449 Section 11. Subsection (1) of section 381.0064, Florida
450 Statutes, is amended to read:

451 381.0064 Continuing education courses for persons
452 installing or servicing septic tanks.—

453 (1) The Department of Environmental Protection ~~Health~~ shall
454 establish a program for continuing education which meets the
455 purposes of ss. 381.0101 and 489.554 regarding the public health
456 and environmental effects of onsite sewage treatment and
457 disposal systems and any other matters the department determines
458 desirable for the safe installation and use of onsite sewage
459 treatment and disposal systems. The department may charge a fee
460 to cover the cost of such program.

461 Section 12. Present paragraphs (d) through (q) of
462 subsection (2) of section 381.0065, Florida Statutes, are
463 redesignated as paragraphs (e) through (r), respectively, and a
464 new paragraph (d) is added to that subsection, subsections (3)

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465 and (4) are amended, and subsections (7) and (8) are added to
466 that section, to read:

467 381.0065 Onsite sewage treatment and disposal systems;
468 regulation.—

469 (2) DEFINITIONS.—As used in ss. 381.0065–381.0067, the
470 term:

471 (d) "Department" means the Department of Environmental
472 Protection.

473 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL
474 PROTECTION ~~HEALTH~~.—The department shall:

475 (a) Adopt rules to administer ss. 381.0065–381.0067,
476 including definitions that are consistent with the definitions
477 in this section, decreases to setback requirements where no
478 health hazard exists, increases for the lot-flow allowance for
479 performance-based systems, requirements for separation from
480 water table elevation during the wettest season, requirements
481 for the design and construction of any component part of an
482 onsite sewage treatment and disposal system, application and
483 permit requirements for persons who maintain an onsite sewage
484 treatment and disposal system, requirements for maintenance and
485 service agreements for aerobic treatment units and performance-
486 based treatment systems, and recommended standards, including
487 disclosure requirements, for voluntary system inspections to be
488 performed by individuals who are authorized by law to perform
489 such inspections and who shall inform a person having ownership,
490 control, or use of an onsite sewage treatment and disposal
491 system of the inspection standards and of that person's
492 authority to request an inspection based on all or part of the
493 standards.

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494 (b) Perform application reviews and site evaluations, issue
495 permits, and conduct inspections and complaint investigations
496 associated with the construction, installation, maintenance,
497 modification, abandonment, operation, use, or repair of an
498 onsite sewage treatment and disposal system for a residence or
499 establishment with an estimated domestic sewage flow of 10,000
500 gallons or less per day, or an estimated commercial sewage flow
501 of 5,000 gallons or less per day, which is not currently
502 regulated under chapter 403.

503 (c) Develop a comprehensive program to ensure that onsite
504 sewage treatment and disposal systems regulated by the
505 department are sized, designed, constructed, installed,
506 repaired, modified, abandoned, used, operated, and maintained in
507 compliance with this section and rules adopted under this
508 section to prevent groundwater contamination and surface water
509 contamination and to preserve the public health. The department
510 is the final administrative interpretive authority regarding
511 rule interpretation. In the event of a conflict regarding rule
512 interpretation, the State Surgeon General, or his or her
513 designee, shall timely assign a staff person to resolve the
514 dispute.

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

517 (e) Permit the use of a limited number of innovative
518 systems for a specific period of time, when there is compelling
519 evidence that the system will function properly and reliably to
520 meet the requirements of this section and rules adopted under
521 this section.

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

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523 (g) Establish and collect fees as established under s.
524 381.0066 for services provided with respect to onsite sewage
525 treatment and disposal systems.

526 (h) Conduct enforcement activities, including imposing
527 fines, issuing citations, suspensions, revocations, injunctions,
528 and emergency orders for violations of this section, part I of
529 chapter 386, or part III of chapter 489 or for a violation of
530 any rule adopted under this section, part I of chapter 386, or
531 part III of chapter 489.

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

535 (j) Supervise research on, demonstration of, and training
536 on the performance, environmental impact, and public health
537 impact of onsite sewage treatment and disposal systems within
538 this state. Research fees collected under s. 381.0066(2)(k) must
539 be used to develop and fund hands-on training centers designed
540 to provide practical information about onsite sewage treatment
541 and disposal systems to septic tank contractors, master septic
542 tank contractors, contractors, inspectors, engineers, and the
543 public and must also be used to fund research projects which
544 focus on improvements of onsite sewage treatment and disposal
545 systems, including use of performance-based standards and
546 reduction of environmental impact. Research projects shall be
547 ~~initially approved by the technical review and advisory panel~~
548 ~~and shall be~~ applicable to and reflect the soil conditions
549 specific to Florida. Such projects shall be awarded through
550 competitive negotiation, using the procedures provided in s.
551 287.055, to public or private entities that have experience in

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552 onsite sewage treatment and disposal systems in Florida and that
553 are principally located in Florida. ~~Research projects shall not~~
554 ~~be awarded to firms or entities that employ or are associated~~
555 ~~with persons who serve on either the technical review and~~
556 ~~advisory panel or the research review and advisory committee.~~

557 (k) Approve the installation of individual graywater
558 disposal systems in which blackwater is treated by a central
559 sewerage system.

560 (l) Regulate and permit the sanitation, handling,
561 treatment, storage, reuse, and disposal of byproducts from any
562 system regulated under this chapter and not regulated by the
563 Department of Environmental Protection.

564 (m) Permit and inspect portable or temporary toilet
565 services and holding tanks. The department shall review
566 applications, perform site evaluations, and issue permits for
567 the temporary use of holding tanks, privies, portable toilet
568 services, or any other toilet facility that is intended for use
569 on a permanent or nonpermanent basis, including facilities
570 placed on construction sites when workers are present. The
571 department may specify standards for the construction,
572 maintenance, use, and operation of any such facility for
573 temporary use.

574 (n) Regulate and permit maintenance entities for
575 performance-based treatment systems and aerobic treatment unit
576 systems. To ensure systems are maintained and operated according
577 to manufacturer's specifications and designs, the department
578 shall establish by rule minimum qualifying criteria for
579 maintenance entities. The criteria shall include: training,
580 access to approved spare parts and components, access to

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

586 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
587 construct, repair, modify, abandon, or operate an onsite sewage
588 treatment and disposal system without first obtaining a permit
589 approved by the department. The department may issue permits to
590 carry out this section, ~~but shall not make the issuance of such~~
591 ~~permits contingent upon prior approval by the department of~~
592 ~~Environmental Protection, except that~~ The issuance of a permit
593 for work seaward of the coastal construction control line
594 established under s. 161.053 is ~~shall be~~ contingent upon receipt
595 of any required coastal construction control line permit from
596 the department ~~of Environmental Protection~~. A construction
597 permit is valid for 18 months from the issuance date and may be
598 extended by the department for one 90-day period under rules
599 adopted by the department. A repair permit is valid for 90 days
600 from the date of issuance. An operating permit must be obtained
601 before ~~prior to~~ the use of any aerobic treatment unit or if the
602 establishment generates commercial waste. Buildings or
603 establishments that use an aerobic treatment unit or generate
604 commercial waste shall be inspected by the department at least
605 annually to assure compliance with the terms of the operating
606 permit. The operating permit for a commercial wastewater system
607 is valid for 1 year from the date of issuance and must be
608 renewed annually. The operating permit for an aerobic treatment
609 unit is valid for 2 years from the date of issuance and must be

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610 renewed every 2 years. If all information pertaining to the
611 siting, location, and installation conditions or repair of an
612 onsite sewage treatment and disposal system remains the same, a
613 construction or repair permit for the onsite sewage treatment
614 and disposal system may be transferred to another person, if the
615 transferee files, within 60 days after the transfer of
616 ownership, an amended application providing all corrected
617 information and proof of ownership of the property. A ~~There is~~
618 ~~no~~ fee is not associated with the processing of this
619 supplemental information. A person may not contract to
620 construct, modify, alter, repair, service, abandon, or maintain
621 any portion of an onsite sewage treatment and disposal system
622 without being registered under part III of chapter 489. A
623 property owner who personally performs construction,
624 maintenance, or repairs to a system serving his or her own
625 owner-occupied single-family residence is exempt from
626 registration requirements for performing such construction,
627 maintenance, or repairs on that residence, but is subject to all
628 permitting requirements. A municipality or political subdivision
629 of the state may not issue a building or plumbing permit for any
630 building that requires the use of an onsite sewage treatment and
631 disposal system unless the owner or builder has received a
632 construction permit for such system from the department. A
633 building or structure may not be occupied and a municipality,
634 political subdivision, or any state or federal agency may not
635 authorize occupancy until the department approves the final
636 installation of the onsite sewage treatment and disposal system.
637 A municipality or political subdivision of the state may not
638 approve any change in occupancy or tenancy of a building that

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639 uses an onsite sewage treatment and disposal system until the
640 department has reviewed the use of the system with the proposed
641 change, approved the change, and amended the operating permit.

642 (a) Subdivisions and lots in which each lot has a minimum
643 area of at least one-half acre and either a minimum dimension of
644 100 feet or a mean of at least 100 feet of the side bordering
645 the street and the distance formed by a line parallel to the
646 side bordering the street drawn between the two most distant
647 points of the remainder of the lot may be developed with a water
648 system regulated under s. 381.0062 and onsite sewage treatment
649 and disposal systems, provided the projected daily sewage flow
650 does not exceed an average of 1,500 gallons per acre per day,
651 and provided satisfactory drinking water can be obtained and all
652 distance and setback, soil condition, water table elevation, and
653 other related requirements of this section and rules adopted
654 under this section can be met.

655 (b) Subdivisions and lots using a public water system as
656 defined in s. 403.852 may use onsite sewage treatment and
657 disposal systems, provided there are no more than four lots per
658 acre, provided the projected daily sewage flow does not exceed
659 an average of 2,500 gallons per acre per day, and provided that
660 all distance and setback, soil condition, water table elevation,
661 and other related requirements that are generally applicable to
662 the use of onsite sewage treatment and disposal systems are met.

663 (c) Notwithstanding paragraphs (a) and (b), for
664 subdivisions platted of record on or before October 1, 1991,
665 when a developer or other appropriate entity has previously made
666 or makes provisions, including financial assurances or other
667 commitments, acceptable to the Department of Health, that a

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668 central water system will be installed by a regulated public
669 utility based on a density formula, private potable wells may be
670 used with onsite sewage treatment and disposal systems until the
671 agreed-upon densities are reached. In a subdivision regulated by
672 this paragraph, the average daily sewage flow may not exceed
673 2,500 gallons per acre per day. This section does not affect the
674 validity of existing prior agreements. After October 1, 1991,
675 the exception provided under this paragraph is not available to
676 a developer or other appropriate entity.

677 (d) Paragraphs (a) and (b) do not apply to any proposed
678 residential subdivision with more than 50 lots or to any
679 proposed commercial subdivision with more than 5 lots where a
680 publicly owned or investor-owned sewage treatment ~~sewerage~~
681 system is available. ~~It is the intent of~~ This paragraph does not
682 ~~to~~ allow development of additional proposed subdivisions in
683 order to evade the requirements of this paragraph.

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

- 686 1. Seventy-five feet from a private potable well.
- 687 2. Two hundred feet from a public potable well serving a
688 residential or nonresidential establishment having a total
689 sewage flow of greater than 2,000 gallons per day.
- 690 3. One hundred feet from a public potable well serving a
691 residential or nonresidential establishment having a total
692 sewage flow of less than or equal to 2,000 gallons per day.
- 693 4. Fifty feet from any nonpotable well.
- 694 5. Ten feet from any storm sewer pipe, to the maximum
695 extent possible, but in no instance shall the setback be less
696 than 5 feet.

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

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

701 8. Fifteen feet from the design high-water line of
702 retention areas, detention areas, or swales designed to contain
703 standing or flowing water for less than 72 hours after a
704 rainfall or the design high-water level of normally dry drainage
705 ditches or normally dry individual lot stormwater retention
706 areas.

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

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

715 1. Any residential lot that was platted and recorded on or
716 after January 1, 1972, or that is part of a residential
717 subdivision that was approved by the appropriate permitting
718 agency on or after January 1, 1972, and that was eligible for an
719 onsite sewage treatment and disposal system construction permit
720 on the date of such platting and recording or approval shall be
721 eligible for an onsite sewage treatment and disposal system
722 construction permit, regardless of when the application for a
723 permit is made. If rules in effect at the time the permit
724 application is filed cannot be met, residential lots platted and
725 recorded or approved on or after January 1, 1972, shall, to the

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726 maximum extent possible, comply with the rules in effect at the
727 time the permit application is filed. At a minimum, however,
728 those residential lots platted and recorded or approved on or
729 after January 1, 1972, but before January 1, 1983, shall comply
730 with those rules in effect on January 1, 1983, and those
731 residential lots platted and recorded or approved on or after
732 January 1, 1983, shall comply with those rules in effect at the
733 time of such platting and recording or approval. In determining
734 the maximum extent of compliance with current rules that is
735 possible, the department shall allow structures and
736 appurtenances thereto which were authorized at the time such
737 lots were platted and recorded or approved.

738 2. Lots platted before 1972 are subject to a 50-foot
739 minimum surface water setback and are not subject to lot size
740 requirements. The projected daily flow for onsite sewage
741 treatment and disposal systems for lots platted before 1972 may
742 not exceed:

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

745 b. One thousand five hundred gallons per acre per day for
746 lots served by water systems regulated under s. 381.0062.

747 (h)1. The department may grant variances in hardship cases
748 which may be less restrictive than ~~the provisions~~ specified in
749 this section. If a variance is granted and the onsite sewage
750 treatment and disposal system construction permit has been
751 issued, the variance may be transferred with the system
752 construction permit, if the transferee files, within 60 days
753 after the transfer of ownership, an amended construction permit
754 application providing all corrected information and proof of

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755 ownership of the property and if the same variance would have
756 been required for the new owner of the property as was
757 originally granted to the original applicant for the variance. A
758 ~~There is no fee~~ is not associated with the processing of this
759 supplemental information. A variance may not be granted under
760 this section until the department is satisfied that:

761 a. The hardship was not caused intentionally by the action
762 of the applicant;

763 b. A ~~No~~ reasonable alternative, taking into consideration
764 factors such as cost, does not exist ~~exists~~ for the treatment of
765 the sewage; and

766 c. The discharge from the onsite sewage treatment and
767 disposal system will not adversely affect the health of the
768 applicant or the public or significantly degrade the groundwater
769 or surface waters.

770

771 Where soil conditions, water table elevation, and setback
772 provisions are determined by the department to be satisfactory,
773 special consideration must be given to those lots platted before
774 1972.

775 2. The department shall appoint and staff a variance review
776 and advisory committee, which shall meet monthly to recommend
777 agency action on variance requests. The committee shall make its
778 recommendations on variance requests at the meeting in which the
779 application is scheduled for consideration, except for an
780 extraordinary change in circumstances, the receipt of new
781 information that raises new issues, or when the applicant
782 requests an extension. The committee shall consider the criteria
783 in subparagraph 1. in its recommended agency action on variance

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784 requests and shall also strive to allow property owners the full
785 use of their land where possible. The committee consists of the
786 following:

787 a. The Secretary of the department ~~State Surgeon General~~ or
788 his or her designee.

789 b. A representative from the county health departments.

790 c. A representative from the home building industry
791 recommended by the Florida Home Builders Association.

792 d. A representative from the septic tank industry
793 recommended by the Florida Onsite Wastewater Association.

794 e. A representative from the Department of Health
795 ~~Environmental Protection~~.

796 f. A representative from the real estate industry who is
797 also a developer in this state who develops lots using onsite
798 sewage treatment and disposal systems, recommended by the
799 Florida Association of Realtors.

800 g. A representative from the engineering profession
801 recommended by the Florida Engineering Society.

802

803 Members shall be appointed for a term of 3 years, with such
804 appointments being staggered so that the terms of no more than
805 two members expire in any one year. Members shall serve without
806 remuneration, but if requested, shall be reimbursed for per diem
807 and travel expenses as provided in s. 112.061.

808 (i) A construction permit may not be issued for an onsite
809 sewage treatment and disposal system in any area zoned or used
810 for industrial or manufacturing purposes, or its equivalent,
811 where a publicly owned or investor-owned sewage treatment system
812 is available, or where a likelihood exists that the system will

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813 receive toxic, hazardous, or industrial waste. An existing
814 onsite sewage treatment and disposal system may be repaired if a
815 publicly owned or investor-owned sewage treatment ~~sewerage~~
816 system is not available within 500 feet of the building sewer
817 stub-out and if system construction and operation standards can
818 be met. This paragraph does not require publicly owned or
819 investor-owned sewage ~~sewerage~~ treatment systems to accept
820 anything other than domestic wastewater.

821 1. A building located in an area zoned or used for
822 industrial or manufacturing purposes, or its equivalent, when
823 such building is served by an onsite sewage treatment and
824 disposal system, must not be occupied until the owner or tenant
825 has obtained written approval from the department. The
826 department may ~~shall~~ not grant approval when the proposed use of
827 the system is to dispose of toxic, hazardous, or industrial
828 wastewater or toxic or hazardous chemicals.

829 2. Each person who owns or operates a business or facility
830 in an area zoned or used for industrial or manufacturing
831 purposes, or its equivalent, or who owns or operates a business
832 that has the potential to generate toxic, hazardous, or
833 industrial wastewater or toxic or hazardous chemicals, and uses
834 an onsite sewage treatment and disposal system that is installed
835 on or after July 5, 1989, must obtain an annual system operating
836 permit from the department. A person who owns or operates a
837 business that uses an onsite sewage treatment and disposal
838 system that was installed and approved before July 5, 1989, does
839 not need to ~~not~~ obtain a system operating permit. However, upon
840 change of ownership or tenancy, the new owner or operator must
841 notify the department of the change, and the new owner or

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842 operator must obtain an annual system operating permit,
843 regardless of the date that the system was installed or
844 approved.

845 3. The department shall periodically review and evaluate
846 the continued use of onsite sewage treatment and disposal
847 systems in areas zoned or used for industrial or manufacturing
848 purposes, or its equivalent, and may require the collection and
849 analyses of samples from within and around such systems. If the
850 department finds that toxic or hazardous chemicals or toxic,
851 hazardous, or industrial wastewater have been or are being
852 disposed of through an onsite sewage treatment and disposal
853 system, the department shall initiate enforcement actions
854 against the owner or tenant to ensure adequate cleanup,
855 treatment, and disposal.

856 (j) An onsite sewage treatment and disposal system designed
857 by a professional engineer registered in the state and certified
858 by such engineer as complying with performance criteria adopted
859 by the department must be approved by the department subject to
860 the following:

861 1. The performance criteria applicable to engineer-designed
862 systems must be limited to those necessary to ensure that such
863 systems do not adversely affect the public health or
864 significantly degrade the groundwater or surface water. Such
865 performance criteria shall include consideration of the quality
866 of system effluent, the proposed total sewage flow per acre,
867 wastewater treatment capabilities of the natural or replaced
868 soil, water quality classification of the potential surface-
869 water-receiving body, and the structural and maintenance
870 viability of the system for the treatment of domestic

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871 wastewater. However, performance criteria shall address only the
872 performance of a system and not a system's design.

873 2. A person electing to use ~~utilize~~ an engineer-designed
874 system shall, upon completion of the system design, submit such
875 design, certified by a registered professional engineer, to the
876 county health department. The county health department may use
877 ~~utilize~~ an outside consultant to review the engineer-designed
878 system, with the actual cost of such review to be borne by the
879 applicant. Within 5 working days after receiving an engineer-
880 designed system permit application, the county health department
881 shall request additional information if the application is not
882 complete. Within 15 working days after receiving a complete
883 application for an engineer-designed system, the county health
884 department either shall issue the permit or, if it determines
885 that the system does not comply with the performance criteria,
886 shall notify the applicant of that determination and refer the
887 application to the department for a determination as to whether
888 the system should be approved, disapproved, or approved with
889 modification. The department engineer's determination shall
890 prevail over the action of the county health department. The
891 applicant shall be notified in writing of the department's
892 determination and of the applicant's rights to pursue a variance
893 or seek review under ~~the provisions of~~ chapter 120.

894 3. The owner of an engineer-designed performance-based
895 system must maintain a current maintenance service agreement
896 with a maintenance entity permitted by the department. The
897 maintenance entity shall inspect each system at least twice each
898 year and shall report quarterly to the department on the number
899 of systems inspected and serviced. The reports may be submitted

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900 electronically.

901 4. The property owner of an owner-occupied, single-family
902 residence may be approved and permitted by the department as a
903 maintenance entity for his or her own performance-based
904 treatment system upon written certification from the system
905 manufacturer's approved representative that the property owner
906 has received training on the proper installation and service of
907 the system. The maintenance service agreement must conspicuously
908 disclose that the property owner has the right to maintain his
909 or her own system and is exempt from contractor registration
910 requirements for performing construction, maintenance, or
911 repairs on the system but is subject to all permitting
912 requirements.

913 5. The property owner shall obtain a biennial system
914 operating permit from the department for each system. The
915 department shall inspect the system at least annually, or on
916 such periodic basis as the fee collected permits, and may
917 collect system-effluent samples if appropriate to determine
918 compliance with the performance criteria. The fee for the
919 biennial operating permit shall be collected beginning with the
920 second year of system operation.

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

925 (k) An innovative system may be approved in conjunction
926 with an engineer-designed site-specific system that ~~which~~ is
927 certified by the engineer to meet the performance-based criteria
928 adopted by the department.

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929 (1) For the Florida Keys, the department shall adopt a
930 special rule for the construction, installation, modification,
931 operation, repair, maintenance, and performance of onsite sewage
932 treatment and disposal systems which considers the unique soil
933 conditions and water table elevations, densities, and setback
934 requirements. On lots where a setback distance of 75 feet from
935 surface waters, saltmarsh, and buttonwood association habitat
936 areas cannot be met, an injection well, approved and permitted
937 by the department, may be used for disposal of effluent from
938 onsite sewage treatment and disposal systems. The following
939 additional requirements apply to onsite sewage treatment and
940 disposal systems in Monroe County:

941 1. The county, each municipality, and those special
942 districts established for the purpose of the collection,
943 transmission, treatment, or disposal of sewage shall ensure, in
944 accordance with the specific schedules adopted by the
945 Administration Commission under s. 380.0552, the completion of
946 onsite sewage treatment and disposal system upgrades to meet the
947 requirements of this paragraph.

948 2. Onsite sewage treatment and disposal systems must cease
949 discharge by December 31, 2015, or must comply with department
950 rules and provide the level of treatment which, on a permitted
951 annual average basis, produces an effluent that contains no more
952 than the following concentrations:

- 953 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
954 b. Suspended Solids of 10 mg/l.
955 c. Total Nitrogen, expressed as N, of 10 mg/l or a
956 reduction in nitrogen of at least 70 percent. A system that has
957 been tested and certified to reduce nitrogen concentrations by

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958 at least 70 percent shall be deemed to be in compliance with
959 this standard.

960 d. Total Phosphorus, expressed as P, of 1 mg/l.

961
962 In addition, onsite sewage treatment and disposal systems
963 discharging to an injection well must provide basic disinfection
964 as defined by department rule.

965 3. In areas not scheduled to be served by a central sewer,
966 onsite sewage treatment and disposal systems must, by December
967 31, 2015, comply with department rules and provide the level of
968 treatment described in subparagraph 2.

969 4. In areas scheduled to be served by a central sewerage
970 system ~~sewer~~ by December 31, 2015, if the property owner has
971 paid a connection fee or assessment for connection to the
972 central sewerage ~~sewer~~ system, the property owner may install a
973 holding tank with a high water alarm or an onsite sewage
974 treatment and disposal system that meets the following minimum
975 standards:

976 a. The existing tanks must be pumped and inspected and
977 certified as being watertight and free of defects in accordance
978 with department rule; and

979 b. A sand-lined drainfield or injection well in accordance
980 with department rule must be installed.

981 5. Onsite sewage treatment and disposal systems must be
982 monitored for total nitrogen and total phosphorus concentrations
983 as required by department rule.

984 6. The department shall enforce proper installation,
985 operation, and maintenance of onsite sewage treatment and
986 disposal systems pursuant to this chapter, including ensuring

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987 that the appropriate level of treatment described in
988 subparagraph 2. is met.

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

993 8. Notwithstanding any other ~~provision of~~ law, an onsite
994 sewage treatment and disposal system installed after July 1,
995 2010, in unincorporated Monroe County, excluding special
996 wastewater districts, that complies with the standards in
997 subparagraph 2. is not required to connect to a central sewer
998 system until December 31, 2020.

999 (m) Any ~~No~~ product sold in the state for use in onsite
1000 sewage treatment and disposal systems may not contain any
1001 substance in concentrations or amounts that would interfere with
1002 or prevent the successful operation of such system, or that
1003 would cause discharges from such systems to violate applicable
1004 water quality standards. The department shall publish criteria
1005 for products known or expected to meet the conditions of this
1006 paragraph. If ~~In the event~~ a product does not meet such
1007 criteria, such product may be sold if the manufacturer
1008 satisfactorily demonstrates to the department that the
1009 conditions of this paragraph are met.

1010 (n) Evaluations for determining the seasonal high-water
1011 table elevations or the suitability of soils for the use of a
1012 new onsite sewage treatment and disposal system shall be
1013 performed by department personnel, professional engineers
1014 registered in the state, or such other persons with expertise,
1015 as defined by rule, in making such evaluations. Evaluations for

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1016 determining mean annual flood lines shall be performed by those
1017 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department
1018 shall accept evaluations submitted by professional engineers and
1019 such other persons as meet the expertise established by this
1020 section or by rule unless the department has a reasonable
1021 scientific basis for questioning the accuracy or completeness of
1022 the evaluation.

1023 ~~(o) The department shall appoint a research review and~~
1024 ~~advisory committee, which shall meet at least semiannually. The~~
1025 ~~committee shall advise the department on directions for new~~
1026 ~~research, review and rank proposals for research contracts, and~~
1027 ~~review draft research reports and make comments. The committee~~
1028 ~~is comprised of:~~

1029 ~~1. A representative of the State Surgeon General, or his or~~
1030 ~~her designee.~~

1031 ~~2. A representative from the septic tank industry.~~

1032 ~~3. A representative from the home building industry.~~

1033 ~~4. A representative from an environmental interest group.~~

1034 ~~5. A representative from the State University System, from~~
1035 ~~a department knowledgeable about onsite sewage treatment and~~
1036 ~~disposal systems.~~

1037 ~~6. A professional engineer registered in this state who has~~
1038 ~~work experience in onsite sewage treatment and disposal systems.~~

1039 ~~7. A representative from local government who is~~
1040 ~~knowledgeable about domestic wastewater treatment.~~

1041 ~~8. A representative from the real estate profession.~~

1042 ~~9. A representative from the restaurant industry.~~

1043 ~~10. A consumer.~~

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1045 ~~Members shall be appointed for a term of 3 years, with the~~
1046 ~~appointments being staggered so that the terms of no more than~~
1047 ~~four members expire in any one year. Members shall serve without~~
1048 ~~remuneration, but are entitled to reimbursement for per diem and~~
1049 ~~travel expenses as provided in s. 112.061.~~

1050 ~~(o)~~ (p) An application for an onsite sewage treatment and
1051 disposal system permit shall be completed in full, signed by the
1052 owner or the owner's authorized representative, or by a
1053 contractor licensed under chapter 489, and shall be accompanied
1054 by all required exhibits and fees. ~~No~~ Specific documentation of
1055 property ownership is not ~~shall be~~ required as a prerequisite to
1056 the review of an application or the issuance of a permit. The
1057 issuance of a permit does not constitute determination by the
1058 department of property ownership.

1059 ~~(p)~~ (q) The department may not require any form of
1060 subdivision analysis of property by an owner, developer, or
1061 subdivider before ~~prior to~~ submission of an application for an
1062 onsite sewage treatment and disposal system.

1063 ~~(q)~~ (r) ~~Nothing in This section does not limit~~ limits the
1064 power of a municipality or county to enforce other laws for the
1065 protection of the public health and safety.

1066 ~~(r)~~ (s) In the siting of onsite sewage treatment and
1067 disposal systems, including drainfields, shoulders, and slopes,
1068 guttering may ~~shall~~ not be required on single-family residential
1069 dwelling units for systems located greater than 5 feet from the
1070 roof drip line of the house. If guttering is used on residential
1071 dwelling units, the downspouts shall be directed away from the
1072 drainfield.

1073 ~~(s)~~ (t) Notwithstanding ~~the provisions of~~ subparagraph

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1074 (g)1., onsite sewage treatment and disposal systems located in
1075 floodways of the Suwannee and Aucilla Rivers must adhere to the
1076 following requirements:

1077 1. The absorption surface of the drainfield may ~~shall~~ not
1078 be subject to flooding based on 10-year flood elevations.
1079 Provided, however, for lots or parcels created by the
1080 subdivision of land in accordance with applicable local
1081 government regulations before ~~prior to~~ January 17, 1990, if an
1082 applicant cannot construct a drainfield system with the
1083 absorption surface of the drainfield at an elevation equal to or
1084 above 10-year flood elevation, the department shall issue a
1085 permit for an onsite sewage treatment and disposal system within
1086 the 10-year floodplain of rivers, streams, and other bodies of
1087 flowing water if all of the following criteria are met:

1088 a. The lot is at least one-half acre in size;

1089 b. The bottom of the drainfield is at least 36 inches above
1090 the 2-year flood elevation; and

1091 c. The applicant installs either: a waterless,
1092 incinerating, or organic waste composting toilet and a graywater
1093 system and drainfield in accordance with department rules; an
1094 aerobic treatment unit and drainfield in accordance with
1095 department rules; a system ~~approved by the State Health Office~~
1096 that is capable of reducing effluent nitrate by at least 50
1097 percent in accordance with department rules; or a system other
1098 than a system using alternative drainfield materials in
1099 accordance with department rules ~~approved by the county health~~
1100 ~~department pursuant to department rule other than a system using~~
1101 ~~alternative drainfield materials~~. The United States Department
1102 of Agriculture Soil Conservation Service soil maps, State of

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1103 Florida Water Management District data, and Federal Emergency
1104 Management Agency Flood Insurance maps are resources that shall
1105 be used to identify flood-prone areas.

1106 2. The use of fill or mounding to elevate a drainfield
1107 system out of the 10-year floodplain of rivers, streams, or
1108 other bodies of flowing water may ~~shall~~ not be permitted if such
1109 a system lies within a regulatory floodway of the Suwannee and
1110 Aucilla Rivers. In cases where the 10-year flood elevation does
1111 not coincide with the boundaries of the regulatory floodway, the
1112 regulatory floodway will be considered for the purposes of this
1113 subsection to extend at a minimum to the 10-year flood
1114 elevation.

1115 (t)1. ~~(u)1.~~ The owner of an aerobic treatment unit system
1116 shall maintain a current maintenance service agreement with an
1117 aerobic treatment unit maintenance entity permitted by the
1118 department. The maintenance entity shall inspect each aerobic
1119 treatment unit system at least twice each year and shall report
1120 quarterly to the department on the number of aerobic treatment
1121 unit systems inspected and serviced. The reports may be
1122 submitted electronically.

1123 2. The property owner of an owner-occupied, single-family
1124 residence may be approved and permitted by the department as a
1125 maintenance entity for his or her own aerobic treatment unit
1126 system upon written certification from the system manufacturer's
1127 approved representative that the property owner has received
1128 training on the proper installation and service of the system.
1129 The maintenance entity service agreement must conspicuously
1130 disclose that the property owner has the right to maintain his
1131 or her own system and is exempt from contractor registration

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1132 requirements for performing construction, maintenance, or
1133 repairs on the system but is subject to all permitting
1134 requirements.

1135 3. A septic tank contractor licensed under part III of
1136 chapter 489, if approved by the manufacturer, may not be denied
1137 access by the manufacturer to aerobic treatment unit system
1138 training or spare parts for maintenance entities. After the
1139 original warranty period, component parts for an aerobic
1140 treatment unit system may be replaced with parts that meet
1141 manufacturer's specifications but are manufactured by others.
1142 The maintenance entity shall maintain documentation of the
1143 substitute part's equivalency for 2 years and shall provide such
1144 documentation to the department upon request.

1145 4. The owner of an aerobic treatment unit system shall
1146 obtain a system operating permit from the department and allow
1147 the department to inspect during reasonable hours each aerobic
1148 treatment unit system at least annually, and such inspection may
1149 include collection and analysis of system-effluent samples for
1150 performance criteria established by rule of the department.

1151 (u)~~(v)~~ The department may require the submission of
1152 detailed system construction plans that are prepared by a
1153 professional engineer registered in this state. The department
1154 shall establish by rule criteria for determining when such a
1155 submission is required.

1156 (v)~~(w)~~ Any permit issued and approved by the department for
1157 the installation, modification, or repair of an onsite sewage
1158 treatment and disposal system shall transfer with the title to
1159 the property in a real estate transaction. A title may not be
1160 encumbered at the time of transfer by new permit requirements by

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1161 a governmental entity for an onsite sewage treatment and
1162 disposal system which differ from the permitting requirements in
1163 effect at the time the system was permitted, modified, or
1164 repaired. An inspection of a system may not be mandated by a
1165 governmental entity at the point of sale in a real estate
1166 transaction. This paragraph does not affect a septic tank phase-
1167 out deferral program implemented by a consolidated government as
1168 defined in s. 9, Art. VIII of the State Constitution (1885).

1169 (w)~~(*)~~ A governmental entity, including a municipality,
1170 county, or statutorily created commission, may not require an
1171 engineer-designed performance-based treatment system, excluding
1172 a passive engineer-designed performance-based treatment system,
1173 before the completion of the Florida Onsite Sewage Nitrogen
1174 Reduction Strategies Project. This paragraph does not apply to a
1175 governmental entity, including a municipality, county, or
1176 statutorily created commission, which adopted a local law,
1177 ordinance, or regulation on or before January 31, 2012.
1178 Notwithstanding this paragraph, an engineer-designed
1179 performance-based treatment system may be used to meet the
1180 requirements of the variance review and advisory committee
1181 recommendations.

1182 (x)1.~~(y)~~1. An onsite sewage treatment and disposal system
1183 is not considered abandoned if the system is disconnected from a
1184 structure that was made unusable or destroyed following a
1185 disaster and if the system was properly functioning at the time
1186 of disconnection and was not adversely affected by the disaster.
1187 The onsite sewage treatment and disposal system may be
1188 reconnected to a rebuilt structure if:

1189 a. The reconnection of the system is to the same type of

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1190 structure which contains the same number of bedrooms or fewer,
1191 if the square footage of the structure is less than or equal to
1192 110 percent of the original square footage of the structure that
1193 existed before the disaster;

1194 b. The system is not a sanitary nuisance; and

1195 c. The system has not been altered without prior
1196 authorization.

1197 2. An onsite sewage treatment and disposal system that
1198 serves a property that is foreclosed upon is not considered
1199 abandoned.

1200 (y)~~(z)~~ If an onsite sewage treatment and disposal system
1201 permittee receives, relies upon, and undertakes construction of
1202 a system based upon a validly issued construction permit under
1203 rules applicable at the time of construction but a change to a
1204 rule occurs within 5 years after the approval of the system for
1205 construction but before the final approval of the system, the
1206 rules applicable and in effect at the time of construction
1207 approval apply at the time of final approval if fundamental site
1208 conditions have not changed between the time of construction
1209 approval and final approval.

1210 (z)~~(aa)~~ An existing-system inspection or evaluation and
1211 assessment, or a modification, replacement, or upgrade of an
1212 onsite sewage treatment and disposal system is not required for
1213 a remodeling addition or modification to a single-family home if
1214 a bedroom is not added. However, a remodeling addition or
1215 modification to a single-family home may not cover any part of
1216 the existing system or encroach upon a required setback or the
1217 unobstructed area. To determine if a setback or the unobstructed
1218 area is impacted, the local health department shall review and

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1219 verify a floor plan and site plan of the proposed remodeling
1220 addition or modification to the home submitted by a remodeler
1221 which shows the location of the system, including the distance
1222 of the remodeling addition or modification to the home from the
1223 onsite sewage treatment and disposal system. The local health
1224 department may visit the site or otherwise determine the best
1225 means of verifying the information submitted. A verification of
1226 the location of a system is not an inspection or evaluation and
1227 assessment of the system. The review and verification must be
1228 completed within 7 business days after receipt by the local
1229 health department of a floor plan and site plan. If the review
1230 and verification is not completed within such time, the
1231 remodeling addition or modification to the single-family home,
1232 for the purposes of this paragraph, is approved.

1233 (7) LOT SIZE CALCULATION.—When applying the prohibition
1234 imposed by s. 373.811(2), the department shall:

1235 (a) Include portions of the lot subject to an easement or
1236 right of entry when determining the size of a lot.

1237 (b) Determine that a hardship exists in accordance with s.
1238 403.201(1)(c) when an applicant for a variance demonstrates that
1239 the lot subject to the request is no smaller than 0.85 acres and
1240 that lots in the immediate proximity average one acre in size or
1241 larger.

1242 (8) In addition to allowing the use of other department
1243 approved nutrient removing onsite sewage treatment and disposal
1244 systems to meet the requirements of a total maximum daily load
1245 or basin management action plan adopted pursuant to 403.067, a
1246 reasonable assurance plan, or other water quality protection and
1247 restoration requirements, the department shall also allow the

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1248 use of National Sanitation Foundation International/American
1249 National Standards Institute 245 systems approved by the Public
1250 Health and Safety Organization before July 1, 2019.

1251 Section 13. Paragraph (d) of subsection (7) and subsections
1252 (8) and (9) of section 381.00651, Florida Statutes, are amended
1253 to read:

1254 381.00651 Periodic evaluation and assessment of onsite
1255 sewage treatment and disposal systems.—

1256 (7) The following procedures shall be used for conducting
1257 evaluations:

1258 (d) *Assessment procedure.*—All evaluation procedures used by
1259 a qualified contractor shall be documented in the environmental
1260 health database of the department ~~of Health~~. The qualified
1261 contractor shall provide a copy of a written, signed evaluation
1262 report to the property owner upon completion of the evaluation
1263 and to the county health department within 30 days after the
1264 evaluation. The report shall contain the name and license number
1265 of the company providing the report. A copy of the evaluation
1266 report shall be retained by the local county health department
1267 for a minimum of 5 years and until a subsequent inspection
1268 report is filed. The front cover of the report must identify any
1269 system failure and include a clear and conspicuous notice to the
1270 owner that the owner has a right to have any remediation of the
1271 failure performed by a qualified contractor other than the
1272 contractor performing the evaluation. The report must further
1273 identify any crack, leak, improper fit, or other defect in the
1274 tank, manhole, or lid, and any other damaged or missing
1275 component; any sewage or effluent visible on the ground or
1276 discharging to a ditch or other surface water body; any

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1277 downspout, stormwater, or other source of water directed onto or
1278 toward the system; and any other maintenance need or condition
1279 of the system at the time of the evaluation which, in the
1280 opinion of the qualified contractor, would possibly interfere
1281 with or restrict any future repair or modification to the
1282 existing system. The report shall conclude with an overall
1283 assessment of the fundamental operational condition of the
1284 system.

1285 (8) The county health department, in coordination with the
1286 department, shall administer any evaluation program on behalf of
1287 a county, or a municipality within the county, that has adopted
1288 an evaluation program pursuant to this section. In order to
1289 administer the evaluation program, the county or municipality,
1290 in consultation with the county health department, may develop a
1291 reasonable fee schedule to be used solely to pay for the costs
1292 of administering the evaluation program. Such a fee schedule
1293 shall be identified in the ordinance that adopts the evaluation
1294 program. When arriving at a reasonable fee schedule, the
1295 estimated annual revenues to be derived from fees may not exceed
1296 reasonable estimated annual costs of the program. Fees shall be
1297 assessed to the system owner during an inspection and separately
1298 identified on the invoice of the qualified contractor. Fees
1299 shall be remitted by the qualified contractor to the county
1300 health department. The county health department's administrative
1301 responsibilities include the following:

1302 (a) Providing a notice to the system owner at least 60 days
1303 before the system is due for an evaluation. The notice may
1304 include information on the proper maintenance of onsite sewage
1305 treatment and disposal systems.

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1306 (b) In consultation with the department ~~of Health~~,
1307 providing uniform disciplinary procedures and penalties for
1308 qualified contractors who do not comply with the requirements of
1309 the adopted ordinance, including, but not limited to, failure to
1310 provide the evaluation report as required in this subsection to
1311 the system owner and the county health department. Only the
1312 county health department may assess penalties against system
1313 owners for failure to comply with the adopted ordinance,
1314 consistent with existing requirements of law.

1315 (9) (a) A county or municipality that adopts an onsite
1316 sewage treatment and disposal system evaluation and assessment
1317 program pursuant to this section shall notify the Secretary of
1318 Environmental Protection, the Department of Health, and the
1319 applicable county health department upon the adoption of its
1320 ordinance establishing the program.

1321 (b) Upon receipt of the notice under paragraph (a), the
1322 department ~~of Environmental Protection~~ shall, within existing
1323 resources, notify the county or municipality of the potential
1324 use of, and access to, program funds under the Clean Water State
1325 Revolving Fund or s. 319 of the Clean Water Act, provide
1326 guidance in the application process to receive such moneys, and
1327 provide advice and technical assistance to the county or
1328 municipality on how to establish a low-interest revolving loan
1329 program or how to model a revolving loan program after the low-
1330 interest loan program of the Clean Water State Revolving Fund.
1331 This paragraph does not obligate the department ~~of Environmental~~
1332 ~~Protection~~ to provide any county or municipality with money to
1333 fund such programs.

1334 (c) The department ~~of Health~~ may not adopt any rule that

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1335 alters the provisions of this section.

1336 (d) The department ~~of Health~~ must allow county health
1337 departments and qualified contractors access to the
1338 environmental health database to track relevant information and
1339 assimilate data from assessment and evaluation reports of the
1340 overall condition of onsite sewage treatment and disposal
1341 systems. The environmental health database must be used by
1342 contractors to report each service and evaluation event and by a
1343 county health department to notify owners of onsite sewage
1344 treatment and disposal systems when evaluations are due. Data
1345 and information must be recorded and updated as service and
1346 evaluations are conducted and reported.

1347 Section 14. Effective July 1, 2019, section 381.00652,
1348 Florida Statutes, is created to read:

1349 381.00652 Onsite treatment and disposal systems;
1350 permitting.-

1351 (1) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS TECHNICAL
1352 ADVISORY COMMITTEE.-

1353 (a) By August 1, 2019, the department, in consultation with
1354 the Department of Health, shall appoint a technical advisory
1355 committee to assist in developing rules that will increase the
1356 availability of nutrient-removing onsite sewage treatment and
1357 disposal systems in the marketplace, including such systems that
1358 are cost-effective, low maintenance, and reliable. By July 1,
1359 2020, the committee shall consider and recommend regulatory
1360 options, such as fast-track approval, prequalification, or
1361 expedited permitting, to facilitate the introduction and use of
1362 nutrient-removing onsite sewage treatment and disposal systems
1363 that have been reviewed and approved by a national agency or

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1364 organization, such as the National Sanitation Foundation
1365 International/American National Standards Institute 245 systems
1366 approved by the Public Health and Safety Organization. The
1367 department shall use existing and available resources to
1368 administer and support the activities of the technical advisory
1369 committee.

1370 (b) The advisory committee shall consist of at least five
1371 but not more than nine members representing the home-building
1372 industry, the real estate industry, the onsite sewage treatment
1373 and disposal system industry, septic tank contractors,
1374 engineers, and local governments. Members shall serve without
1375 compensation and are not entitled to reimbursement for per diem
1376 or travel expenses.

1377 (c) This subsection shall expire on July 1, 2020.

1378 (2) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS
1379 RULEMAKING.—The department shall initiate rulemaking no later
1380 than August 1, 2020, considering the recommendations of the
1381 technical advisory committee, and adopt rules to increase the
1382 availability of cost-effective, low maintenance, and reliable
1383 nutrient-removing onsite sewage treatment and disposal systems
1384 in the marketplace.

1385 Section 15. Section 381.0068, Florida Statutes, is
1386 repealed.

1387 Section 16. Paragraph (g) of subsection (1) of section
1388 381.0101, Florida Statutes, is amended to read:

1389 381.0101 Environmental health professionals.—

1390 (1) DEFINITIONS.—As used in this section:

1391 (g) "Primary environmental health program" means those
1392 programs determined by the department to be essential for

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1393 providing basic environmental and sanitary protection to the
1394 public. At a minimum, these programs shall include food
1395 protection programs ~~program work and onsite sewage treatment and~~
1396 ~~disposal system evaluations.~~

1397 Section 17. Paragraph (a) of subsection (7) of section
1398 403.067, Florida Statutes, is amended to read:

1399 403.067 Establishment and implementation of total maximum
1400 daily loads.—

1401 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1402 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1403 (a) *Basin management action plans.*—

1404 1. In developing and implementing the total maximum daily
1405 load for a water body, the department, or the department in
1406 conjunction with a water management district, may develop a
1407 basin management action plan that addresses some or all of the
1408 watersheds and basins tributary to the water body. Such plan
1409 must integrate the appropriate management strategies available
1410 to the state through existing water quality protection programs
1411 to achieve the total maximum daily loads and may provide for
1412 phased implementation of these management strategies to promote
1413 timely, cost-effective actions as provided for in s. 403.151.
1414 The plan must establish a schedule implementing the management
1415 strategies, establish a basis for evaluating the plan's
1416 effectiveness, and identify feasible funding strategies for
1417 implementing the plan's management strategies. The management
1418 strategies may include regional treatment systems or other
1419 public works, where appropriate, and voluntary trading of water
1420 quality credits to achieve the needed pollutant load reductions.

1421 2. A basin management action plan must equitably allocate,

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1422 pursuant to paragraph (6) (b), pollutant reductions to individual
1423 basins, as a whole to all basins, or to each identified point
1424 source or category of nonpoint sources, as appropriate. For
1425 nonpoint sources for which best management practices have been
1426 adopted, the initial requirement specified by the plan must be
1427 those practices developed pursuant to paragraph (c). Where
1428 appropriate, the plan may take into account the benefits of
1429 pollutant load reduction achieved by point or nonpoint sources
1430 that have implemented management strategies to reduce pollutant
1431 loads, including best management practices, before the
1432 development of the basin management action plan. The plan must
1433 also identify the mechanisms that will address potential future
1434 increases in pollutant loading.

1435 3. The basin management action planning process is intended
1436 to involve the broadest possible range of interested parties,
1437 with the objective of encouraging the greatest amount of
1438 cooperation and consensus possible. In developing a basin
1439 management action plan, the department shall assure that key
1440 stakeholders, including, but not limited to, applicable local
1441 governments, water management districts, the Department of
1442 Agriculture and Consumer Services, other appropriate state
1443 agencies, local soil and water conservation districts,
1444 environmental groups, regulated interests, and affected
1445 pollution sources, are invited to participate in the process.
1446 The department shall hold at least one public meeting in the
1447 vicinity of the watershed or basin to discuss and receive
1448 comments during the planning process and shall otherwise
1449 encourage public participation to the greatest practicable
1450 extent. Notice of the public meeting must be published in a

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1451 newspaper of general circulation in each county in which the
1452 watershed or basin lies at least ~~not less than~~ 5 days but not
1453 ~~no~~ more than 15 days before the public meeting. A basin
1454 management action plan does not supplant or otherwise alter any
1455 assessment made under subsection (3) or subsection (4) or any
1456 calculation or initial allocation.

1457 4. Each new or revised basin management action plan shall
1458 include:

1459 a. The appropriate management strategies available through
1460 existing water quality protection programs to achieve total
1461 maximum daily loads, which may provide for phased implementation
1462 to promote timely, cost-effective actions as provided ~~for~~ in s.
1463 403.151;

1464 b. A description of best management practices adopted by
1465 rule;

1466 c. A list of projects in priority ranking with a planning-
1467 level cost estimate and estimated date of completion for each
1468 listed project;

1469 d. The source and amount of financial assistance to be made
1470 available by the department, a water management district, or
1471 other entity for each listed project, if applicable; and

1472 e. A planning-level estimate of each listed project's
1473 expected load reduction, if applicable.

1474 5. The department shall adopt all or any part of a basin
1475 management action plan and any amendment to such plan by
1476 secretarial order pursuant to chapter 120 to implement ~~the~~
1477 ~~provisions of~~ this section.

1478 6. The basin management action plan must include milestones
1479 for implementation and water quality improvement, and an

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1480 associated water quality monitoring component sufficient to
1481 evaluate whether reasonable progress in pollutant load
1482 reductions is being achieved over time. An assessment of
1483 progress toward these milestones shall be conducted every 5
1484 years, and revisions to the plan shall be made as appropriate.
1485 Revisions to the basin management action plan shall be made by
1486 the department in cooperation with basin stakeholders. Revisions
1487 to the management strategies required for nonpoint sources must
1488 follow the procedures set forth in subparagraph (c)4. Revised
1489 basin management action plans must be adopted pursuant to
1490 subparagraph 5.

1491 7. In accordance with procedures adopted by rule under
1492 paragraph (9)(c), basin management action plans, and other
1493 pollution control programs under local, state, or federal
1494 authority as provided in subsection (4), may allow point or
1495 nonpoint sources that will achieve greater pollutant reductions
1496 than required by an adopted total maximum daily load or
1497 wasteload allocation to generate, register, and trade water
1498 quality credits for the excess reductions to enable other
1499 sources to achieve their allocation; however, the generation of
1500 water quality credits does not remove the obligation of a source
1501 or activity to meet applicable technology requirements or
1502 adopted best management practices. Such plans must allow trading
1503 between NPDES permittees, and trading that may or may not
1504 involve NPDES permittees, where the generation or use of the
1505 credits involve an entity or activity not subject to department
1506 water discharge permits whose owner voluntarily elects to obtain
1507 department authorization for the generation and sale of credits.

1508 8. The provisions of the department's rule relating to the

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1509 equitable abatement of pollutants into surface waters do not
1510 apply to water bodies or water body segments for which a basin
1511 management plan that takes into account future new or expanded
1512 activities or discharges has been adopted under this section.

1513 9. The department shall submit to the Office of Economic
1514 and Demographic Research the project cost estimates required in
1515 sub-subparagraph 4.c., including any septic-to-sewer conversion
1516 and septic tank remediation project costs.

1517 Section 18. Subsection (1) of section 489.551, Florida
1518 Statutes, is amended to read:

1519 489.551 Definitions.—As used in this part:

1520 (1) "Department" means the Department of Environmental
1521 Protection Health.

1522 Section 19. Except as otherwise expressly provided in this
1523 act, and except for section 2, s. 381.0065(7) as amended by this
1524 act, and this section, which shall take effect upon July 1,
1525 2019, this act shall take effect on July 1, 2020.