

1 A bill to be entitled
2 An act relating to water quality improvements;
3 providing a short title; transferring the onsite
4 sewage program of the Department of Health to the
5 Department of Environmental Protection by a type two
6 transfer; amending s. 373.807, F.S.; revising the
7 requirements for a basin management action plan for an
8 Outstanding Florida Spring; prohibiting a local
9 government from approving building permits within the
10 plan area under certain circumstances; providing
11 penalties; requiring the Department of Environmental
12 Protection, in consultation with the Department of
13 Agriculture and Consumer Services, to develop an
14 agricultural remediation plan as part of each basin
15 management action plan under certain circumstances;
16 requiring such plans to be adopted by a specified
17 date; creating s. 381.00661, F.S.; establishing a
18 wastewater grant program within the Department of
19 Environmental Protection; authorizing the department
20 to distribute appropriated funds for certain projects;
21 providing requirements for the distribution; requiring
22 the department to coordinate with each water
23 management district to identify grant recipients;
24 requiring an annual report to the Governor and the
25 Legislature by a specified date; amending s. 403.067,

26 F.S.; revising requirements for a basin management
27 action plan; requiring estimated nutrient load
28 reductions in such plans to exceed a specified amount;
29 requiring each local government to develop a
30 wastewater treatment plan that meets certain
31 requirements; prohibiting a local government that does
32 not meet certain requirements relating to wastewater
33 treatment plant project plans or onsite sewage
34 treatment and disposal system remediation plans from
35 approving any building permits within a specified
36 timeframe; prohibiting the department from approving
37 any onsite sewage treatment and disposal system within
38 such an area for a specified timeframe; providing
39 penalties; defining the term "onsite sewage treatment
40 and disposal system"; requiring a local government to
41 create an onsite sewage treatment and disposal system
42 remediation plan as part of the basin management
43 action plan under certain circumstances; providing
44 requirements for such plan; providing requirements for
45 a restoration plan for certain water bodies; creating
46 s. 403.0771, F.S.; requiring a wastewater treatment
47 plant to notify customers of unlawful discharges of
48 raw or partially treated sewage into any waterway or
49 aquifer within a specified timeframe; prohibiting a
50 local government that owns such a plant from approving

51 any building permits within a specified timeframe;
52 prohibiting the department from approving any onsite
53 sewage treatment and disposal system within such an
54 area for a specified timeframe; providing penalties;
55 amending s. 403.086, F.S.; prohibiting facilities for
56 sanitary sewage disposal from disposing of any waste
57 in the Indian River Lagoon without first providing
58 advanced waste treatment; amending s. 403.9337, F.S.;;
59 providing penalties for a local government that fails
60 to adopt, enact, and implement a specified ordinance;
61 requiring the department to revise the basin
62 management action plan for Indian River Lagoon and
63 other specified basin management action plans by a
64 specified date; authorizing the department to grant an
65 extension to a local government upon a showing of good
66 cause; amending ss. 153.54, 153.73, 163.3180, 373.811,
67 381.006, 381.0061, 381.0064, 381.0065, 381.00651, and
68 381.0068, F.S.; conforming provisions and cross-
69 references to changes made by the act; providing
70 effective dates.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. This act may be cited as the "Clean Waterways
75 Act."

76 Section 2. All powers, duties, functions, records,
77 offices, personnel, associated administrative support positions,
78 property, pending issues, existing contracts, administrative
79 authority, administrative rules, and unexpended balances of
80 appropriations, allocations, and other funds for the regulation
81 of onsite sewage treatment and disposal systems and relating to
82 the onsite sewage program of the Department of Health are
83 transferred by a type two transfer, as defined in s. 20.06(2),
84 Florida Statutes, to the Department of Environmental Protection.

85 Section 3. Section 373.807, Florida Statutes, is amended
86 to read:

87 373.807 Protection of water quality in Outstanding Florida
88 Springs.—By July 1, 2016, the department shall initiate
89 assessment, pursuant to s. 403.067(3), of Outstanding Florida
90 Springs or spring systems for which an impairment determination
91 has not been made under the numeric nutrient standards in effect
92 for spring vents. Assessments must be completed by July 1, 2018.

93 (1) (a) Concurrent with the adoption of a nutrient total
94 maximum daily load for an Outstanding Florida Spring, the
95 department, or the department in conjunction with a water
96 management district, shall initiate development of a basin
97 management action plan, as specified in s. 403.067. For an
98 Outstanding Florida Spring with a nutrient total maximum daily
99 load adopted before July 1, 2016, the department, or the
100 department in conjunction with a water management district,

101 shall initiate development of a basin management action plan by
102 July 1, 2016. During the development of a basin management
103 action plan, if the department identifies onsite sewage
104 treatment and disposal systems as contributors of at least 20
105 percent of nonpoint source nutrient ~~nitrogen~~ pollution or if the
106 department determines remediation is necessary to achieve the
107 total maximum daily load, the basin management action plan shall
108 include an onsite sewage treatment and disposal system
109 remediation plan pursuant to s. 403.067(7)(e) ~~subsection (3)~~ for
110 those systems identified as requiring remediation.

111 (b) A basin management action plan for an Outstanding
112 Florida Spring shall be adopted within 2 years after its
113 initiation and must include, at a minimum:

114 1. A list of all specific projects and programs identified
115 to implement a nutrient total maximum daily load;

116 2. A list of all specific projects identified in any
117 incorporated onsite sewage treatment and disposal system
118 remediation plan, if applicable;

119 3. A priority rank for each listed project. The priority
120 ranking shall be based on the estimated reduction in nutrient
121 load per project, project readiness, cost effectiveness, overall
122 environmental benefit, location within the plan area, local
123 matching funds, and water savings or quantity improvements;

124 4. For each listed project, a planning level cost
125 estimate, ~~and~~ the estimated date of completion, and a plan

126 | submitted by each local government within the plan area and
 127 | approved by the department for each wastewater treatment plant
 128 | project as specified in s. 403.067(7)(d) and onsite sewage
 129 | treatment and disposal system remediation plan as specified in
 130 | s. 403.067(7)(e). Each plan must include deadlines and is
 131 | subject to penalties required under s. 403.067;

132 | 5. The source and amount of financial assistance to be
 133 | made available by the department, a water management district,
 134 | or other entity for each listed project;

135 | 6. An estimate of each listed project's nutrient load
 136 | reduction;

137 | 7. Identification of each point source or category of
 138 | nonpoint sources, including, but not limited to, urban turf
 139 | fertilizer, sports turf fertilizer, agricultural fertilizer,
 140 | onsite sewage treatment and disposal systems, wastewater
 141 | treatment plants ~~facilities~~, animal wastes, and stormwater
 142 | facilities. An estimated allocation of the pollutant load must
 143 | be provided for each point source or category of nonpoint
 144 | sources; and

145 | 8. An implementation plan designed with a target to
 146 | achieve the nutrient total maximum daily load no more than 20
 147 | years after the adoption of a basin management action plan.

148 |
 149 | The estimated nutrient load reductions in each basin management
 150 | action plan developed pursuant to this paragraph must exceed the

151 total amount of nutrient load reductions needed to meet the
152 total maximum daily load required under the plan. The department
153 shall develop a schedule establishing 5-year, 10-year, and 15-
154 year targets for achieving the nutrient total maximum daily
155 load. The schedule shall be used to provide guidance for
156 planning and funding purposes and is exempt from chapter 120.

157 (c) For a basin management action plan adopted before July
158 1, 2016, which addresses an Outstanding Florida Spring, the
159 department or the department in conjunction with a water
160 management district must revise the plan if necessary to comply
161 with this section by July 1, 2018.

162 (d) A local government may apply to the department for a
163 single extension of up to 5 years for any project in an adopted
164 basin management action plan. A local government in a rural area
165 of opportunity, as defined in s. 288.0656, may apply for a
166 single extension of up to 10 years for such a project. The
167 department may grant the extension if the local government
168 provides to the department sufficient evidence that an extension
169 is in the best interest of the public.

170 (2) By July 1, 2020 ~~2017~~, each local government, as
171 defined in s. 373.802(2), that has not adopted an ordinance
172 pursuant to s. 403.9337, shall develop, enact, and implement an
173 ordinance pursuant to that section. It is the intent of the
174 Legislature that ordinances required to be adopted under this
175 subsection reflect the latest scientific information,

176 | advancements, and technological improvements in the industry. A
177 | local government that fails to adopt, enact, and implement this
178 | ordinance is subject to a daily fine as provided in ss. 403.121,
179 | 403.141, and 403.161 and may not approve any building permits
180 | within the plan area until such time as the ordinance has been
181 | adopted, enacted, and implemented.

182 | (3) As part of each basin management action plan that
183 | includes an Outstanding Florida Spring, the department, in
184 | coordination with the Department of Agriculture and Consumer
185 | Services, shall develop an agricultural remediation plan if the
186 | department determines that agricultural nonpoint sources,
187 | including, but not limited to, fertilizer and animal wastes,
188 | contribute at least 20 percent of nonpoint source nutrient
189 | pollution. The plan must identify cost-effective and financially
190 | feasible projects, including, if applicable, advanced best
191 | management practices and land acquisition projects, including
192 | conservation easements, to reduce the nutrient impacts from
193 | agricultural operations. The department is the lead agency in
194 | coordinating the preparation of and the adoption of the plan.
195 | The Department of Agriculture and Consumer Services is the lead
196 | agency in developing and adopting advanced best management
197 | practices capable of achieving the total maximum daily load and
198 | shall develop and adopt such practices for incorporation into
199 | the plan. The plan must be adopted as part of the basin
200 | management action plan by July 1, 2021.

201 ~~(3) As part of a basin management action plan that~~
202 ~~includes an Outstanding Florida Spring, the department, the~~
203 ~~Department of Health, relevant local governments, and relevant~~
204 ~~local public and private wastewater utilities shall develop an~~
205 ~~onsite sewage treatment and disposal system remediation plan for~~
206 ~~a spring if the department determines onsite sewage treatment~~
207 ~~and disposal systems within a priority focus area contribute at~~
208 ~~least 20 percent of nonpoint source nitrogen pollution or if the~~
209 ~~department determines remediation is necessary to achieve the~~
210 ~~total maximum daily load. The plan shall identify cost effective~~
211 ~~and financially feasible projects necessary to reduce the~~
212 ~~nutrient impacts from onsite sewage treatment and disposal~~
213 ~~systems and shall be completed and adopted as part of the basin~~
214 ~~management action plan no later than the first 5-year milestone~~
215 ~~required by subparagraph (1)(b)8. The department is the lead~~
216 ~~agency in coordinating the preparation of and the adoption of~~
217 ~~the plan. The department shall:~~

218 ~~(a) Collect and evaluate credible scientific information~~
219 ~~on the effect of nutrients, particularly forms of nitrogen, on~~
220 ~~springs and springs systems; and~~

221 ~~(b) Develop a public education plan to provide area~~
222 ~~residents with reliable, understandable information about onsite~~
223 ~~sewage treatment and disposal systems and springs.~~

224
225 ~~In addition to the requirements in s. 403.067, the plan shall~~

226 ~~include options for repair, upgrade, replacement, drainfield~~
227 ~~modification, addition of effective nitrogen reducing features,~~
228 ~~connection to a central sewerage system, or other action for an~~
229 ~~onsite sewage treatment and disposal system or group of systems~~
230 ~~within a priority focus area that contribute at least 20 percent~~
231 ~~of nonpoint source nitrogen pollution or if the department~~
232 ~~determines remediation is necessary to achieve a total maximum~~
233 ~~daily load. For these systems, the department shall include in~~
234 ~~the plan a priority ranking for each system or group of systems~~
235 ~~that requires remediation and shall award funds to implement the~~
236 ~~remediation projects contingent on an appropriation in the~~
237 ~~General Appropriations Act, which may include all or part of the~~
238 ~~costs necessary for repair, upgrade, replacement, drainfield~~
239 ~~modification, addition of effective nitrogen reducing features,~~
240 ~~initial connection to a central sewerage system, or other~~
241 ~~action. In awarding funds, the department may consider expected~~
242 ~~nutrient reduction benefit per unit cost, size and scope of~~
243 ~~project, relative local financial contribution to the project,~~
244 ~~and the financial impact on property owners and the community.~~
245 ~~The department may waive matching funding requirements for~~
246 ~~proposed projects within an area designated as a rural area of~~
247 ~~opportunity under s. 288.0656.~~

248 (4) The department shall provide notice to a local
249 government of all permit applicants under s. 403.814(12) in a
250 priority focus area of an Outstanding Florida Spring over which

251 the local government has full or partial jurisdiction.

252 Section 4. Section 381.00661, Florida Statutes, is created
253 to read:

254 381.00661 Wastewater grant program.—A wastewater grant
255 program is established within the Department of Environmental
256 Protection.

257 (1) Subject to appropriation, the department may provide
258 grants for projects that will individually or collectively
259 reduce excess nutrient pollution for projects within a basin
260 management action plan or an alternative restoration plan
261 adopted by final order for all of the following:

262 (a) Projects to retrofit onsite sewage treatment and
263 disposal systems.

264 (b) Projects to construct, upgrade, or expand facilities
265 to provide advanced waste treatment, as defined in ss.
266 403.086(4).

267 (c) Projects to connect onsite sewage treatment and
268 disposal systems to central sewer facilities.

269 (2) In making an allocation of such funds, priority shall
270 be given for projects that subsidize the connection of onsite
271 sewage treatment and disposal systems to a wastewater treatment
272 plant or that subsidize inspections and assessments of onsite
273 sewage treatment and disposal systems.

274 (3) Each grant for a project described in subsection (1)
275 must require a minimum of 50 percent local matching funds.

276 However, the department may, at its discretion, totally or
277 partially waive this consideration of the local contribution for
278 proposed projects within an area designated as a rural area of
279 opportunity under s. 288.0656.

280 (4) The department shall coordinate with each water
281 management district, as necessary, to identify grant recipients
282 in each district.

283 (5) Beginning January 1, 2020, and each January 1
284 thereafter, the department shall submit a report regarding the
285 projects funded pursuant to this section to the Governor, the
286 President of the Senate, and the Speaker of the House of
287 Representatives.

288 Section 5. Present paragraph (d) of subsection (7) of
289 section 403.067, Florida Statutes, is redesignated as paragraph
290 (f), a new paragraph (d) and paragraphs (e) and (g) are added to
291 that subsection, and paragraph (a) of that subsection is
292 amended, to read:

293 403.067 Establishment and implementation of total maximum
294 daily loads.—

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

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

298 1. In developing and implementing the total maximum daily
299 load for a water body, the department, or the department in
300 conjunction with a water management district, may develop a

301 basin management action plan that addresses some or all of the
302 watersheds and basins tributary to the water body. Such plan
303 must integrate the appropriate management strategies available
304 to the state through existing water quality protection programs
305 to achieve the total maximum daily loads and may provide for
306 phased implementation of these management strategies to promote
307 timely, cost-effective actions as provided for in s. 403.151.
308 The plan must establish a schedule implementing the management
309 strategies, provide detailed information for improvement
310 projects including descriptions and timelines for completion,
311 establish a basis for evaluating the plan's effectiveness, and
312 identify feasible funding strategies for implementing the plan's
313 management strategies. The management strategies may include
314 regional treatment systems or other public works, where
315 appropriate, and voluntary trading of water quality credits to
316 achieve the needed pollutant load reductions.

317 2. A basin management action plan must equitably allocate,
318 pursuant to paragraph (6) (b), pollutant reductions to individual
319 basins, as a whole to all basins, or to each identified point
320 source or category of nonpoint sources, as appropriate. For
321 nonpoint sources for which best management practices have been
322 adopted, the initial requirement specified by the plan must be
323 those practices developed pursuant to paragraph (c). Where
324 appropriate, the plan may take into account the benefits of
325 pollutant load reduction achieved by point or nonpoint sources

326 that have implemented management strategies to reduce pollutant
327 loads, including best management practices, before the
328 development of the basin management action plan. The plan must
329 also identify the mechanisms that will address potential future
330 increases in pollutant loading.

331 3. The basin management action planning process is
332 intended to involve the broadest possible range of interested
333 parties, with the objective of encouraging the greatest amount
334 of cooperation and consensus possible. In developing a basin
335 management action plan, the department shall assure that key
336 stakeholders, including, but not limited to, applicable local
337 governments, water management districts, the Department of
338 Agriculture and Consumer Services, other appropriate state
339 agencies, local soil and water conservation districts,
340 environmental groups, regulated interests, and affected
341 pollution sources, are invited to participate in the process.
342 The department shall hold at least one public meeting in the
343 vicinity of the watershed or basin to discuss and receive
344 comments during the planning process and shall otherwise
345 encourage public participation to the greatest practicable
346 extent. Notice of the public meeting must be published in a
347 newspaper of general circulation in each county in which the
348 watershed or basin lies not less than 5 days nor more than 15
349 days before the public meeting. A basin management action plan
350 does not supplant or otherwise alter any assessment made under

351 subsection (3) or subsection (4) or any calculation or initial
352 allocation.

353 4. Each new or revised basin management action plan shall
354 include:

355 a. The appropriate management strategies available through
356 existing water quality protection programs to achieve total
357 maximum daily loads, which may provide for phased implementation
358 to promote timely, cost-effective actions as provided for in s.
359 403.151;

360 b. A description of best management practices adopted by
361 rule;

362 c. A list of projects in priority ranking with a planning-
363 level cost estimate and estimated date of completion for each
364 listed project. The priority ranking shall be based on the
365 estimated reduction in nutrient load per project, project
366 readiness, cost effectiveness, overall environmental benefit,
367 location within the plan area, local matching funds, and water
368 savings or quantity improvements;

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

372 e. A planning-level estimate of each listed project's
373 expected nutrient load reduction, if applicable; and

374 f. Identification of each point source or category of
375 nonpoint sources, including, but not limited to, urban turf

376 fertilizer, sports turf fertilizer, agricultural fertilizer,
377 onsite sewage treatment and disposal systems, wastewater
378 treatment plants, animal wastes, and stormwater facilities. An
379 estimated allocation of the pollutant load must be provided for
380 each point source or category of nonpoint sources.

381
382 The estimated nutrient load reductions in each basin management
383 action plan developed pursuant to this subparagraph must exceed
384 the total amount of nutrient load reductions needed to meet the
385 total maximum daily load required under the plan.

386 5. The department shall adopt all or any part of a basin
387 management action plan and any amendment to such plan by
388 secretarial order pursuant to chapter 120 to implement the
389 provisions of this section.

390 6. The basin management action plan must include
391 milestones for implementation and water quality improvement, and
392 an associated water quality monitoring component sufficient to
393 evaluate whether reasonable progress in pollutant load
394 reductions is being achieved over time. An assessment of
395 progress toward these milestones shall be conducted every 5
396 years, and revisions to the plan shall be made as appropriate.
397 Revisions to the basin management action plan shall be made by
398 the department in cooperation with basin stakeholders. Revisions
399 to the management strategies required for nonpoint sources must
400 follow the procedures set forth in subparagraph (c)4. Revised

401 basin management action plans must be adopted pursuant to
402 subparagraph 5.

403 7. In accordance with procedures adopted by rule under
404 paragraph (9)(c), basin management action plans, and other
405 pollution control programs under local, state, or federal
406 authority as provided in subsection (4), may allow point or
407 nonpoint sources that will achieve greater pollutant reductions
408 than required by an adopted total maximum daily load or
409 wasteload allocation to generate, register, and trade water
410 quality credits for the excess reductions to enable other
411 sources to achieve their allocation; however, the generation of
412 water quality credits does not remove the obligation of a source
413 or activity to meet applicable technology requirements or
414 adopted best management practices. Such plans must allow trading
415 between NPDES permittees, and trading that may or may not
416 involve NPDES permittees, where the generation or use of the
417 credits involve an entity or activity not subject to department
418 water discharge permits whose owner voluntarily elects to obtain
419 department authorization for the generation and sale of credits.

420 8. The provisions of the department's rule relating to the
421 equitable abatement of pollutants into surface waters do not
422 apply to water bodies or water body segments for which a basin
423 management plan that takes into account future new or expanded
424 activities or discharges has been adopted under this section.

425 (d) Wastewater treatment plan.-

426 1. As part of a basin management action plan, each local
427 government, in cooperation with the department and relevant
428 local public and private wastewater utilities, shall develop a
429 plan to implement improvements that provide, at a minimum,
430 advanced waste treatment, as defined in s. 403.086(4). The plan
431 must provide for construction, expansion, or upgrades necessary
432 to achieve a total maximum daily load, consistent with an onsite
433 sewage treatment and disposal system remediation plan under
434 paragraph (e).

435 2. Each owner or operator of an existing wastewater
436 treatment plant shall provide certain information for each plant
437 that has a plan to implement upgrades that meet or exceed
438 advanced waste treatment, as defined in s. 403.086(4). This
439 information must include the following as it relates to existing
440 conditions and estimated conditions after upgrades are
441 implemented:

442 a. The permitted capacity of the plant, in gallons per
443 day;

444 b. The average nutrient concentration; and

445 c. The estimated average nutrient load.

446 3.a. The local government shall submit to the department
447 for approval a detailed plan, which includes:

448 (I) The timeline of dates required for the commencement of
449 construction of any improvements, completion of each stage of
450 construction, and the commencement of operations;

451 (II) A detailed planning and design report setting forth
452 the plan for construction of improvements and operations; and

453 (III) A certification that the local government, in
454 agreement with the owner or operator, has approved the method of
455 implementing upgrades and method of financing or funding
456 construction and operation.

457 b. The department may amend the plan and shall approve a
458 final plan. The department shall provide technical support upon
459 request by a local government. An existing wastewater treatment
460 plant must also incorporate the plan into its next NPDES permit
461 renewal.

462 c. Each new wastewater treatment plant located within the
463 plan area shall comply with the requirements and approved dates
464 in the basin management action plan. Each existing wastewater
465 treatment plant located within the plan area shall comply with
466 the requirements and approved dates in the basin management
467 action plan no later than the next 5-year renewal date of the
468 NPDES permit. Upon a showing of good cause, the department may
469 grant an extension of time to the local government to reach
470 compliance with the schedule.

471 d. If the deadlines for the initiation of construction of
472 improvements, completion of construction, and commencement of
473 operations which were approved pursuant to this subparagraph are
474 not satisfied, each local government with a wastewater treatment
475 plant that does not meet the requirements in this subparagraph

476 may not approve any building permits within the plan area, and
477 the department may not approve any onsite sewage treatment and
478 disposal systems in the plan area where the wastewater treatment
479 plant is located until such time as the plant is brought into
480 compliance. In addition, the department shall, unless good cause
481 is shown, assess penalties pursuant to ss. 403.121, 403.141, and
482 403.161 until such time as the plant is brought into compliance.
483 The department may reduce penalties based on expenditures for
484 improvements and upgrades to the wastewater treatment plant.

485 (e) Onsite sewage treatment and disposal systems.—

486 1. For purposes of this paragraph, the term "onsite sewage
487 treatment and disposal system" has the same meaning as in s.
488 381.0065.

489 2.a. As part of a basin management action plan, each local
490 government, in cooperation with the department and relevant
491 local public and private wastewater utilities, shall develop an
492 onsite sewage treatment and disposal system remediation plan if
493 the department identifies onsite sewage treatment and disposal
494 systems as contributors of at least 20 percent of nonpoint
495 source nutrient pollution or if the department determines that
496 remediation is necessary to achieve a total maximum daily load.
497 In order to promote cost-effective remediation, the department
498 may identify one or more priority focus areas. The department
499 shall identify these areas by considering soil conditions;
500 groundwater or surface water travel time; proximity to surface

501 waters, including predominantly marine waters as defined by
502 department rule; hydrogeology; onsite system density; nutrient
503 load; and other factors that may lead to water quality
504 degradation. The remediation plan must identify cost-effective
505 and financially feasible projects necessary to reduce the
506 nutrient impacts from onsite sewage treatment and disposal
507 systems. The plan shall be completed and adopted as part of the
508 basin management action plan no later than the first 5-year
509 milestone assessment identified in subparagraph (a)6. or as
510 required in s. 373.807(1)(b)8., for Outstanding Florida Springs.
511 The department is responsible for timely approval and adoption
512 of the plan. For basin management action plans not governed by
513 part VIII of chapter 373, a priority focus area means the area
514 or areas of a basin where the groundwater is generally most
515 vulnerable to pollutant inputs where there is a known
516 connectivity between groundwater pathways and an impaired water
517 body, as determined by the department in consultation with the
518 appropriate water management districts and delineated in a basin
519 management action plan.

520 b.(I) Each local government within the plan area, or the
521 local government's designee, shall prepare a plan, by the first
522 5-year milestone assessment required under subparagraph (a)6.,
523 or as required in s. 373.807(1)(b)8. for Outstanding Florida
524 Springs, for its jurisdiction that provides for either
525 connecting each onsite sewage treatment and disposal system to a

526 central wastewater treatment plant or replacing the current
527 system with a new system where the discharge meets current water
528 quality standards and which has a discharge monitoring system.

529 The local government shall submit to the department for
530 approval, a detailed plan, which includes:

531 (A) The timeline of dates required for the commencement of
532 construction of any improvements, completion of each stage of
533 construction, and the commencement of operations;

534 (B) A detailed planning and design report setting forth
535 the plan for construction of improvements and operations;

536 (C) A certification that the local government, in
537 agreement with the owner or operator, has approved the method of
538 remediation and method of financing or funding construction and
539 operation.

540 (II) The department may amend the plan and shall approve a
541 final plan. The department shall provide technical support upon
542 request by a local government. Upon a showing of good cause, the
543 department may grant an extension of time to reach compliance
544 with the schedule.

545 (III) If the deadlines for the initiation of construction
546 of improvements, completion of construction, and commencement of
547 operations that were approved pursuant to this subsection are
548 not satisfied, the local government may not approve any building
549 permits within the plan area, and the department may not approve
550 any onsite sewage treatment and disposal system within the plan

551 area until the actions in the remediation plan have been
552 completed. In addition, the department shall, unless good cause
553 is shown, assess penalties pursuant to ss. 403.121, 403.141, and
554 403.161 until the actions in the remediation plan have been
555 completed. The department may reduce penalties based on
556 expenditures designed to achieve compliance with the remediation
557 plan.

558 c. In developing and adopting the plan, the department
559 shall:

560 (I) Collect and evaluate credible scientific information on
561 the effect of nutrients on surface waters and groundwater;

562 (II) Work with local stakeholders to develop a public
563 education plan to provide area residents with reliable,
564 understandable information about onsite sewage treatment and
565 disposal systems and surface and groundwater pollution;

566 (III) In addition to sub-subparagraph 2.b., the department
567 may include in the plan, if appropriate, options for system
568 repair, upgrade, or replacement; drainfield modification; the
569 addition of effective nutrient-reducing features; or other
570 actions addressing onsite sewage treatment and disposal system
571 issues. The department shall include in the plan a priority
572 ranking for each onsite system, or group of systems, that
573 requires remediation. The priority ranking shall be used to
574 ensure the most effective, efficient use of the funding provided
575 for onsite system remediation. In awarding any such funds, the

576 department may consider expected nutrient reduction benefit per
577 unit cost, the size and scope of the project, local financial
578 contribution to the project relative to the overall cost, and the
579 financial impact on property owners and the community. For the
580 purpose of awarding funds, the department may, at its discretion,
581 totally or partially waive this consideration of the local
582 contribution for proposed projects within an area designated as a
583 rural area of opportunity under s. 288.0656; and

584 (IV) The installation, repair, modification, or upgrade of
585 onsite sewage treatment and disposal systems on lots of 1 acre or
586 less and within the boundaries of a basin management action plan
587 with an onsite sewage treatment and disposal remediation plan
588 must conform to the requirements of the remediation plan.

589 (g) *Alternative restoration plan.*—

590 1. To demonstrate that the department can forgo placing a
591 water body on the verified impaired water bodies list and
592 establishing a total maximum daily load, the restoration plan
593 for a water body must establish:

594 a. The implementation of best management practices or
595 monitoring for nonpoint sources of pollution;

596 b. The implementation of a septic remediation plan where
597 such remediation is necessary to restore the water body; and

598 c. Adoption of alternative waste treatment levels for
599 wastewater treatment plants.

600 2. In addition, the restoration plan must include any

601 other pollution control mechanisms that are being implemented to
602 demonstrate a reasonable assurance that existing or proposed
603 pollution control mechanisms or programs will effectively
604 address the impairment. Upon adoption of such a restoration
605 plan, the requirement that best management practices or
606 monitoring be conducted within the watershed impacting the water
607 body is enforceable pursuant to this section and ss. 403.121,
608 403.141, and 403.161.

609 Section 6. Section 403.0771, Florida Statutes, is created
610 to read:

611 403.0771 Sewage spill notification; moratorium.—

612 (1) In addition to the public notification requirements of
613 s. 403.077, a wastewater treatment plant that unlawfully
614 discharges raw or partially treated sewage into any waterway or
615 aquifer must, within 24 hours after discovering the discharge,
616 notify its customers that the discharge has occurred.

617 (2) If a wastewater treatment plant owned by a local
618 government unlawfully discharges raw or partially treated sewage
619 into any waterway or aquifer, the local government may not
620 approve any building permits and the department may not approve
621 any onsite sewage treatment and disposal system in the local
622 government's jurisdiction until any required maintenance,
623 repair, or improvement has been implemented to reduce or
624 eliminate sanitary sewage overflows, as determined by the
625 department. In addition, the department shall assess a daily

626 penalty pursuant to ss. 403.121, 403.141, and 403.161 until the
627 required maintenance, repair, or improvement has been
628 implemented. The department may reduce a penalty based on the
629 wastewater treatment plant's investment in assessment and
630 maintenance activities to identify and address conditions that
631 may cause sanitary sewage overflows.

632 Section 7. Effective July 1, 2024, paragraph (c) of
633 subsection (1) of section 403.086, Florida Statutes, is amended
634 to read:

635 403.086 Sewage disposal facilities; advanced and secondary
636 waste treatment.—

637 (1)

638 (c) Notwithstanding any other provisions of this chapter
639 or chapter 373, facilities for sanitary sewage disposal may not
640 dispose of any wastes into Old Tampa Bay, Tampa Bay,
641 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater
642 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,
643 or Charlotte Harbor Bay, Indian River Lagoon, or into any river,
644 stream, channel, canal, bay, bayou, sound, or other water
645 tributary thereto, without providing advanced waste treatment,
646 as defined in subsection (4), approved by the department. This
647 paragraph shall not apply to facilities which were permitted by
648 February 1, 1987, and which discharge secondary treated
649 effluent, followed by water hyacinth treatment, to tributaries
650 of tributaries of the named waters; or to facilities permitted

651 to discharge to the nontidally influenced portions of the Peace
652 River.

653 Section 8. Present subsection (4) of section 403.9337,
654 Florida Statutes, is redesignated as subsection (5), and a new
655 subsection (4) is added to that section, to read:

656 403.9337 Model Ordinance for Florida-Friendly Fertilizer
657 Use on Urban Landscapes.—

658 (4) A local government that fails to adopt, enact, and
659 implement an ordinance pursuant to this section is subject to a
660 daily fine as provided in ss. 403.121, 403.141, and 403.161 and
661 may not approve any building permits until the ordinance has
662 been adopted, enacted, and implemented.

663 Section 9. (1) The Department of Environmental Protection
664 shall revise the basin management action plans for Indian River
665 Lagoon and the basin management action plans that were adopted
666 pursuant to s. 373.807, Florida Statutes, and approved by the
667 Secretary of Environmental Protection or prepared by the
668 department before July 1, 2019, to conform existing plans to
669 changes made by this act. Revisions to such basin management
670 action plans made pursuant to this act must be completed by July
671 1, 2020. The department may grant an extension, upon a showing
672 of good cause, to a local government on the deadlines for its
673 wastewater treatment plan project or onsite sewage treatment and
674 disposal system remediation plans submitted as part of a basin
675 management action plan.

676 (2) The department shall revise all basin management
677 action plans not included under subsection (1), but adopted
678 pursuant to s. 403.067(7), Florida Statutes, and approved by the
679 Secretary of Environmental Protection or prepared by the
680 department before July 1, 2019, to conform existing plans to
681 changes made by this act. Revisions to such basin management
682 action plans made pursuant to this act must be completed by the
683 next required 5-year milestone assessment for those revisions
684 scheduled for on or after July 1, 2020. The department may grant
685 an extension, upon a showing of good cause, to a local
686 government on the deadlines for its wastewater treatment plan
687 project or onsite sewage treatment and disposal system
688 remediation plans submitted as part of a basin management action
689 plan.

690 Section 10. Subsection (5) of section 153.54, Florida
691 Statutes, is amended to read:

692 153.54 Preliminary report by county commissioners with
693 respect to creation of proposed district.—Upon receipt of a
694 petition duly signed by not less than 25 qualified electors who
695 are also freeholders residing within an area proposed to be
696 incorporated into a water and sewer district pursuant to this
697 law and describing in general terms the proposed boundaries of
698 such proposed district, the board of county commissioners if it
699 shall deem it necessary and advisable to create and establish
700 such proposed district for the purpose of constructing,

701 establishing or acquiring a water system or a sewer system or
702 both in and for such district (herein called "improvements"),
703 shall first cause a preliminary report to be made which such
704 report together with any other relevant or pertinent matters,
705 shall include at least the following:

706 (5) For the construction of a new proposed sewerage system
707 or the extension of an existing sewerage system that was not
708 previously approved, the report shall include a study that
709 includes the available information from the Department of
710 Environmental Protection ~~Health~~ on the history of onsite sewage
711 treatment and disposal systems currently in use in the area and
712 a comparison of the projected costs to the owner of a typical
713 lot or parcel of connecting to and using the proposed sewerage
714 system versus installing, operating, and properly maintaining an
715 onsite sewage treatment system that is approved by the
716 Department of Environmental Protection ~~Health~~ and that provides
717 for the comparable level of environmental and health protection
718 as the proposed central sewerage system; consideration of the
719 local authority's obligations or reasonably anticipated
720 obligations for water body cleanup and protection under state or
721 federal programs, including requirements for water bodies listed
722 under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33
723 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by
724 the local authority.

725

726 Such report shall be filed in the office of the clerk of the
 727 circuit court and shall be open for the inspection of any
 728 taxpayer, property owner, qualified elector or any other
 729 interested or affected person.

730 Section 11. Paragraph (c) of subsection (2) of section
 731 153.73, Florida Statutes, is amended to read:

732 153.73 Assessable improvements; levy and payment of
 733 special assessments.—Any district may provide for the
 734 construction or reconstruction of assessable improvements as
 735 defined in s. 153.52, and for the levying of special assessments
 736 upon benefited property for the payment thereof, under the
 737 provisions of this section.

738 (2)

739 (c) For the construction of a new proposed sewerage system
 740 or the extension of an existing sewerage system that was not
 741 previously approved, the report shall include a study that
 742 includes the available information from the Department of
 743 Environmental Protection ~~Health~~ on the history of onsite sewage
 744 treatment and disposal systems currently in use in the area and
 745 a comparison of the projected costs to the owner of a typical
 746 lot or parcel of connecting to and using the proposed sewerage
 747 system versus installing, operating, and properly maintaining an
 748 onsite sewage treatment system that is approved by the
 749 Department of Environmental Protection ~~Health~~ and that provides
 750 for the comparable level of environmental and health protection

751 as the proposed central sewerage system; consideration of the
752 local authority's obligations or reasonably anticipated
753 obligations for water body cleanup and protection under state or
754 federal programs, including requirements for water bodies listed
755 under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33
756 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by
757 the local authority.

758 Section 12. Subsection (2) of section 163.3180, Florida
759 Statutes, is amended to read:

760 163.3180 Concurrency.—

761 (2) Consistent with public health and safety, sanitary
762 sewer, solid waste, drainage, adequate water supplies, and
763 potable water facilities shall be in place and available to
764 serve new development no later than the issuance by the local
765 government of a certificate of occupancy or its functional
766 equivalent. Prior to approval of a building permit or its
767 functional equivalent, the local government shall consult with
768 the applicable water supplier to determine whether adequate
769 water supplies to serve the new development will be available no
770 later than the anticipated date of issuance by the local
771 government of a certificate of occupancy or its functional
772 equivalent. A local government may meet the concurrency
773 requirement for sanitary sewer through the use of onsite sewage
774 treatment and disposal systems approved by the Department of
775 Environmental Protection ~~Health~~ to serve new development.

776 Section 13. Subsection (2) of section 373.811, Florida
777 Statutes, is amended to read:

778 373.811 Prohibited activities within a priority focus
779 area.—The following activities are prohibited within a priority
780 focus area in effect for an Outstanding Florida Spring:

781 (2) New onsite sewage treatment and disposal systems on
782 lots of less than 1 acre, if the addition of the specific
783 systems conflicts with an onsite treatment and disposal system
784 remediation plan incorporated into a basin management action
785 plan in accordance with s. 403.067(7)(e) ~~s. 373.807(3)~~.

786 Section 14. Subsections (7) and (18) of section 381.006,
787 Florida Statutes, are amended to read:

788 381.006 Environmental health.—The department shall conduct
789 an environmental health program as part of fulfilling the
790 state's public health mission. The purpose of this program is to
791 detect and prevent disease caused by natural and manmade factors
792 in the environment. The environmental health program shall
793 include, but not be limited to:

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

795 (18) A food service inspection function for domestic
796 violence centers that are certified by the Department of
797 Children and Families and monitored by the Florida Coalition
798 Against Domestic Violence under part XII of chapter 39 and group
799 care homes as described in subsection (15) ~~(16)~~, which shall be
800 conducted annually and be limited to the requirements in

801 department rule applicable to community-based residential
 802 facilities with five or fewer residents.

803
 804 The department may adopt rules to carry out the provisions of
 805 this section.

806 Section 15. Subsection (1) of section 381.0061, Florida
 807 Statutes, is amended to read:

808 381.0061 Administrative fines.—

809 (1) In addition to any administrative action authorized by
 810 chapter 120 or by other law, the department may impose a fine,
 811 which shall not exceed \$500 for each violation, for a violation
 812 of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.
 813 381.0072, or part III of chapter 489, for a violation of any
 814 rule adopted under this chapter, or for a violation of any of
 815 the provisions of chapter 386. Notice of intent to impose such
 816 fine shall be given by the department to the alleged violator.
 817 Each day that a violation continues may constitute a separate
 818 violation.

819 Section 16. Subsection (1) of section 381.0064, Florida
 820 Statutes, is amended to read:

821 381.0064 Continuing education courses for persons
 822 installing or servicing septic tanks.—

823 (1) The Department of Environmental Protection Health~~Health~~
 824 shall establish a program for continuing education which meets
 825 the purposes of ss. 381.0101 and 489.554 regarding the public

826 health and environmental effects of onsite sewage treatment and
827 disposal systems and any other matters the department determines
828 desirable for the safe installation and use of onsite sewage
829 treatment and disposal systems. The department may charge a fee
830 to cover the cost of such program.

831 Section 17. Present paragraphs (d) through (q) of
832 subsection (2) of section 381.0065, Florida Statutes, are
833 redesignated as paragraphs (e) through (r), respectively, a new
834 paragraph (d) is added to that subsection, and subsections (3)
835 and (4) of that section are amended, to read:

836 381.0065 Onsite sewage treatment and disposal systems;
837 regulation.—

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

840 (d) "Department" means the Department of Environmental
841 Protection.

842 (3) DUTIES AND POWERS OF THE DEPARTMENT ~~OF HEALTH~~.—The
843 department shall:

844 (a) Adopt rules to administer ss. 381.0065-381.0067,
845 including definitions that are consistent with the definitions
846 in this section, decreases to setback requirements where no
847 health hazard exists, increases for the lot-flow allowance for
848 performance-based systems, requirements for separation from
849 water table elevation during the wettest season, requirements
850 for the design and construction of any component part of an

851 onsite sewage treatment and disposal system, application and
852 permit requirements for persons who maintain an onsite sewage
853 treatment and disposal system, requirements for maintenance and
854 service agreements for aerobic treatment units and performance-
855 based treatment systems, and recommended standards, including
856 disclosure requirements, for voluntary system inspections to be
857 performed by individuals who are authorized by law to perform
858 such inspections and who shall inform a person having ownership,
859 control, or use of an onsite sewage treatment and disposal
860 system of the inspection standards and of that person's
861 authority to request an inspection based on all or part of the
862 standards.

863 (b) Perform application reviews and site evaluations,
864 issue permits, and conduct inspections and complaint
865 investigations associated with the construction, installation,
866 maintenance, modification, abandonment, operation, use, or
867 repair of an onsite sewage treatment and disposal system for a
868 residence or establishment with an estimated domestic sewage
869 flow of 10,000 gallons or less per day, or an estimated
870 commercial sewage flow of 5,000 gallons or less per day, which
871 is not currently regulated under chapter 403.

872 (c) Develop a comprehensive program to ensure that onsite
873 sewage treatment and disposal systems regulated by the
874 department are sized, designed, constructed, installed,
875 repaired, modified, abandoned, used, operated, and maintained in

876 compliance with this section and rules adopted under this
877 section to prevent groundwater contamination and surface water
878 contamination and to preserve the public health. The department
879 is the final administrative interpretive authority regarding
880 rule interpretation. In the event of a conflict regarding rule
881 interpretation, the State Surgeon General, or his or her
882 designee, shall timely assign a staff person to resolve the
883 dispute.

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

886 (e) Permit the use of a limited number of innovative
887 systems for a specific period of time, when there is compelling
888 evidence that the system will function properly and reliably to
889 meet the requirements of this section and rules adopted under
890 this section.

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

892 (g) Establish and collect fees as established under s.
893 381.0066 for services provided with respect to onsite sewage
894 treatment and disposal systems.

895 (h) Conduct enforcement activities, including imposing
896 fines, issuing citations, suspensions, revocations, injunctions,
897 and emergency orders for violations of this section, part I of
898 chapter 386, or part III of chapter 489 or for a violation of
899 any rule adopted under this section, part I of chapter 386, or
900 part III of chapter 489.

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

904 (j) Supervise research on, demonstration of, and training
905 on the performance, environmental impact, and public health
906 impact of onsite sewage treatment and disposal systems within
907 this state. Research fees collected under s. 381.0066(2)(k) must
908 be used to develop and fund hands-on training centers designed
909 to provide practical information about onsite sewage treatment
910 and disposal systems to septic tank contractors, master septic
911 tank contractors, contractors, inspectors, engineers, and the
912 public and must also be used to fund research projects which
913 focus on improvements of onsite sewage treatment and disposal
914 systems, including use of performance-based standards and
915 reduction of environmental impact. Research projects shall be
916 initially approved by the technical review and advisory panel
917 and shall be applicable to and reflect the soil conditions
918 specific to Florida. Such projects shall be awarded through
919 competitive negotiation, using the procedures provided in s.
920 287.055, to public or private entities that have experience in
921 onsite sewage treatment and disposal systems in Florida and that
922 are principally located in Florida. Research projects shall not
923 be awarded to firms or entities that employ or are associated
924 with persons who serve on either the technical review and
925 advisory panel or the research review and advisory committee.

926 (k) Approve the installation of individual graywater
927 disposal systems in which blackwater is treated by a central
928 sewerage system.

929 (l) Regulate and permit the sanitation, handling,
930 treatment, storage, reuse, and disposal of byproducts from any
931 system regulated under this chapter and not regulated by the
932 Department of Environmental Protection.

933 (m) Permit and inspect portable or temporary toilet
934 services and holding tanks. The department shall review
935 applications, perform site evaluations, and issue permits for
936 the temporary use of holding tanks, privies, portable toilet
937 services, or any other toilet facility that is intended for use
938 on a permanent or nonpermanent basis, including facilities
939 placed on construction sites when workers are present. The
940 department may specify standards for the construction,
941 maintenance, use, and operation of any such facility for
942 temporary use.

943 (n) Regulate and permit maintenance entities for
944 performance-based treatment systems and aerobic treatment unit
945 systems. To ensure systems are maintained and operated according
946 to manufacturer's specifications and designs, the department
947 shall establish by rule minimum qualifying criteria for
948 maintenance entities. The criteria shall include: training,
949 access to approved spare parts and components, access to
950 manufacturer's maintenance and operation manuals, and service

951 response time. The maintenance entity shall employ a contractor
 952 licensed under s. 489.105(3)(m), or part III of chapter 489, or
 953 a state-licensed wastewater plant operator, who is responsible
 954 for maintenance and repair of all systems under contract.

955 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 956 not construct, repair, modify, abandon, or operate an onsite
 957 sewage treatment and disposal system without first obtaining a
 958 permit approved by the department. The department may issue
 959 permits to carry out this section, ~~but shall not make the~~
 960 ~~issuance of such permits contingent upon prior approval by the~~
 961 ~~Department of Environmental Protection, except that~~ The issuance
 962 of a permit for work seaward of the coastal construction control
 963 line established under s. 161.053 shall be contingent upon
 964 receipt of any required coastal construction control line permit
 965 from the department ~~of Environmental Protection~~. A construction
 966 permit is valid for 18 months from the issuance date and may be
 967 extended by the department for one 90-day period under rules
 968 adopted by the department. A repair permit is valid for 90 days
 969 from the date of issuance. An operating permit must be obtained
 970 before ~~prior to~~ the use of any aerobic treatment unit or if the
 971 establishment generates commercial waste. Buildings or
 972 establishments that use an aerobic treatment unit or generate
 973 commercial waste shall be inspected by the department at least
 974 annually to assure compliance with the terms of the operating
 975 permit. The operating permit for a commercial wastewater system

976 | is valid for 1 year from the date of issuance and must be
977 | renewed annually. The operating permit for an aerobic treatment
978 | unit is valid for 2 years from the date of issuance and must be
979 | renewed every 2 years. If all information pertaining to the
980 | siting, location, and installation conditions or repair of an
981 | onsite sewage treatment and disposal system remains the same, a
982 | construction or repair permit for the onsite sewage treatment
983 | and disposal system may be transferred to another person, if the
984 | transferee files, within 60 days after the transfer of
985 | ownership, an amended application providing all corrected
986 | information and proof of ownership of the property. There is no
987 | fee associated with the processing of this supplemental
988 | information. A person may not contract to construct, modify,
989 | alter, repair, service, abandon, or maintain any portion of an
990 | onsite sewage treatment and disposal system without being
991 | registered under part III of chapter 489. A property owner who
992 | personally performs construction, maintenance, or repairs to a
993 | system serving his or her own owner-occupied single-family
994 | residence is exempt from registration requirements for
995 | performing such construction, maintenance, or repairs on that
996 | residence, but is subject to all permitting requirements. A
997 | municipality or political subdivision of the state may not issue
998 | a building or plumbing permit for any building that requires the
999 | use of an onsite sewage treatment and disposal system unless the
1000 | owner or builder has received a construction permit for such

1001 system from the department. A building or structure may not be
1002 occupied and a municipality, political subdivision, or any state
1003 or federal agency may not authorize occupancy until the
1004 department approves the final installation of the onsite sewage
1005 treatment and disposal system. A municipality or political
1006 subdivision of the state may not approve any change in occupancy
1007 or tenancy of a building that uses an onsite sewage treatment
1008 and disposal system until the department has reviewed the use of
1009 the system with the proposed change, approved the change, and
1010 amended the operating permit.

1011 (a) Subdivisions and lots in which each lot has a minimum
1012 area of at least one-half acre and either a minimum dimension of
1013 100 feet or a mean of at least 100 feet of the side bordering
1014 the street and the distance formed by a line parallel to the
1015 side bordering the street drawn between the two most distant
1016 points of the remainder of the lot may be developed with a water
1017 system regulated under s. 381.0062 and onsite sewage treatment
1018 and disposal systems, provided the projected daily sewage flow
1019 does not exceed an average of 1,500 gallons per acre per day,
1020 and provided satisfactory drinking water can be obtained and all
1021 distance and setback, soil condition, water table elevation, and
1022 other related requirements of this section and rules adopted
1023 under this section can be met.

1024 (b) Subdivisions and lots using a public water system as
1025 defined in s. 403.852 may use onsite sewage treatment and

1026 disposal systems, provided there are no more than four lots per
1027 acre, provided the projected daily sewage flow does not exceed
1028 an average of 2,500 gallons per acre per day, and provided that
1029 all distance and setback, soil condition, water table elevation,
1030 and other related requirements that are generally applicable to
1031 the use of onsite sewage treatment and disposal systems are met.

1032 (c) Notwithstanding paragraphs (a) and (b), for
1033 subdivisions platted of record on or before October 1, 1991,
1034 when a developer or other appropriate entity has previously made
1035 or makes provisions, including financial assurances or other
1036 commitments, acceptable to the department ~~of Health~~, that a
1037 central water system will be installed by a regulated public
1038 utility based on a density formula, private potable wells may be
1039 used with onsite sewage treatment and disposal systems until the
1040 agreed-upon densities are reached. In a subdivision regulated by
1041 this paragraph, the average daily sewage flow may not exceed
1042 2,500 gallons per acre per day. This section does not affect the
1043 validity of existing prior agreements. After October 1, 1991,
1044 the exception provided under this paragraph is not available to
1045 a developer or other appropriate entity.

1046 (d) Paragraphs (a) and (b) do not apply to any proposed
1047 residential subdivision with more than 50 lots or to any
1048 proposed commercial subdivision with more than 5 lots where a
1049 publicly owned or investor-owned sewerage system is available.
1050 It is the intent of this paragraph not to allow development of

1051 additional proposed subdivisions in order to evade the
1052 requirements of this paragraph.

1053 (e) Onsite sewage treatment and disposal systems must not
1054 be placed closer than:

1055 1. Seventy-five feet from a private potable well.

1056 2. Two hundred feet from a public potable well serving a
1057 residential or nonresidential establishment having a total
1058 sewage flow of greater than 2,000 gallons per day.

1059 3. One hundred feet from a public potable well serving a
1060 residential or nonresidential establishment having a total
1061 sewage flow of less than or equal to 2,000 gallons per day.

1062 4. Fifty feet from any nonpotable well.

1063 5. Ten feet from any storm sewer pipe, to the maximum
1064 extent possible, but in no instance shall the setback be less
1065 than 5 feet.

1066 6. Seventy-five feet from the mean high-water line of a
1067 tidally influenced surface water body.

1068 7. Seventy-five feet from the mean annual flood line of a
1069 permanent nontidal surface water body.

1070 8. Fifteen feet from the design high-water line of
1071 retention areas, detention areas, or swales designed to contain
1072 standing or flowing water for less than 72 hours after a
1073 rainfall or the design high-water level of normally dry drainage
1074 ditches or normally dry individual lot stormwater retention
1075 areas.

1076 (f) Except as provided under paragraphs (e) and (t), no
1077 limitations shall be imposed by rule, relating to the distance
1078 between an onsite disposal system and any area that either
1079 permanently or temporarily has visible surface water.

1080 (g) All provisions of this section and rules adopted under
1081 this section relating to soil condition, water table elevation,
1082 distance, and other setback requirements must be equally applied
1083 to all lots, with the following exceptions:

1084 1. Any residential lot that was platted and recorded on or
1085 after January 1, 1972, or that is part of a residential
1086 subdivision that was approved by the appropriate permitting
1087 agency on or after January 1, 1972, and that was eligible for an
1088 onsite sewage treatment and disposal system construction permit
1089 on the date of such platting and recording or approval shall be
1090 eligible for an onsite sewage treatment and disposal system
1091 construction permit, regardless of when the application for a
1092 permit is made. If rules in effect at the time the permit
1093 application is filed cannot be met, residential lots platted and
1094 recorded or approved on or after January 1, 1972, shall, to the
1095 maximum extent possible, comply with the rules in effect at the
1096 time the permit application is filed. At a minimum, however,
1097 those residential lots platted and recorded or approved on or
1098 after January 1, 1972, but before January 1, 1983, shall comply
1099 with those rules in effect on January 1, 1983, and those
1100 residential lots platted and recorded or approved on or after

1101 January 1, 1983, shall comply with those rules in effect at the
1102 time of such platting and recording or approval. In determining
1103 the maximum extent of compliance with current rules that is
1104 possible, the department shall allow structures and
1105 appurtenances thereto which were authorized at the time such
1106 lots were platted and recorded or approved.

1107 2. Lots platted before 1972 are subject to a 50-foot
1108 minimum surface water setback and are not subject to lot size
1109 requirements. The projected daily flow for onsite sewage
1110 treatment and disposal systems for lots platted before 1972 may
1111 not exceed:

1112 a. Two thousand five hundred gallons per acre per day for
1113 lots served by public water systems as defined in s. 403.852.

1114 b. One thousand five hundred gallons per acre per day for
1115 lots served by water systems regulated under s. 381.0062.

1116 (h)1. The department may grant variances in hardship cases
1117 which may be less restrictive than the provisions specified in
1118 this section. If a variance is granted and the onsite sewage
1119 treatment and disposal system construction permit has been
1120 issued, the variance may be transferred with the system
1121 construction permit, if the transferee files, within 60 days
1122 after the transfer of ownership, an amended construction permit
1123 application providing all corrected information and proof of
1124 ownership of the property and if the same variance would have
1125 been required for the new owner of the property as was

1126 originally granted to the original applicant for the variance.
1127 There is no fee associated with the processing of this
1128 supplemental information. A variance may not be granted under
1129 this section until the department is satisfied that:

1130 a. The hardship was not caused intentionally by the action
1131 of the applicant;

1132 b. No reasonable alternative, taking into consideration
1133 factors such as cost, exists for the treatment of the sewage;
1134 and

1135 c. The discharge from the onsite sewage treatment and
1136 disposal system will not adversely affect the health of the
1137 applicant or the public or significantly degrade the groundwater
1138 or surface waters.

1139
1140 Where soil conditions, water table elevation, and setback
1141 provisions are determined by the department to be satisfactory,
1142 special consideration must be given to those lots platted before
1143 1972.

1144 2. The department shall appoint and staff a variance
1145 review and advisory committee, which shall meet monthly to
1146 recommend agency action on variance requests. The committee
1147 shall make its recommendations on variance requests at the
1148 meeting in which the application is scheduled for consideration,
1149 except for an extraordinary change in circumstances, the receipt
1150 of new information that raises new issues, or when the applicant

1151 requests an extension. The committee shall consider the criteria
1152 in subparagraph 1. in its recommended agency action on variance
1153 requests and shall also strive to allow property owners the full
1154 use of their land where possible. The committee consists of the
1155 following:

- 1156 a. The State Surgeon General or his or her designee.
- 1157 b. A representative from the county health departments.
- 1158 c. A representative from the home building industry
1159 recommended by the Florida Home Builders Association.
- 1160 d. A representative from the septic tank industry
1161 recommended by the Florida Onsite Wastewater Association.
- 1162 e. A representative from the Department of Environmental
1163 Protection.
- 1164 f. A representative from the real estate industry who is
1165 also a developer in this state who develops lots using onsite
1166 sewage treatment and disposal systems, recommended by the
1167 Florida Association of Realtors.
- 1168 g. A representative from the engineering profession
1169 recommended by the Florida Engineering Society.

1170
1171 Members shall be appointed for a term of 3 years, with such
1172 appointments being staggered so that the terms of no more than
1173 two members expire in any one year. Members shall serve without
1174 remuneration, but if requested, shall be reimbursed for per diem
1175 and travel expenses as provided in s. 112.061.

1176 (i) A construction permit may not be issued for an onsite
1177 sewage treatment and disposal system in any area zoned or used
1178 for industrial or manufacturing purposes, or its equivalent,
1179 where a publicly owned or investor-owned sewage treatment system
1180 is available, or where a likelihood exists that the system will
1181 receive toxic, hazardous, or industrial waste. An existing
1182 onsite sewage treatment and disposal system may be repaired if a
1183 publicly owned or investor-owned sewerage system is not
1184 available within 500 feet of the building sewer stub-out and if
1185 system construction and operation standards can be met. This
1186 paragraph does not require publicly owned or investor-owned
1187 sewerage treatment systems to accept anything other than
1188 domestic wastewater.

1189 1. A building located in an area zoned or used for
1190 industrial or manufacturing purposes, or its equivalent, when
1191 such building is served by an onsite sewage treatment and
1192 disposal system, must not be occupied until the owner or tenant
1193 has obtained written approval from the department. The
1194 department shall not grant approval when the proposed use of the
1195 system is to dispose of toxic, hazardous, or industrial
1196 wastewater or toxic or hazardous chemicals.

1197 2. Each person who owns or operates a business or facility
1198 in an area zoned or used for industrial or manufacturing
1199 purposes, or its equivalent, or who owns or operates a business
1200 that has the potential to generate toxic, hazardous, or

1201 industrial wastewater or toxic or hazardous chemicals, and uses
1202 an onsite sewage treatment and disposal system that is installed
1203 on or after July 5, 1989, must obtain an annual system operating
1204 permit from the department. A person who owns or operates a
1205 business that uses an onsite sewage treatment and disposal
1206 system that was installed and approved before July 5, 1989, need
1207 not obtain a system operating permit. However, upon change of
1208 ownership or tenancy, the new owner or operator must notify the
1209 department of the change, and the new owner or operator must
1210 obtain an annual system operating permit, regardless of the date
1211 that the system was installed or approved.

1212 3. The department shall periodically review and evaluate
1213 the continued use of onsite sewage treatment and disposal
1214 systems in areas zoned or used for industrial or manufacturing
1215 purposes, or its equivalent, and may require the collection and
1216 analyses of samples from within and around such systems. If the
1217 department finds that toxic or hazardous chemicals or toxic,
1218 hazardous, or industrial wastewater have been or are being
1219 disposed of through an onsite sewage treatment and disposal
1220 system, the department shall initiate enforcement actions
1221 against the owner or tenant to ensure adequate cleanup,
1222 treatment, and disposal.

1223 (j) An onsite sewage treatment and disposal system
1224 designed by a professional engineer registered in the state and
1225 certified by such engineer as complying with performance

1226 criteria adopted by the department must be approved by the
1227 department subject to the following:

1228 1. The performance criteria applicable to engineer-
1229 designed systems must be limited to those necessary to ensure
1230 that such systems do not adversely affect the public health or
1231 significantly degrade the groundwater or surface water. Such
1232 performance criteria shall include consideration of the quality
1233 of system effluent, the proposed total sewage flow per acre,
1234 wastewater treatment capabilities of the natural or replaced
1235 soil, water quality classification of the potential surface-
1236 water-receiving body, and the structural and maintenance
1237 viability of the system for the treatment of domestic
1238 wastewater. However, performance criteria shall address only the
1239 performance of a system and not a system's design.

1240 2. A person electing to utilize an engineer-designed
1241 system shall, upon completion of the system design, submit such
1242 design, certified by a registered professional engineer, to the
1243 county health department. The county health department may
1244 utilize an outside consultant to review the engineer-designed
1245 system, with the actual cost of such review to be borne by the
1246 applicant. Within 5 working days after receiving an engineer-
1247 designed system permit application, the county health department
1248 shall request additional information if the application is not
1249 complete. Within 15 working days after receiving a complete
1250 application for an engineer-designed system, the county health

1251 department either shall issue the permit or, if it determines
1252 that the system does not comply with the performance criteria,
1253 shall notify the applicant of that determination and refer the
1254 application to the department for a determination as to whether
1255 the system should be approved, disapproved, or approved with
1256 modification. The department engineer's determination shall
1257 prevail over the action of the county health department. The
1258 applicant shall be notified in writing of the department's
1259 determination and of the applicant's rights to pursue a variance
1260 or seek review under ~~the provisions of~~ chapter 120.

1261 3. The owner of an engineer-designed performance-based
1262 system must maintain a current maintenance service agreement
1263 with a maintenance entity permitted by the department. The
1264 maintenance entity shall inspect each system at least twice each
1265 year and shall report quarterly to the department on the number
1266 of systems inspected and serviced. The reports may be submitted
1267 electronically.

1268 4. The property owner of an owner-occupied, single-family
1269 residence may be approved and permitted by the department as a
1270 maintenance entity for his or her own performance-based
1271 treatment system upon written certification from the system
1272 manufacturer's approved representative that the property owner
1273 has received training on the proper installation and service of
1274 the system. The maintenance service agreement must conspicuously
1275 disclose that the property owner has the right to maintain his

1276 or her own system and is exempt from contractor registration
1277 requirements for performing construction, maintenance, or
1278 repairs on the system but is subject to all permitting
1279 requirements.

1280 5. The property owner shall obtain a biennial system
1281 operating permit from the department for each system. The
1282 department shall inspect the system at least annually, or on
1283 such periodic basis as the fee collected permits, and may
1284 collect system-effluent samples if appropriate to determine
1285 compliance with the performance criteria. The fee for the
1286 biennial operating permit shall be collected beginning with the
1287 second year of system operation.

1288 6. If an engineer-designed system fails to properly
1289 function or fails to meet performance standards, the system
1290 shall be re-engineered, if necessary, to bring the system into
1291 compliance with ~~the provisions of~~ this section.

1292 (k) An innovative system may be approved in conjunction
1293 with an engineer-designed site-specific system which is
1294 certified by the engineer to meet the performance-based criteria
1295 adopted by the department.

1296 (l) For the Florida Keys, the department shall adopt a
1297 special rule for the construction, installation, modification,
1298 operation, repair, maintenance, and performance of onsite sewage
1299 treatment and disposal systems which considers the unique soil
1300 conditions and water table elevations, densities, and setback

1301 requirements. On lots where a setback distance of 75 feet from
1302 surface waters, saltmarsh, and buttonwood association habitat
1303 areas cannot be met, an injection well, approved and permitted
1304 by the department, may be used for disposal of effluent from
1305 onsite sewage treatment and disposal systems. The following
1306 additional requirements apply to onsite sewage treatment and
1307 disposal systems in Monroe County:

1308 1. The county, each municipality, and those special
1309 districts established for the purpose of the collection,
1310 transmission, treatment, or disposal of sewage shall ensure, in
1311 accordance with the specific schedules adopted by the
1312 Administration Commission under s. 380.0552, the completion of
1313 onsite sewage treatment and disposal system upgrades to meet the
1314 requirements of this paragraph.

1315 2. Onsite sewage treatment and disposal systems must cease
1316 discharge by December 31, 2015, or must comply with department
1317 rules and provide the level of treatment which, on a permitted
1318 annual average basis, produces an effluent that contains no more
1319 than the following concentrations:

- 1320 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
1321 b. Suspended Solids of 10 mg/l.
1322 c. Total Nitrogen, expressed as N, of 10 mg/l or a
1323 reduction in nitrogen of at least 70 percent. A system that has
1324 been tested and certified to reduce nitrogen concentrations by
1325 at least 70 percent shall be deemed to be in compliance with

1326 | this standard.

1327 | d. Total Phosphorus, expressed as P, of 1 mg/l.

1328 |

1329 | In addition, onsite sewage treatment and disposal systems
 1330 | discharging to an injection well must provide basic disinfection
 1331 | as defined by department rule.

1332 | 3. In areas not scheduled to be served by a central sewer,
 1333 | onsite sewage treatment and disposal systems must, by December
 1334 | 31, 2015, comply with department rules and provide the level of
 1335 | treatment described in subparagraph 2.

1336 | 4. In areas scheduled to be served by central sewer by
 1337 | December 31, 2015, if the property owner has paid a connection
 1338 | fee or assessment for connection to the central sewer system,
 1339 | the property owner may install a holding tank with a high water
 1340 | alarm or an onsite sewage treatment and disposal system that
 1341 | meets the following minimum standards:

1342 | a. The existing tanks must be pumped and inspected and
 1343 | certified as being watertight and free of defects in accordance
 1344 | with department rule; and

1345 | b. A sand-lined drainfield or injection well in accordance
 1346 | with department rule must be installed.

1347 | 5. Onsite sewage treatment and disposal systems must be
 1348 | monitored for total nitrogen and total phosphorus concentrations
 1349 | as required by department rule.

1350 | 6. The department shall enforce proper installation,

1351 operation, and maintenance of onsite sewage treatment and
1352 disposal systems pursuant to this chapter, including ensuring
1353 that the appropriate level of treatment described in
1354 subparagraph 2. is met.

1355 7. The authority of a local government, including a
1356 special district, to mandate connection of an onsite sewage
1357 treatment and disposal system is governed by s. 4, chapter 99-
1358 395, Laws of Florida.

1359 8. Notwithstanding any other provision of law, an onsite
1360 sewage treatment and disposal system installed after July 1,
1361 2010, in unincorporated Monroe County, excluding special
1362 wastewater districts, that complies with the standards in
1363 subparagraph 2. is not required to connect to a central sewer
1364 system until December 31, 2020.

1365 (m) No product sold in the state for use in onsite sewage
1366 treatment and disposal systems may contain any substance in
1367 concentrations or amounts that would interfere with or prevent
1368 the successful operation of such system, or that would cause
1369 discharges from such systems to violate applicable water quality
1370 standards. The department shall publish criteria for products
1371 known or expected to meet the conditions of this paragraph. In
1372 the event a product does not meet such criteria, such product
1373 may be sold if the manufacturer satisfactorily demonstrates to
1374 the department that the conditions of this paragraph are met.

1375 (n) Evaluations for determining the seasonal high-water

1376 table elevations or the suitability of soils for the use of a
 1377 new onsite sewage treatment and disposal system shall be
 1378 performed by department personnel, professional engineers
 1379 registered in the state, or such other persons with expertise,
 1380 as defined by rule, in making such evaluations. Evaluations for
 1381 determining mean annual flood lines shall be performed by those
 1382 persons identified in paragraph (2) (k) ~~paragraph (2) (j)~~. The
 1383 department shall accept evaluations submitted by professional
 1384 engineers and such other persons as meet the expertise
 1385 established by this section or by rule unless the department has
 1386 a reasonable scientific basis for questioning the accuracy or
 1387 completeness of the evaluation.

1388 (o) The department shall appoint a research review and
 1389 advisory committee, which shall meet at least semiannually. The
 1390 committee shall advise the department on directions for new
 1391 research, review and rank proposals for research contracts, and
 1392 review draft research reports and make comments. The committee
 1393 is comprised of:

- 1394 1. A representative of the State Surgeon General, or his
 1395 or her designee.
- 1396 2. A representative from the septic tank industry.
- 1397 3. A representative from the home building industry.
- 1398 4. A representative from an environmental interest group.
- 1399 5. A representative from the State University System, from
 1400 a department knowledgeable about onsite sewage treatment and

1401 disposal systems.

1402 6. A professional engineer registered in this state who
 1403 has work experience in onsite sewage treatment and disposal
 1404 systems.

1405 7. A representative from local government who is
 1406 knowledgeable about domestic wastewater treatment.

1407 8. A representative from the real estate profession.

1408 9. A representative from the restaurant industry.

1409 10. A consumer.

1410

1411 Members shall be appointed for a term of 3 years, with the
 1412 appointments being staggered so that the terms of no more than
 1413 four members expire in any one year. Members shall serve without
 1414 remuneration, but are entitled to reimbursement for per diem and
 1415 travel expenses as provided in s. 112.061.

1416 (p) An application for an onsite sewage treatment and
 1417 disposal system permit shall be completed in full, signed by the
 1418 owner or the owner's authorized representative, or by a
 1419 contractor licensed under chapter 489, and shall be accompanied
 1420 by all required exhibits and fees. No specific documentation of
 1421 property ownership shall be required as a prerequisite to the
 1422 review of an application or the issuance of a permit. The
 1423 issuance of a permit does not constitute determination by the
 1424 department of property ownership.

1425 (q) The department may not require any form of subdivision

1426 analysis of property by an owner, developer, or subdivider
 1427 before ~~prior to~~ submission of an application for an onsite
 1428 sewage treatment and disposal system.

1429 (r) Nothing in this section limits the power of a
 1430 municipality or county to enforce other laws for the protection
 1431 of the public health and safety.

1432 (s) In the siting of onsite sewage treatment and disposal
 1433 systems, including drainfields, shoulders, and slopes, guttering
 1434 shall not be required on single-family residential dwelling
 1435 units for systems located greater than 5 feet from the roof drip
 1436 line of the house. If guttering is used on residential dwelling
 1437 units, the downspouts shall be directed away from the
 1438 drainfield.

1439 (t) Notwithstanding ~~the provisions of~~ subparagraph (g)1.,
 1440 onsite sewage treatment and disposal systems located in
 1441 floodways of the Suwannee and Aucilla Rivers must adhere to the
 1442 following requirements:

1443 1. The absorption surface of the drainfield shall not be
 1444 subject to flooding based on 10-year flood elevations. Provided,
 1445 however, for lots or parcels created by the subdivision of land
 1446 in accordance with applicable local government regulations
 1447 before ~~prior to~~ January 17, 1990, if an applicant cannot
 1448 construct a drainfield system with the absorption surface of the
 1449 drainfield at an elevation equal to or above 10-year flood
 1450 elevation, the department shall issue a permit for an onsite

1451 sewage treatment and disposal system within the 10-year
1452 floodplain of rivers, streams, and other bodies of flowing water
1453 if all of the following criteria are met:

1454 a. The lot is at least one-half acre in size;

1455 b. The bottom of the drainfield is at least 36 inches
1456 above the 2-year flood elevation; and

1457 c. The applicant installs either: a waterless,
1458 incinerating, or organic waste composting toilet and a graywater
1459 system and drainfield in accordance with department rules; an
1460 aerobic treatment unit and drainfield in accordance with
1461 department rules; a system approved by the State Health Office
1462 that is capable of reducing effluent nitrate by at least 50
1463 percent; or a system approved by the county health department
1464 pursuant to department rule other than a system using
1465 alternative drainfield materials. The United States Department
1466 of Agriculture Soil Conservation Service soil maps, State of
1467 Florida Water Management District data, and Federal Emergency
1468 Management Agency Flood Insurance maps are resources that shall
1469 be used to identify flood-prone areas.

1470 2. The use of fill or mounding to elevate a drainfield
1471 system out of the 10-year floodplain of rivers, streams, or
1472 other bodies of flowing water shall not be permitted if such a
1473 system lies within a regulatory floodway of the Suwannee and
1474 Aucilla Rivers. In cases where the 10-year flood elevation does
1475 not coincide with the boundaries of the regulatory floodway, the

1476 regulatory floodway will be considered for the purposes of this
1477 subsection to extend at a minimum to the 10-year flood
1478 elevation.

1479 (u)1. The owner of an aerobic treatment unit system shall
1480 maintain a current maintenance service agreement with an aerobic
1481 treatment unit maintenance entity permitted by the department.
1482 The maintenance entity shall inspect each aerobic treatment unit
1483 system at least twice each year and shall report quarterly to
1484 the department on the number of aerobic treatment unit systems
1485 inspected and serviced. The reports may be submitted
1486 electronically.

1487 2. The property owner of an owner-occupied, single-family
1488 residence may be approved and permitted by the department as a
1489 maintenance entity for his or her own aerobic treatment unit
1490 system upon written certification from the system manufacturer's
1491 approved representative that the property owner has received
1492 training on the proper installation and service of the system.
1493 The maintenance entity service agreement must conspicuously
1494 disclose that the property owner has the right to maintain his
1495 or her own system and is exempt from contractor registration
1496 requirements for performing construction, maintenance, or
1497 repairs on the system but is subject to all permitting
1498 requirements.

1499 3. A septic tank contractor licensed under part III of
1500 chapter 489, if approved by the manufacturer, may not be denied

1501 access by the manufacturer to aerobic treatment unit system
1502 training or spare parts for maintenance entities. After the
1503 original warranty period, component parts for an aerobic
1504 treatment unit system may be replaced with parts that meet
1505 manufacturer's specifications but are manufactured by others.
1506 The maintenance entity shall maintain documentation of the
1507 substitute part's equivalency for 2 years and shall provide such
1508 documentation to the department upon request.

1509 4. The owner of an aerobic treatment unit system shall
1510 obtain a system operating permit from the department and allow
1511 the department to inspect during reasonable hours each aerobic
1512 treatment unit system at least annually, and such inspection may
1513 include collection and analysis of system-effluent samples for
1514 performance criteria established by rule of the department.

1515 (v) The department may require the submission of detailed
1516 system construction plans that are prepared by a professional
1517 engineer registered in this state. The department shall
1518 establish by rule criteria for determining when such a
1519 submission is required.

1520 (w) Any permit issued and approved by the department for
1521 the installation, modification, or repair of an onsite sewage
1522 treatment and disposal system shall transfer with the title to
1523 the property in a real estate transaction. A title may not be
1524 encumbered at the time of transfer by new permit requirements by
1525 a governmental entity for an onsite sewage treatment and

1526 disposal system which differ from the permitting requirements in
1527 effect at the time the system was permitted, modified, or
1528 repaired. An inspection of a system may not be mandated by a
1529 governmental entity at the point of sale in a real estate
1530 transaction. This paragraph does not affect a septic tank phase-
1531 out deferral program implemented by a consolidated government as
1532 defined in s. 9, Art. VIII of the State Constitution (1885).

1533 (x) A governmental entity, including a municipality,
1534 county, or statutorily created commission, may not require an
1535 engineer-designed performance-based treatment system, excluding
1536 a passive engineer-designed performance-based treatment system,
1537 before the completion of the Florida Onsite Sewage Nitrogen
1538 Reduction Strategies Project. This paragraph does not apply to a
1539 governmental entity, including a municipality, county, or
1540 statutorily created commission, which adopted a local law,
1541 ordinance, or regulation on or before January 31, 2012.
1542 Notwithstanding this paragraph, an engineer-designed
1543 performance-based treatment system may be used to meet the
1544 requirements of the variance review and advisory committee
1545 recommendations.

1546 (y)1. An onsite sewage treatment and disposal system is
1547 not considered abandoned if the system is disconnected from a
1548 structure that was made unusable or destroyed following a
1549 disaster and if the system was properly functioning at the time
1550 of disconnection and was not adversely affected by the disaster.

1551 The onsite sewage treatment and disposal system may be
 1552 reconnected to a rebuilt structure if:

1553 a. The reconnection of the system is to the same type of
 1554 structure which contains the same number of bedrooms or fewer,
 1555 if the square footage of the structure is less than or equal to
 1556 110 percent of the original square footage of the structure that
 1557 existed before the disaster;

1558 b. The system is not a sanitary nuisance; and

1559 c. The system has not been altered without prior
 1560 authorization.

1561 2. An onsite sewage treatment and disposal system that
 1562 serves a property that is foreclosed upon is not considered
 1563 abandoned.

1564 (z) If an onsite sewage treatment and disposal system
 1565 permittee receives, relies upon, and undertakes construction of
 1566 a system based upon a validly issued construction permit under
 1567 rules applicable at the time of construction but a change to a
 1568 rule occurs within 5 years after the approval of the system for
 1569 construction but before the final approval of the system, the
 1570 rules applicable and in effect at the time of construction
 1571 approval apply at the time of final approval if fundamental site
 1572 conditions have not changed between the time of construction
 1573 approval and final approval.

1574 (aa) An existing-system inspection or evaluation and
 1575 assessment, or a modification, replacement, or upgrade of an

1576 onsite sewage treatment and disposal system is not required for
1577 a remodeling addition or modification to a single-family home if
1578 a bedroom is not added. However, a remodeling addition or
1579 modification to a single-family home may not cover any part of
1580 the existing system or encroach upon a required setback or the
1581 unobstructed area. To determine if a setback or the unobstructed
1582 area is impacted, the local health department shall review and
1583 verify a floor plan and site plan of the proposed remodeling
1584 addition or modification to the home submitted by a remodeler
1585 which shows the location of the system, including the distance
1586 of the remodeling addition or modification to the home from the
1587 onsite sewage treatment and disposal system. The local health
1588 department may visit the site or otherwise determine the best
1589 means of verifying the information submitted. A verification of
1590 the location of a system is not an inspection or evaluation and
1591 assessment of the system. The review and verification must be
1592 completed within 7 business days after receipt by the local
1593 health department of a floor plan and site plan. If the review
1594 and verification is not completed within such time, the
1595 remodeling addition or modification to the single-family home,
1596 for the purposes of this paragraph, is approved.

1597 Section 18. Paragraph (d) of subsection (7) and
1598 subsections (8) and (9) of section 381.00651, Florida Statutes,
1599 are amended to read:

1600 381.00651 Periodic evaluation and assessment of onsite

1601 sewage treatment and disposal systems.—

1602 (7) The following procedures shall be used for conducting
1603 evaluations:

1604 (d) *Assessment procedure.*—All evaluation procedures used
1605 by a qualified contractor shall be documented in the
1606 environmental health database of the department ~~of Health~~. The
1607 qualified contractor shall provide a copy of a written, signed
1608 evaluation report to the property owner upon completion of the
1609 evaluation and to the county health department within 30 days
1610 after the evaluation. The report must ~~shall~~ contain the name and
1611 license number of the company providing the report. A copy of
1612 the evaluation report shall be retained by the local county
1613 health department for a minimum of 5 years and until a
1614 subsequent inspection report is filed. The front cover of the
1615 report must identify any system failure and include a clear and
1616 conspicuous notice to the owner that the owner has a right to
1617 have any remediation of the failure performed by a qualified
1618 contractor other than the contractor performing the evaluation.
1619 The report must further identify any crack, leak, improper fit,
1620 or other defect in the tank, manhole, or lid, and any other
1621 damaged or missing component; any sewage or effluent visible on
1622 the ground or discharging to a ditch or other surface water
1623 body; any downspout, stormwater, or other source of water
1624 directed onto or toward the system; and any other maintenance
1625 need or condition of the system at the time of the evaluation

1626 | which, in the opinion of the qualified contractor, would
1627 | possibly interfere with or restrict any future repair or
1628 | modification to the existing system. The report shall conclude
1629 | with an overall assessment of the fundamental operational
1630 | condition of the system.

1631 | (8) The county health department, in coordination with the
1632 | department, shall administer any evaluation program on behalf of
1633 | a county, or a municipality within the county, that has adopted
1634 | an evaluation program pursuant to this section. In order to
1635 | administer the evaluation program, the county or municipality,
1636 | in consultation with the county health department, may develop a
1637 | reasonable fee schedule to be used solely to pay for the costs
1638 | of administering the evaluation program. Such a fee schedule
1639 | shall be identified in the ordinance that adopts the evaluation
1640 | program. When arriving at a reasonable fee schedule, the
1641 | estimated annual revenues to be derived from fees may not exceed
1642 | reasonable estimated annual costs of the program. Fees shall be
1643 | assessed to the system owner during an inspection and separately
1644 | identified on the invoice of the qualified contractor. Fees
1645 | shall be remitted by the qualified contractor to the county
1646 | health department. The county health department's administrative
1647 | responsibilities include the following:

1648 | (a) Providing a notice to the system owner at least 60
1649 | days before the system is due for an evaluation. The notice may
1650 | include information on the proper maintenance of onsite sewage

1651 treatment and disposal systems.

1652 (b) In consultation with the department ~~of Health,~~
1653 providing uniform disciplinary procedures and penalties for
1654 qualified contractors who do not comply with the requirements of
1655 the adopted ordinance, including, but not limited to, failure to
1656 provide the evaluation report as required in this subsection to
1657 the system owner and the county health department. Only the
1658 county health department may assess penalties against system
1659 owners for failure to comply with the adopted ordinance,
1660 consistent with existing requirements of law.

1661 (9) (a) A county or municipality that adopts an onsite
1662 sewage treatment and disposal system evaluation and assessment
1663 program pursuant to this section shall notify the Secretary of
1664 Environmental Protection, the Department of Health, and the
1665 applicable county health department upon the adoption of its
1666 ordinance establishing the program.

1667 (b) Upon receipt of the notice under paragraph (a), the
1668 department ~~of Environmental Protection~~ shall, within existing
1669 resources, notify the county or municipality of the potential
1670 use of, and access to, program funds under the Clean Water State
1671 Revolving Fund or s. 319 of the Clean Water Act, provide
1672 guidance in the application process to receive such moneys, and
1673 provide advice and technical assistance to the county or
1674 municipality on how to establish a low-interest revolving loan
1675 program or how to model a revolving loan program after the low-

1676 interest loan program of the Clean Water State Revolving Fund.
1677 This paragraph does not obligate the department ~~of Environmental~~
1678 ~~Protection~~ to provide any county or municipality with money to
1679 fund such programs.

1680 (c) The department ~~of Health~~ may not adopt any rule that
1681 alters the provisions of this section.

1682 (d) The department ~~of Health~~ must allow county health
1683 departments and qualified contractors access to the
1684 environmental health database to track relevant information and
1685 assimilate data from assessment and evaluation reports of the
1686 overall condition of onsite sewage treatment and disposal
1687 systems. The environmental health database must be used by
1688 contractors to report each service and evaluation event and by a
1689 county health department to notify owners of onsite sewage
1690 treatment and disposal systems when evaluations are due. Data
1691 and information must be recorded and updated as service and
1692 evaluations are conducted and reported.

1693 Section 19. Subsection (1) of section 381.0068, Florida
1694 Statutes, is amended to read:

1695 381.0068 Technical review and advisory panel.—

1696 (1) The Department of Environmental Protection ~~Health~~
1697 shall establish and staff a technical review and advisory panel
1698 to assist the department with rule adoption.

1699 Section 20. Except as otherwise expressly provided in this
1700 act, this act shall take effect July 1, 2019.