



259282

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/3R

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04/30/2019 02:20 PM

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Senator Mayfield moved the following:

Senate Amendment (with title amendment)

Delete line 597

and insert:

Section 4. Effective July 1, 2020, all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the regulation of onsite sewage treatment and disposal systems relating to the Onsite Sewage Program in



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12 the Department of Health are transferred by a type two transfer,
13 as defined in s. 20.06(2), Florida Statutes, to the Department
14 of Environmental Protection.

15 Section 5. Before December 1, 2019, the Department of
16 Health and the Department of Environmental Protection shall
17 submit recommendations to the Governor, the President of the
18 Senate, and the Speaker of the House of Representatives
19 regarding the type two transfer of the Onsite Sewage Program in
20 section 1. The recommendations must address all aspects of the
21 type two transfer, including the continued role of the county
22 health departments in the permitting, inspection, and tracking
23 of onsite sewage treatment and disposal systems under the
24 direction of the Department of Environmental Protection. This
25 section shall take effect upon becoming a law.

26 Section 6. Effective July 1, 2020, subsection (5) of
27 section 153.54, Florida Statutes, is amended to read:

28 153.54 Preliminary report by county commissioners with
29 respect to creation of proposed district.—Upon receipt of a
30 petition duly signed by not less than 25 qualified electors who
31 are also freeholders residing within an area proposed to be
32 incorporated into a water and sewer district pursuant to this
33 law and describing in general terms the proposed boundaries of
34 such proposed district, the board of county commissioners if it
35 shall deem it necessary and advisable to create and establish
36 such proposed district for the purpose of constructing,
37 establishing or acquiring a water system or a sewer system or
38 both in and for such district (herein called "improvements"),
39 shall first cause a preliminary report to be made which such
40 report together with any other relevant or pertinent matters,



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41 shall include at least the following:

42 (5) For the construction of a new proposed central sewerage
43 system or the extension of an existing central sewerage system
44 that was not previously approved, the report shall include a
45 study that includes the available information from the
46 Department of Environmental Protection ~~Health~~ on the history of
47 onsite sewage treatment and disposal systems currently in use in
48 the area and a comparison of the projected costs to the owner of
49 a typical lot or parcel of connecting to and using the proposed
50 central sewerage system versus installing, operating, and
51 properly maintaining an onsite sewage treatment and disposal
52 system that is approved by the Department of Environmental
53 Protection ~~Health~~ and that provides for the comparable level of
54 environmental and health protection as the proposed central
55 sewerage system; consideration of the local authority's
56 obligations or reasonably anticipated obligations for water body
57 cleanup and protection under state or federal programs,
58 including requirements for water bodies listed under s. 303(d)
59 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
60 et seq.; and other factors deemed relevant by the local
61 authority.

62

63 Such report shall be filed in the office of the clerk of the
64 circuit court and shall be open for the inspection of any
65 taxpayer, property owner, qualified elector or any other
66 interested or affected person.

67 Section 7. Effective July 1, 2020, paragraph (c) of
68 subsection (2) of section 153.73, Florida Statutes, is amended
69 to read:



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70 153.73 Assessable improvements; levy and payment of special
71 assessments.—Any district may provide for the construction or
72 reconstruction of assessable improvements as defined in s.
73 153.52, and for the levying of special assessments upon
74 benefited property for the payment thereof, under the provisions
75 of this section.

76 (2)

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

97 Section 8. Effective July 1, 2020, subsection (2) of
98 section 163.3180, Florida Statutes, is amended to read:



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99 163.3180 Concurrency.-

100 (2) Consistent with public health and safety, sanitary
101 sewer, solid waste, drainage, adequate water supplies, and
102 potable water facilities shall be in place and available to
103 serve new development no later than the issuance by the local
104 government of a certificate of occupancy or its functional
105 equivalent. Before ~~Prior to~~ approval of a building permit or its
106 functional equivalent, the local government shall consult with
107 the applicable water supplier to determine whether adequate
108 water supplies to serve the new development will be available no
109 later than the anticipated date of issuance by the local
110 government of a certificate of occupancy or its functional
111 equivalent. A local government may meet the concurrency
112 requirement for sanitary sewer through the use of onsite sewage
113 treatment and disposal systems approved by the Department of
114 Environmental Protection ~~Health~~ to serve new development.

115 Section 9. Effective July 1, 2020, subsection (3) of
116 section 180.03, Florida Statutes, is amended to read:

117 180.03 Resolution or ordinance proposing construction or
118 extension of utility; objections to same.-

119 (3) For the construction of a new proposed central sewerage
120 system or the extension of an existing central sewerage system
121 that was not previously approved, the report shall include a
122 study that includes the available information from the
123 Department of Environmental Protection ~~Health~~ on the history of
124 onsite sewage treatment and disposal systems currently in use in
125 the area and a comparison of the projected costs to the owner of
126 a typical lot or parcel of connecting to and using the proposed
127 central sewerage system versus installing, operating, and



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128 properly maintaining an onsite sewage treatment and disposal
129 system that is approved by the Department of Environmental
130 Protection Health and that provides for the comparable level of
131 environmental and health protection as the proposed central
132 sewerage system; consideration of the local authority's
133 obligations or reasonably anticipated obligations for water body
134 cleanup and protection under state or federal programs,
135 including requirements for water bodies listed under s. 303(d)
136 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
137 et seq.; and other factors deemed relevant by the local
138 authority. The results of the ~~such a~~ study shall be included in
139 the resolution or ordinance required under subsection (1).

140 Section 10. Paragraphs (a) and (b) of subsection (7) of
141 section 373.036, Florida Statutes, are amended to read:

142 373.036 Florida water plan; district water management
143 plans.—

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

145 (a) By March 1, annually, each water management district
146 shall prepare and submit to the Office of Economic and
147 Demographic Research, the department, the Governor, the
148 President of the Senate, and the Speaker of the House of
149 Representatives a consolidated water management district annual
150 report on the management of water resources. In addition, copies
151 must be provided by the water management districts to the chairs
152 of all legislative committees having substantive or fiscal
153 jurisdiction over the districts and the governing board of each
154 county in the district having jurisdiction or deriving any funds
155 for operations of the district. Copies of the consolidated
156 annual report must be made available to the public, either in



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157 printed or electronic format.

158 (b) The consolidated annual report shall contain the
159 following elements, as appropriate to that water management
160 district:

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

163 2. The department-approved minimum flows and minimum water
164 levels annual priority list and schedule required by s.
165 373.042(3).

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

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

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

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

174 7. The mitigation donation annual report required by s.
175 373.414(1)(b)2.

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

178 a. A list of all specific projects identified to implement
179 a basin management action plan, including any projects to
180 connect onsite sewage treatment and disposal systems to central
181 sewerage systems and convert onsite sewage treatment and
182 disposal systems to advanced nutrient removing onsite sewage
183 treatment and disposal systems, or a recovery or prevention
184 strategy;

185 b. A priority ranking for each listed project for which



186 state funding through the water resources development work
187 program is requested, which must be made available to the public
188 for comment at least 30 days before submission of the
189 consolidated annual report;

190 c. The estimated cost for each listed project;

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

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

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

198 9. A grade for each watershed, water body, or water segment
199 in which a project listed under subparagraph 8. is located
200 representing the level of impairment and violations of adopted
201 minimum flow or minimum water levels. The grading system must
202 reflect the severity of the impairment of the watershed, water
203 body, or water segment.

204 Section 11. Effective July 1, 2020, subsection (3) of
205 section 373.807, Florida Statutes, is amended to read:

206 373.807 Protection of water quality in Outstanding Florida
207 Springs.—By July 1, 2016, the department shall initiate
208 assessment, pursuant to s. 403.067(3), of Outstanding Florida
209 Springs or spring systems for which an impairment determination
210 has not been made under the numeric nutrient standards in effect
211 for spring vents. Assessments must be completed by July 1, 2018.

212 (3) As part of a basin management action plan that includes
213 an Outstanding Florida Spring, the department, ~~the Department of~~
214 ~~Health,~~ relevant local governments, and relevant local public



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215 and private wastewater utilities shall develop an onsite sewage
216 treatment and disposal system remediation plan for a spring if
217 the department determines onsite sewage treatment and disposal
218 systems within a priority focus area contribute at least 20
219 percent of nonpoint source nitrogen pollution or if the
220 department determines remediation is necessary to achieve the
221 total maximum daily load. The plan shall identify cost-effective
222 and financially feasible projects necessary to reduce the
223 nutrient impacts from onsite sewage treatment and disposal
224 systems and shall be completed and adopted as part of the basin
225 management action plan no later than the first 5-year milestone
226 required by subparagraph (1)(b)8. The department is the lead
227 agency in coordinating the preparation of and the adoption of
228 the plan. The department shall:

229 (a) Collect and evaluate credible scientific information on
230 the effect of nutrients, particularly forms of nitrogen, on
231 springs and springs systems; and

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

235
236 In addition to the requirements in s. 403.067, the plan shall
237 include options for repair, upgrade, replacement, drainfield
238 modification, addition of effective nitrogen reducing features,
239 connection to a central sewerage system, or other action for an
240 onsite sewage treatment and disposal system or group of systems
241 within a priority focus area that contribute at least 20 percent
242 of nonpoint source nitrogen pollution or if the department
243 determines remediation is necessary to achieve a total maximum



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244 daily load. For these systems, the department shall include in
245 the plan a priority ranking for each system or group of systems
246 that requires remediation and shall award funds to implement the
247 remediation projects contingent on an appropriation in the
248 General Appropriations Act, which may include all or part of the
249 costs necessary for repair, upgrade, replacement, drainfield
250 modification, addition of effective nitrogen reducing features,
251 initial connection to a central sewerage system, or other
252 action. In awarding funds, the department may consider expected
253 nutrient reduction benefit per unit cost, size and scope of
254 project, relative local financial contribution to the project,
255 and the financial impact on property owners and the community.
256 The department may waive matching funding requirements for
257 proposed projects within an area designated as a rural area of
258 opportunity under s. 288.0656.

259 Section 12. Effective July 1, 2019, subsection (2) of
260 section 373.811, Florida Statutes, is amended to read:

261 373.811 Prohibited activities within a priority focus
262 area.—The following activities are prohibited within a priority
263 focus area in effect for an Outstanding Florida Spring:

264 (2) New onsite sewage treatment and disposal systems on
265 lots of less than 1 acre, if the addition of the specific
266 systems conflicts with an onsite treatment and disposal system
267 remediation plan incorporated into a basin management action
268 plan in accordance with s. 373.807(3). The department and the
269 Department of Health shall include all portions of a lot subject
270 to any easement, right-of-way, and right of entry when
271 calculating the size of the lot.

272 Section 13. Effective July 1, 2020, section 381.006,



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273 Florida Statutes, is amended to read:

274 381.006 Environmental health.—The Department of Health
275 shall conduct an environmental health program as part of
276 fulfilling the state’s public health mission. The purpose of
277 this program is to detect and prevent disease caused by natural
278 and manmade factors in the environment. The environmental health
279 program shall include, but is not ~~be~~ limited to:

280 (1) A drinking water function.

281 (2) An environmental health surveillance function which
282 shall collect, compile, and correlate information on public
283 health and exposure to hazardous substances through sampling and
284 testing of water, air, or foods. Environmental health
285 surveillance shall include a comprehensive assessment of
286 drinking water under the department’s supervision and an indoor
287 air quality testing and monitoring program to assess health
288 risks from exposure to chemical, physical, and biological agents
289 in the indoor environment.

290 (3) A toxicology and hazard assessment function which shall
291 conduct toxicological and human health risk assessments of
292 exposure to toxic agents, for the purposes of:

293 (a) Supporting determinations by the State Health Officer
294 of safe levels of contaminants in water, air, or food if
295 applicable standards or criteria have not been adopted. These
296 determinations shall include issuance of health advisories to
297 protect the health and safety of the public at risk from
298 exposure to toxic agents.

299 (b) Provision of human toxicological health risk
300 assessments to the public and other governmental agencies to
301 characterize the risks to the public from exposure to



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302 contaminants in air, water, or food.

303 (c) Consultation and technical assistance to the Department
304 of Environmental Protection and other governmental agencies on
305 actions necessary to ameliorate exposure to toxic agents,
306 including the emergency provision by the Department of
307 Environmental Protection of drinking water in cases of drinking
308 water contamination that present an imminent and substantial
309 threat to the public's health, as required by s.
310 376.30(3)(c)1.a.

311 (d) Monitoring and reporting the body burden of toxic
312 agents to estimate past exposure to these toxic agents, predict
313 future health effects, and decrease the incidence of poisoning
314 by identifying and eliminating exposure.

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

317 (5) A migrant labor function.

318 (6) A public facilities function, including sanitary
319 practices relating to state, county, municipal, and private
320 institutions serving the public; jointly with the Department of
321 Education, publicly and privately owned schools; all places used
322 for the incarceration of prisoners and inmates of state
323 institutions for the mentally ill; toilets and washrooms in all
324 public places and places of employment; any other condition,
325 place, or establishment necessary for the control of disease or
326 the protection and safety of public health.

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

328 ~~(7)~~(8) A biohazardous waste control function.

329 ~~(8)~~(9) A function to control diseases transmitted from
330 animals to humans, including the segregation, quarantine, and



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331 destruction of domestic pets and wild animals having or
332 suspected of having such diseases.

333 (9)~~(10)~~ An environmental epidemiology function which shall
334 investigate food-borne disease, waterborne disease, and other
335 diseases of environmental causation, whether of chemical,
336 radiological, or microbiological origin. A \$10 surcharge for
337 this function shall be assessed upon all persons permitted under
338 chapter 500. This function shall include an educational program
339 for physicians and health professionals designed to promote
340 surveillance and reporting of environmental diseases, and to
341 further the dissemination of knowledge about the relationship
342 between toxic substances and human health which will be useful
343 in the formulation of public policy and will be a source of
344 information for the public.

345 (10)~~(11)~~ Mosquito and pest control functions as provided in
346 chapters 388 and 482.

347 (11)~~(12)~~ A radiation control function as provided in
348 chapter 404 and part IV of chapter 468.

349 (12)~~(13)~~ A public swimming and bathing facilities function
350 as provided in chapter 514.

351 (13)~~(14)~~ A mobile home park, lodging park, recreational
352 vehicle park, and recreational camp function as provided in
353 chapter 513.

354 (14)~~(15)~~ A sanitary facilities function, which shall
355 include minimum standards for the maintenance and sanitation of
356 sanitary facilities; public access to sanitary facilities; and
357 fixture ratios for special or temporary events and for homeless
358 shelters.

359 (15)~~(16)~~ A group-care-facilities function. As used in this



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360 subsection, the term "group care facility" means any public or
361 private school, assisted living facility, adult family-care
362 home, adult day care center, short-term residential treatment
363 center, residential treatment facility, home for special
364 services, transitional living facility, crisis stabilization
365 unit, hospice, prescribed pediatric extended care center,
366 intermediate care facility for persons with developmental
367 disabilities, or boarding school. The department may adopt rules
368 necessary to protect the health and safety of residents, staff,
369 and patrons of group care facilities. Rules related to public
370 and private schools shall be developed by the Department of
371 Education in consultation with the department. Rules adopted
372 under this subsection may include definitions of terms;
373 provisions relating to operation and maintenance of facilities,
374 buildings, grounds, equipment, furnishings, and occupant-space
375 requirements; lighting; heating, cooling, and ventilation; food
376 service; water supply and plumbing; sewage; sanitary facilities;
377 insect and rodent control; garbage; safety; personnel health,
378 hygiene, and work practices; and other matters the department
379 finds are appropriate or necessary to protect the safety and
380 health of the residents, staff, students, faculty, or patrons.
381 The department may not adopt rules that conflict with rules
382 adopted by the licensing or certifying agency. The department
383 may enter and inspect at reasonable hours to determine
384 compliance with applicable statutes or rules. In addition to any
385 sanctions that the department may impose for violations of rules
386 adopted under this section, the department shall also report
387 such violations to any agency responsible for licensing or
388 certifying the group care facility. The licensing or certifying



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389 agency may also impose any sanction based solely on the findings
390 of the department.

391 ~~(16)(17)~~ A function for investigating elevated levels of
392 lead in blood. Each participating county health department may
393 expend funds for federally mandated certification or
394 recertification fees related to conducting investigations of
395 elevated levels of lead in blood.

396 ~~(17)(18)~~ A food service inspection function for domestic
397 violence centers that are certified by the Department of
398 Children and Families and monitored by the Florida Coalition
399 Against Domestic Violence under part XII of chapter 39 and group
400 care homes as described in subsection (16), which shall be
401 conducted annually and be limited to the requirements in
402 department rule applicable to community-based residential
403 facilities with five or fewer residents.

404

405 The department may adopt rules to carry out ~~the provisions of~~
406 this section.

407 Section 14. Effective July 1, 2020, subsection (1) of
408 section 381.0061, Florida Statutes, is amended to read:

409 381.0061 Administrative fines.—

410 (1) In addition to any administrative action authorized by
411 chapter 120 or by other law, the department may impose a fine,
412 which shall not exceed \$500 for each violation, for a violation
413 of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.
414 381.0072, or part III of chapter 489, for a violation of any
415 rule adopted under this chapter, or for a violation of any of
416 the provisions of chapter 386. Notice of intent to impose such
417 fine shall be given by the department to the alleged violator.



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418 Each day that a violation continues may constitute a separate
419 violation.

420 Section 15. Effective July 1, 2020, subsection (1) of
421 section 381.0064, Florida Statutes, is amended to read:

422 381.0064 Continuing education courses for persons
423 installing or servicing septic tanks.-

424 (1) The Department of Environmental Protection ~~Health~~ shall
425 establish a program for continuing education which meets the
426 purposes of ss. 381.0101 and 489.554 regarding the public health
427 and environmental effects of onsite sewage treatment and
428 disposal systems and any other matters the department determines
429 desirable for the safe installation and use of onsite sewage
430 treatment and disposal systems. The department may charge a fee
431 to cover the cost of such program.

432 Section 16. Paragraph (h) of subsection (4) of section
433 381.0065, Florida Statutes, is amended, and subsection (7) is
434 added to that section, to read:

435 381.0065 Onsite sewage treatment and disposal systems;
436 regulation.-

437 (4) PERMITS; INSTALLATION; AND CONDITIONS.-A person may not
438 construct, repair, modify, abandon, or operate an onsite sewage
439 treatment and disposal system without first obtaining a permit
440 approved by the department. The department may issue permits to
441 carry out this section, but shall not make the issuance of such
442 permits contingent upon prior approval by the Department of
443 Environmental Protection, except that the issuance of a permit
444 for work seaward of the coastal construction control line
445 established under s. 161.053 shall be contingent upon receipt of
446 any required coastal construction control line permit from the



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447 Department of Environmental Protection. A construction permit is
448 valid for 18 months after ~~from~~ the date of issuance ~~date~~ and may
449 be extended by the department for one 90-day period under rules
450 adopted by the department. A repair permit is valid for 90 days
451 after ~~from~~ the date of issuance. An operating permit must be
452 obtained before ~~prior to~~ the use of any aerobic treatment unit
453 or if the establishment generates commercial waste. Buildings or
454 establishments that use an aerobic treatment unit or generate
455 commercial waste shall be inspected by the department at least
456 annually to assure compliance with the terms of the operating
457 permit. The operating permit for a commercial wastewater system
458 is valid for 1 year after ~~from~~ the date of issuance and must be
459 renewed annually. The operating permit for an aerobic treatment
460 unit is valid for 2 years after ~~from~~ the date of issuance and
461 must be renewed every 2 years. If all information pertaining to
462 the siting, location, and installation conditions or repair of
463 an onsite sewage treatment and disposal system remains the same,
464 a construction or repair permit for the onsite sewage treatment
465 and disposal system may be transferred to another person, if the
466 transferee files, within 60 days after the transfer of
467 ownership, an amended application providing all corrected
468 information and proof of ownership of the property. A ~~There is~~
469 ~~no~~ fee is not associated with the processing of this
470 supplemental information. A person may not contract to
471 construct, modify, alter, repair, service, abandon, or maintain
472 any portion of an onsite sewage treatment and disposal system
473 without being registered under part III of chapter 489. A
474 property owner who personally performs construction,
475 maintenance, or repairs to a system serving his or her own



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476 owner-occupied single-family residence is exempt from
477 registration requirements for performing such construction,
478 maintenance, or repairs on that residence, but is subject to all
479 permitting requirements. A municipality or political subdivision
480 of the state may not issue a building or plumbing permit for any
481 building that requires the use of an onsite sewage treatment and
482 disposal system unless the owner or builder has received a
483 construction permit for such system from the department. A
484 building or structure may not be occupied and a municipality,
485 political subdivision, or any state or federal agency may not
486 authorize occupancy until the department approves the final
487 installation of the onsite sewage treatment and disposal system.
488 A municipality or political subdivision of the state may not
489 approve any change in occupancy or tenancy of a building that
490 uses an onsite sewage treatment and disposal system until the
491 department has reviewed the use of the system with the proposed
492 change, approved the change, and amended the operating permit.

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



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505 supplemental information. A variance may not be granted under
506 this section until the department is satisfied that:

507 a. The hardship was not caused intentionally by the action
508 of the applicant;

509 b. A ~~Ne~~ reasonable alternative, taking into consideration
510 factors such as cost, ~~does not exist~~ ~~exists~~ for the treatment of
511 the sewage; and

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

516
517 Where soil conditions, water table elevation, and setback
518 provisions are determined by the department to be satisfactory,
519 special consideration must be given to those lots platted before
520 1972.

521 2. The department shall determine that a hardship exists
522 when an applicant for a variance demonstrates that the lot
523 subject to the variance request is at least 0.85 acres and that
524 other lots in the immediate proximity average at least 1 acre.
525 For purposes of this subparagraph, the term "immediate
526 proximity" means within the same unit or phase of a subdivision
527 as, adjacent or contiguous to, or across the road from, the lot
528 subject to the variance request.

529 3.2. The department shall appoint and staff a variance
530 review and advisory committee, which shall meet monthly to
531 recommend agency action on variance requests. The committee
532 shall make its recommendations on variance requests at the
533 meeting in which the application is scheduled for consideration,



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534 except for an extraordinary change in circumstances, the receipt
535 of new information that raises new issues, or when the applicant
536 requests an extension. The committee shall consider the criteria
537 in subparagraph 1. in its recommended agency action on variance
538 requests and shall also strive to allow property owners the full
539 use of their land where possible. The committee consists of the
540 following:

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

555
556 Members shall be appointed for a term of 3 years, with such
557 appointments being staggered so that the terms of no more than
558 two members expire in any one year. Members shall serve without
559 remuneration, but if requested, shall be reimbursed for per diem
560 and travel expenses as provided in s. 112.061.

561 (7) USE OF NUTRIENT REMOVING ONSITE SEWAGE TREATMENT AND
562 DISPOSAL SYSTEMS.-In addition to allowing the use of other



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563 department-approved nutrient removing onsite sewage treatment
564 and disposal systems to meet the requirements of a total maximum
565 daily load or basin management action plan adopted pursuant to
566 s. 403.067, a reasonable assurance plan, or other water quality
567 protection and restoration requirements, the department shall
568 allow the use of American National Standards Institute 245
569 systems approved by the National Sanitation Foundation
570 International before July 1, 2019.

571 Section 17. Effective July 1, 2020, paragraphs (d) and (e)
572 and paragraphs (g) through (q) of subsection (2) of section
573 381.0065, Florida Statutes, are redesignated as paragraphs (e)
574 and (g) and paragraphs (h) through (r), respectively, paragraph
575 (j) of subsection (3) and subsection (4), as amended by this
576 act, are amended, and a new paragraph (d) is added to subsection
577 (2) of that section, to read:

578 381.0065 Onsite sewage treatment and disposal systems;
579 regulation.—

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

582 (d) "Department" means the Department of Environmental
583 Protection.

584 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL
585 PROTECTION HEALTH.—The department shall:

586 (j) Supervise research on, demonstration of, and training
587 on the performance, environmental impact, and public health
588 impact of onsite sewage treatment and disposal systems within
589 this state. Research fees collected under s. 381.0066(2)(k) must
590 be used to develop and fund hands-on training centers designed
591 to provide practical information about onsite sewage treatment



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592 and disposal systems to septic tank contractors, master septic
593 tank contractors, contractors, inspectors, engineers, and the
594 public and must also be used to fund research projects which
595 focus on improvements of onsite sewage treatment and disposal
596 systems, including use of performance-based standards and
597 reduction of environmental impact. Research projects shall be
598 ~~initially approved by the technical review and advisory panel~~
599 ~~and shall be~~ applicable to and reflect the soil conditions
600 specific to Florida. Such projects shall be awarded through
601 competitive negotiation, using the procedures provided in s.
602 287.055, to public or private entities that have experience in
603 onsite sewage treatment and disposal systems in Florida and that
604 are principally located in Florida. ~~Research projects shall not~~
605 ~~be awarded to firms or entities that employ or are associated~~
606 ~~with persons who serve on either the technical review and~~
607 ~~advisory panel or the research review and advisory committee.~~

608 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
609 construct, repair, modify, abandon, or operate an onsite sewage
610 treatment and disposal system without first obtaining a permit
611 approved by the department. The department may issue permits to
612 carry out this section, but shall not make the issuance of such
613 permits contingent upon prior approval by the department ~~of~~
614 ~~Environmental Protection~~, except that the issuance of a permit
615 for work seaward of the coastal construction control line
616 established under s. 161.053 shall be contingent upon receipt of
617 any required coastal construction control line permit from the
618 department ~~of Environmental Protection~~. A construction permit is
619 valid for 18 months after the date of issuance and may be
620 extended by the department for one 90-day period under rules



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621 adopted by the department. A repair permit is valid for 90 days
622 after the date of issuance. An operating permit must be obtained
623 before the use of any aerobic treatment unit or if the
624 establishment generates commercial waste. Buildings or
625 establishments that use an aerobic treatment unit or generate
626 commercial waste shall be inspected by the department at least
627 annually to assure compliance with the terms of the operating
628 permit. The operating permit for a commercial wastewater system
629 is valid for 1 year after the date of issuance and must be
630 renewed annually. The operating permit for an aerobic treatment
631 unit is valid for 2 years after the date of issuance and must be
632 renewed every 2 years. If all information pertaining to the
633 siting, location, and installation conditions or repair of an
634 onsite sewage treatment and disposal system remains the same, a
635 construction or repair permit for the onsite sewage treatment
636 and disposal system may be transferred to another person, if the
637 transferee files, within 60 days after the transfer of
638 ownership, an amended application providing all corrected
639 information and proof of ownership of the property. A fee is not
640 associated with the processing of this supplemental information.
641 A person may not contract to construct, modify, alter, repair,
642 service, abandon, or maintain any portion of an onsite sewage
643 treatment and disposal system without being registered under
644 part III of chapter 489. A property owner who personally
645 performs construction, maintenance, or repairs to a system
646 serving his or her own owner-occupied single-family residence is
647 exempt from registration requirements for performing such
648 construction, maintenance, or repairs on that residence, but is
649 subject to all permitting requirements. A municipality or



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650 political subdivision of the state may not issue a building or
651 plumbing permit for any building that requires the use of an
652 onsite sewage treatment and disposal system unless the owner or
653 builder has received a construction permit for such system from
654 the department. A building or structure may not be occupied and
655 a municipality, political subdivision, or any state or federal
656 agency may not authorize occupancy until the department approves
657 the final installation of the onsite sewage treatment and
658 disposal system. A municipality or political subdivision of the
659 state may not approve any change in occupancy or tenancy of a
660 building that uses an onsite sewage treatment and disposal
661 system until the department has reviewed the use of the system
662 with the proposed change, approved the change, and amended the
663 operating permit.

664 (a) Subdivisions and lots in which each lot has a minimum
665 area of at least one-half acre and either a minimum dimension of
666 100 feet or a mean of at least 100 feet of the side bordering
667 the street and the distance formed by a line parallel to the
668 side bordering the street drawn between the two most distant
669 points of the remainder of the lot may be developed with a water
670 system regulated under s. 381.0062 and onsite sewage treatment
671 and disposal systems, provided the projected daily sewage flow
672 does not exceed an average of 1,500 gallons per acre per day,
673 and provided satisfactory drinking water can be obtained and all
674 distance and setback, soil condition, water table elevation, and
675 other related requirements of this section and rules adopted
676 under this section can be met.

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



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

685 (c) Notwithstanding paragraphs (a) and (b), for
686 subdivisions platted of record on or before October 1, 1991,
687 when a developer or other appropriate entity has previously made
688 or makes provisions, including financial assurances or other
689 commitments, acceptable to the department ~~of Health~~, that a
690 central water system will be installed by a regulated public
691 utility based on a density formula, private potable wells may be
692 used with onsite sewage treatment and disposal systems until the
693 agreed-upon densities are reached. In a subdivision regulated by
694 this paragraph, the average daily sewage flow may not exceed
695 2,500 gallons per acre per day. This section does not affect the
696 validity of existing prior agreements. After October 1, 1991,
697 the exception provided under this paragraph is not available to
698 a developer or other appropriate entity.

699 (d) Paragraphs (a) and (b) do not apply to any proposed
700 residential subdivision with more than 50 lots or to any
701 proposed commercial subdivision with more than 5 lots where a
702 publicly owned or investor-owned sewage treatment ~~sewerage~~
703 system is available. ~~It is the intent of~~ This paragraph does not
704 ~~to~~ allow development of additional proposed subdivisions in
705 order to evade the requirements of this paragraph.

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



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- 708 1. Seventy-five feet from a private potable well.
- 709 2. Two hundred feet from a public potable well serving a
710 residential or nonresidential establishment having a total
711 sewage flow of greater than 2,000 gallons per day.
- 712 3. One hundred feet from a public potable well serving a
713 residential or nonresidential establishment having a total
714 sewage flow of less than or equal to 2,000 gallons per day.
- 715 4. Fifty feet from any nonpotable well.
- 716 5. Ten feet from any storm sewer pipe, to the maximum
717 extent possible, but in no instance shall the setback be less
718 than 5 feet.
- 719 6. Seventy-five feet from the mean high-water line of a
720 tidally influenced surface water body.
- 721 7. Seventy-five feet from the mean annual flood line of a
722 permanent nontidal surface water body.
- 723 8. Fifteen feet from the design high-water line of
724 retention areas, detention areas, or swales designed to contain
725 standing or flowing water for less than 72 hours after a
726 rainfall or the design high-water level of normally dry drainage
727 ditches or normally dry individual lot stormwater retention
728 areas.
- 729 (f) Except as provided under paragraphs (e) and (t), ~~no~~
730 limitations may not ~~shall~~ be imposed by rule, relating to the
731 distance between an onsite disposal system and any area that
732 ~~either~~ permanently or temporarily has visible surface water.
- 733 (g) ~~All provisions of~~ This section and rules adopted under
734 this section relating to soil condition, water table elevation,
735 distance, and other setback requirements must be equally applied
736 to all lots, with the following exceptions:



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737 1. Any residential lot that was platted and recorded on or
738 after January 1, 1972, or that is part of a residential
739 subdivision that was approved by the appropriate permitting
740 agency on or after January 1, 1972, and that was eligible for an
741 onsite sewage treatment and disposal system construction permit
742 on the date of such platting and recording or approval shall be
743 eligible for an onsite sewage treatment and disposal system
744 construction permit, regardless of when the application for a
745 permit is made. If rules in effect at the time the permit
746 application is filed cannot be met, residential lots platted and
747 recorded or approved on or after January 1, 1972, shall, to the
748 maximum extent possible, comply with the rules in effect at the
749 time the permit application is filed. At a minimum, however,
750 those residential lots platted and recorded or approved on or
751 after January 1, 1972, but before January 1, 1983, shall comply
752 with those rules in effect on January 1, 1983, and those
753 residential lots platted and recorded or approved on or after
754 January 1, 1983, shall comply with those rules in effect at the
755 time of such platting and recording or approval. In determining
756 the maximum extent of compliance with current rules that is
757 possible, the department shall allow structures and
758 appurtenances thereto which were authorized at the time such
759 lots were platted and recorded or approved.

760 2. Lots platted before 1972 are subject to a 50-foot
761 minimum surface water setback and are not subject to lot size
762 requirements. The projected daily flow for onsite sewage
763 treatment and disposal systems for lots platted before 1972 may
764 not exceed:

765 a. Two thousand five hundred gallons per acre per day for



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766 lots served by public water systems as defined in s. 403.852.

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

769 (h)1. The department may grant variances in hardship cases
770 which may be less restrictive than specified in this section. If
771 a variance is granted and the onsite sewage treatment and
772 disposal system construction permit has been issued, the
773 variance may be transferred with the system construction permit,
774 if the transferee files, within 60 days after the transfer of
775 ownership, an amended construction permit application providing
776 all corrected information and proof of ownership of the property
777 and if the same variance would have been required for the new
778 owner of the property as was originally granted to the original
779 applicant for the variance. A fee is not associated with the
780 processing of this supplemental information. A variance may not
781 be granted under this section until the department is satisfied
782 that:

783 a. The hardship was not caused intentionally by the action
784 of the applicant;

785 b. A reasonable alternative, taking into consideration
786 factors such as cost, does not exist for the treatment of the
787 sewage; and

788 c. The discharge from the onsite sewage treatment and
789 disposal system will not adversely affect the health of the
790 applicant or the public or significantly degrade the groundwater
791 or surface waters.

792

793 Where soil conditions, water table elevation, and setback
794 provisions are determined by the department to be satisfactory,



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795 special consideration must be given to those lots platted before
796 1972.

797 2. The department shall determine that a hardship exists
798 when an applicant for a variance demonstrates that the lot
799 subject to the variance request is at least 0.85 acres and that
800 other lots in the immediate proximity average at least 1 acre.
801 For purposes of this subparagraph, the term "immediate
802 proximity" means within the same unit or phase of a subdivision
803 as, adjacent or contiguous to, or across the road from, the lot
804 subject to the variance request.

805 3. The department shall appoint and staff a variance review
806 and advisory committee, which shall meet monthly to recommend
807 agency action on variance requests. The committee shall make its
808 recommendations on variance requests at the meeting in which the
809 application is scheduled for consideration, except for an
810 extraordinary change in circumstances, the receipt of new
811 information that raises new issues, or when the applicant
812 requests an extension. The committee shall consider the criteria
813 in subparagraph 1. in its recommended agency action on variance
814 requests and shall also strive to allow property owners the full
815 use of their land where possible. The committee consists of the
816 following:

817 a. The Secretary of Environmental Protection ~~State Surgeon~~
818 ~~General~~ or his or her designee.

819 b. A representative from the county health departments.

820 c. A representative from the home building industry
821 recommended by the Florida Home Builders Association.

822 d. A representative from the septic tank industry
823 recommended by the Florida Onsite Wastewater Association.



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824 e. A representative from the Department of Health
825 ~~Environmental Protection~~.

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

830 g. A representative from the engineering profession
831 recommended by the Florida Engineering Society.

832
833 Members shall be appointed for a term of 3 years, with such
834 appointments being staggered so that the terms of no more than
835 two members expire in any one year. Members shall serve without
836 remuneration, but if requested, shall be reimbursed for per diem
837 and travel expenses as provided in s. 112.061.

838 (i) A construction permit may not be issued for an onsite
839 sewage treatment and disposal system in any area zoned or used
840 for industrial or manufacturing purposes, or its equivalent,
841 where a publicly owned or investor-owned sewage treatment system
842 is available, or where a likelihood exists that the system will
843 receive toxic, hazardous, or industrial waste. An existing
844 onsite sewage treatment and disposal system may be repaired if a
845 publicly owned or investor-owned sewage treatment ~~sewerage~~
846 system is not available within 500 feet of the building sewer
847 stub-out and if system construction and operation standards can
848 be met. This paragraph does not require publicly owned or
849 investor-owned sewage ~~sewerage~~ treatment systems to accept
850 anything other than domestic wastewater.

851 1. A building located in an area zoned or used for
852 industrial or manufacturing purposes, or its equivalent, when



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853 such building is served by an onsite sewage treatment and
854 disposal system, must not be occupied until the owner or tenant
855 has obtained written approval from the department. The
856 department may ~~shall~~ not grant approval when the proposed use of
857 the system is to dispose of toxic, hazardous, or industrial
858 wastewater or toxic or hazardous chemicals.

859 2. Each person who owns or operates a business or facility
860 in an area zoned or used for industrial or manufacturing
861 purposes, or its equivalent, or who owns or operates a business
862 that has the potential to generate toxic, hazardous, or
863 industrial wastewater or toxic or hazardous chemicals, and uses
864 an onsite sewage treatment and disposal system that is installed
865 on or after July 5, 1989, must obtain an annual system operating
866 permit from the department. A person who owns or operates a
867 business that uses an onsite sewage treatment and disposal
868 system that was installed and approved before July 5, 1989, does
869 not need to ~~not~~ obtain a system operating permit. However, upon
870 change of ownership or tenancy, the new owner or operator must
871 notify the department of the change, and the new owner or
872 operator must obtain an annual system operating permit,
873 regardless of the date that the system was installed or
874 approved.

875 3. The department shall periodically review and evaluate
876 the continued use of onsite sewage treatment and disposal
877 systems in areas zoned or used for industrial or manufacturing
878 purposes, or its equivalent, and may require the collection and
879 analyses of samples from within and around such systems. If the
880 department finds that toxic or hazardous chemicals or toxic,
881 hazardous, or industrial wastewater have been or are being



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882 disposed of through an onsite sewage treatment and disposal
883 system, the department shall initiate enforcement actions
884 against the owner or tenant to ensure adequate cleanup,
885 treatment, and disposal.

886 (j) An onsite sewage treatment and disposal system designed
887 by a professional engineer registered in the state and certified
888 by such engineer as complying with performance criteria adopted
889 by the department must be approved by the department subject to
890 the following:

891 1. The performance criteria applicable to engineer-designed
892 systems must be limited to those necessary to ensure that such
893 systems do not adversely affect the public health or
894 significantly degrade the groundwater or surface water. Such
895 performance criteria shall include consideration of the quality
896 of system effluent, the proposed total sewage flow per acre,
897 wastewater treatment capabilities of the natural or replaced
898 soil, water quality classification of the potential surface-
899 water-receiving body, and the structural and maintenance
900 viability of the system for the treatment of domestic
901 wastewater. However, performance criteria shall address only the
902 performance of a system and not a system's design.

903 2. A person electing to use ~~utilize~~ an engineer-designed
904 system shall, upon completion of the system design, submit such
905 design, certified by a registered professional engineer, to the
906 county health department. The county health department may use
907 ~~utilize~~ an outside consultant to review the engineer-designed
908 system, with the actual cost of such review to be borne by the
909 applicant. Within 5 working days after receiving an engineer-
910 designed system permit application, the county health department



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911 shall request additional information if the application is not
912 complete. Within 15 working days after receiving a complete
913 application for an engineer-designed system, the county health
914 department ~~either~~ shall issue the permit or, if it determines
915 that the system does not comply with the performance criteria,
916 shall notify the applicant of that determination and refer the
917 application to the department for a determination as to whether
918 the system should be approved, disapproved, or approved with
919 modification. The department engineer's determination shall
920 prevail over the action of the county health department. The
921 applicant shall be notified in writing of the department's
922 determination and of the applicant's rights to pursue a variance
923 or seek review under the provisions of chapter 120.

924 3. The owner of an engineer-designed performance-based
925 system must maintain a current maintenance service agreement
926 with a maintenance entity permitted by the department. The
927 maintenance entity shall inspect each system at least twice each
928 year and shall report quarterly to the department on the number
929 of systems inspected and serviced. The reports may be submitted
930 electronically.

931 4. The property owner of an owner-occupied, single-family
932 residence may be approved and permitted by the department as a
933 maintenance entity for his or her own performance-based
934 treatment system upon written certification from the system
935 manufacturer's approved representative that the property owner
936 has received training on the proper installation and service of
937 the system. The maintenance service agreement must conspicuously
938 disclose that the property owner has the right to maintain his
939 or her own system and is exempt from contractor registration



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940 requirements for performing construction, maintenance, or
941 repairs on the system but is subject to all permitting
942 requirements.

943 5. The property owner shall obtain a biennial system
944 operating permit from the department for each system. The
945 department shall inspect the system at least annually, or on
946 such periodic basis as the fee collected permits, and may
947 collect system-effluent samples if appropriate to determine
948 compliance with the performance criteria. The fee for the
949 biennial operating permit shall be collected beginning with the
950 second year of system operation.

951 6. If an engineer-designed system fails to properly
952 function or fails to meet performance standards, the system
953 shall be re-engineered, if necessary, to bring the system into
954 compliance with the provisions of this section.

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

959 (l) For the Florida Keys, the department shall adopt a
960 special rule for the construction, installation, modification,
961 operation, repair, maintenance, and performance of onsite sewage
962 treatment and disposal systems which considers the unique soil
963 conditions and water table elevations, densities, and setback
964 requirements. On lots where a setback distance of 75 feet from
965 surface waters, saltmarsh, and buttonwood association habitat
966 areas cannot be met, an injection well, approved and permitted
967 by the department, may be used for disposal of effluent from
968 onsite sewage treatment and disposal systems. The following



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969 additional requirements apply to onsite sewage treatment and
970 disposal systems in Monroe County:

971 1. The county, each municipality, and those special
972 districts established for the purpose of the collection,
973 transmission, treatment, or disposal of sewage shall ensure, in
974 accordance with the specific schedules adopted by the
975 Administration Commission under s. 380.0552, the completion of
976 onsite sewage treatment and disposal system upgrades to meet the
977 requirements of this paragraph.

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

983 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

984 b. Suspended Solids of 10 mg/l.

985 c. Total Nitrogen, expressed as N, of 10 mg/l or a
986 reduction in nitrogen of at least 70 percent. A system that has
987 been tested and certified to reduce nitrogen concentrations by
988 at least 70 percent shall be deemed to be in compliance with
989 this standard.

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

991

992 In addition, onsite sewage treatment and disposal systems
993 discharging to an injection well must provide basic disinfection
994 as defined by department rule.

995 3. In areas not scheduled to be served by a central
996 sewerage system ~~sewer~~, onsite sewage treatment and disposal
997 systems must, by December 31, 2015, comply with department rules



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998 and provide the level of treatment described in subparagraph 2.

999 4. In areas scheduled to be served by a central sewerage
1000 system ~~sewer~~ by December 31, 2015, if the property owner has
1001 paid a connection fee or assessment for connection to the
1002 central sewerage ~~sewer~~ system, the property owner may install a
1003 holding tank with a high water alarm or an onsite sewage
1004 treatment and disposal system that meets the following minimum
1005 standards:

1006 a. The existing tanks must be pumped and inspected and
1007 certified as being watertight and free of defects in accordance
1008 with department rule; and

1009 b. A sand-lined drainfield or injection well in accordance
1010 with department rule must be installed.

1011 5. Onsite sewage treatment and disposal systems must be
1012 monitored for total nitrogen and total phosphorus concentrations
1013 as required by department rule.

1014 6. The department shall enforce proper installation,
1015 operation, and maintenance of onsite sewage treatment and
1016 disposal systems pursuant to this chapter, including ensuring
1017 that the appropriate level of treatment described in
1018 subparagraph 2. is met.

1019 7. The authority of a local government, including a special
1020 district, to mandate connection of an onsite sewage treatment
1021 and disposal system is governed by s. 4, chapter 99-395, Laws of
1022 Florida.

1023 8. Notwithstanding any other ~~provision of~~ law, an onsite
1024 sewage treatment and disposal system installed after July 1,
1025 2010, in unincorporated Monroe County, excluding special
1026 wastewater districts, that complies with the standards in



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1027 subparagraph 2. is not required to connect to a central sewerage
1028 ~~sewer~~ system until December 31, 2020.

1029 (m) Any ~~No~~ product sold in the state for use in onsite
1030 sewage treatment and disposal systems may not contain any
1031 substance in concentrations or amounts that would interfere with
1032 or prevent the successful operation of such system, or that
1033 would cause discharges from such systems to violate applicable
1034 water quality standards. The department shall publish criteria
1035 for products known or expected to meet the conditions of this
1036 paragraph. ~~If In the event~~ a product does not meet such
1037 criteria, such product may be sold if the manufacturer
1038 satisfactorily demonstrates to the department that the
1039 conditions of this paragraph are met.

1040 (n) Evaluations for determining the seasonal high-water
1041 table elevations or the suitability of soils for the use of a
1042 new onsite sewage treatment and disposal system shall be
1043 performed by department personnel, professional engineers
1044 registered in the state, or such other persons with expertise,
1045 as defined by rule, in making such evaluations. Evaluations for
1046 determining mean annual flood lines shall be performed by those
1047 persons identified in paragraph (2)(j). The department shall
1048 accept evaluations submitted by professional engineers and such
1049 other persons as meet the expertise established by this section
1050 or by rule unless the department has a reasonable scientific
1051 basis for questioning the accuracy or completeness of the
1052 evaluation.

1053 ~~(o) The department shall appoint a research review and~~
1054 ~~advisory committee, which shall meet at least semiannually. The~~
1055 ~~committee shall advise the department on directions for new~~



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1056 ~~research, review and rank proposals for research contracts, and~~
1057 ~~review draft research reports and make comments. The committee~~
1058 ~~is comprised of:~~

1059 ~~1. A representative of the State Surgeon General, or his or~~
1060 ~~her designee.~~

1061 ~~2. A representative from the septic tank industry.~~

1062 ~~3. A representative from the home building industry.~~

1063 ~~4. A representative from an environmental interest group.~~

1064 ~~5. A representative from the State University System, from~~
1065 ~~a department knowledgeable about onsite sewage treatment and~~
1066 ~~disposal systems.~~

1067 ~~6. A professional engineer registered in this state who has~~
1068 ~~work experience in onsite sewage treatment and disposal systems.~~

1069 ~~7. A representative from local government who is~~
1070 ~~knowledgeable about domestic wastewater treatment.~~

1071 ~~8. A representative from the real estate profession.~~

1072 ~~9. A representative from the restaurant industry.~~

1073 ~~10. A consumer.~~

1074
1075 ~~Members shall be appointed for a term of 3 years, with the~~
1076 ~~appointments being staggered so that the terms of no more than~~
1077 ~~four members expire in any one year. Members shall serve without~~
1078 ~~remuneration, but are entitled to reimbursement for per diem and~~
1079 ~~travel expenses as provided in s. 112.061.~~

1080 ~~(o) (p)~~ An application for an onsite sewage treatment and
1081 disposal system permit shall be completed in full, signed by the
1082 owner or the owner's authorized representative, or by a
1083 contractor licensed under chapter 489, and shall be accompanied
1084 by all required exhibits and fees. ~~No~~ Specific documentation of



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1085 property ownership is not ~~shall be~~ required as a prerequisite to
1086 the review of an application or the issuance of a permit. The
1087 issuance of a permit does not constitute determination by the
1088 department of property ownership.

1089 (p) ~~(q)~~ The department may not require any form of
1090 subdivision analysis of property by an owner, developer, or
1091 subdivider before ~~prior to~~ submission of an application for an
1092 onsite sewage treatment and disposal system.

1093 (q) ~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the
1094 power of a municipality or county to enforce other laws for the
1095 protection of the public health and safety.

1096 (r) ~~(s)~~ In the siting of onsite sewage treatment and
1097 disposal systems, including drainfields, shoulders, and slopes,
1098 guttering may ~~shall~~ not be required on single-family residential
1099 dwelling units for systems located greater than 5 feet from the
1100 roof drip line of the house. If guttering is used on residential
1101 dwelling units, the downspouts shall be directed away from the
1102 drainfield.

1103 (s) ~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph
1104 (g)1., onsite sewage treatment and disposal systems located in
1105 floodways of the Suwannee and Aucilla Rivers must adhere to the
1106 following requirements:

1107 1. The absorption surface of the drainfield may ~~shall~~ not
1108 be subject to flooding based on 10-year flood elevations.
1109 Provided, however, for lots or parcels created by the
1110 subdivision of land in accordance with applicable local
1111 government regulations before ~~prior to~~ January 17, 1990, if an
1112 applicant cannot construct a drainfield system with the
1113 absorption surface of the drainfield at an elevation equal to or



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1114 above 10-year flood elevation, the department shall issue a
1115 permit for an onsite sewage treatment and disposal system within
1116 the 10-year floodplain of rivers, streams, and other bodies of
1117 flowing water if all of the following criteria are met:

1118 a. The lot is at least one-half acre in size;

1119 b. The bottom of the drainfield is at least 36 inches above
1120 the 2-year flood elevation; and

1121 c. The applicant installs ~~either:~~ a waterless,
1122 incinerating, or organic waste composting toilet and a graywater
1123 system and drainfield in accordance with department rules; an
1124 aerobic treatment unit and drainfield in accordance with
1125 department rules; a system ~~approved by the State Health Office~~
1126 that is capable of reducing effluent nitrate by at least 50
1127 percent in accordance with department rules; or a system other
1128 than a system using alternative drainfield materials in
1129 accordance with department rules ~~approved by the county health~~
1130 ~~department pursuant to department rule other than a system using~~
1131 ~~alternative drainfield materials~~. The United States Department
1132 of Agriculture Soil Conservation Service soil maps, State of
1133 Florida Water Management District data, and Federal Emergency
1134 Management Agency Flood Insurance maps are resources that shall
1135 be used to identify flood-prone areas.

1136 2. The use of fill or mounding to elevate a drainfield
1137 system out of the 10-year floodplain of rivers, streams, or
1138 other bodies of flowing water may ~~shall~~ not be permitted if such
1139 a system lies within a regulatory floodway of the Suwannee and
1140 Aucilla Rivers. In cases where the 10-year flood elevation does
1141 not coincide with the boundaries of the regulatory floodway, the
1142 regulatory floodway will be considered for the purposes of this



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1143 subsection to extend at a minimum to the 10-year flood
1144 elevation.

1145 (t)1.~~(u)1.~~ The owner of an aerobic treatment unit system
1146 shall maintain a current maintenance service agreement with an
1147 aerobic treatment unit maintenance entity permitted by the
1148 department. The maintenance entity shall inspect each aerobic
1149 treatment unit system at least twice each year and shall report
1150 quarterly to the department on the number of aerobic treatment
1151 unit systems inspected and serviced. The reports may be
1152 submitted electronically.

1153 2. The property owner of an owner-occupied, single-family
1154 residence may be approved and permitted by the department as a
1155 maintenance entity for his or her own aerobic treatment unit
1156 system upon written certification from the system manufacturer's
1157 approved representative that the property owner has received
1158 training on the proper installation and service of the system.
1159 The maintenance entity service agreement must conspicuously
1160 disclose that the property owner has the right to maintain his
1161 or her own system and is exempt from contractor registration
1162 requirements for performing construction, maintenance, or
1163 repairs on the system but is subject to all permitting
1164 requirements.

1165 3. A septic tank contractor licensed under part III of
1166 chapter 489, if approved by the manufacturer, may not be denied
1167 access by the manufacturer to aerobic treatment unit system
1168 training or spare parts for maintenance entities. After the
1169 original warranty period, component parts for an aerobic
1170 treatment unit system may be replaced with parts that meet
1171 manufacturer's specifications but are manufactured by others.



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1172 The maintenance entity shall maintain documentation of the
1173 substitute part's equivalency for 2 years and shall provide such
1174 documentation to the department upon request.

1175 4. The owner of an aerobic treatment unit system shall
1176 obtain a system operating permit from the department and allow
1177 the department to inspect during reasonable hours each aerobic
1178 treatment unit system at least annually, and such inspection may
1179 include collection and analysis of system-effluent samples for
1180 performance criteria established by rule of the department.

1181 (u)~~(v)~~ The department may require the submission of
1182 detailed system construction plans that are prepared by a
1183 professional engineer registered in this state. The department
1184 shall establish by rule criteria for determining when such a
1185 submission is required.

1186 (v)~~(w)~~ Any permit issued and approved by the department for
1187 the installation, modification, or repair of an onsite sewage
1188 treatment and disposal system shall transfer with the title to
1189 the property in a real estate transaction. A title may not be
1190 encumbered at the time of transfer by new permit requirements by
1191 a governmental entity for an onsite sewage treatment and
1192 disposal system which differ from the permitting requirements in
1193 effect at the time the system was permitted, modified, or
1194 repaired. An inspection of a system may not be mandated by a
1195 governmental entity at the point of sale in a real estate
1196 transaction. This paragraph does not affect a septic tank phase-
1197 out deferral program implemented by a consolidated government as
1198 defined in s. 9, Art. VIII of the State Constitution (1885).

1199 (w)~~(x)~~ A governmental entity, including a municipality,
1200 county, or statutorily created commission, may not require an



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1201 engineer-designed performance-based treatment system, excluding
1202 a passive engineer-designed performance-based treatment system,
1203 before the completion of the Florida Onsite Sewage Nitrogen
1204 Reduction Strategies Project. This paragraph does not apply to a
1205 governmental entity, including a municipality, county, or
1206 statutorily created commission, which adopted a local law,
1207 ordinance, or regulation on or before January 31, 2012.
1208 Notwithstanding this paragraph, an engineer-designed
1209 performance-based treatment system may be used to meet the
1210 requirements of the variance review and advisory committee
1211 recommendations.

1212 ~~(x) 1. (y) 1.~~ An onsite sewage treatment and disposal system
1213 is not considered abandoned if the system is disconnected from a
1214 structure that was made unusable or destroyed following a
1215 disaster and if the system was properly functioning at the time
1216 of disconnection and was not adversely affected by the disaster.
1217 The onsite sewage treatment and disposal system may be
1218 reconnected to a rebuilt structure if:

1219 a. The reconnection of the system is to the same type of
1220 structure which contains the same number of bedrooms or fewer,
1221 if the square footage of the structure is less than or equal to
1222 110 percent of the original square footage of the structure that
1223 existed before the disaster;

1224 b. The system is not a sanitary nuisance; and

1225 c. The system has not been altered without prior
1226 authorization.

1227 2. An onsite sewage treatment and disposal system that
1228 serves a property that is foreclosed upon is not considered
1229 abandoned.



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1230 (y)~~(z)~~ If an onsite sewage treatment and disposal system
1231 permittee receives, relies upon, and undertakes construction of
1232 a system based upon a validly issued construction permit under
1233 rules applicable at the time of construction but a change to a
1234 rule occurs within 5 years after the approval of the system for
1235 construction but before the final approval of the system, the
1236 rules applicable and in effect at the time of construction
1237 approval apply at the time of final approval if fundamental site
1238 conditions have not changed between the time of construction
1239 approval and final approval.

1240 (z)~~(aa)~~ An existing-system inspection or evaluation and
1241 assessment, or a modification, replacement, or upgrade of an
1242 onsite sewage treatment and disposal system is not required for
1243 a remodeling addition or modification to a single-family home if
1244 a bedroom is not added. However, a remodeling addition or
1245 modification to a single-family home may not cover any part of
1246 the existing system or encroach upon a required setback or the
1247 unobstructed area. To determine if a setback or the unobstructed
1248 area is impacted, the local health department shall review and
1249 verify a floor plan and site plan of the proposed remodeling
1250 addition or modification to the home submitted by a remodeler
1251 which shows the location of the system, including the distance
1252 of the remodeling addition or modification to the home from the
1253 onsite sewage treatment and disposal system. The local health
1254 department may visit the site or otherwise determine the best
1255 means of verifying the information submitted. A verification of
1256 the location of a system is not an inspection or evaluation and
1257 assessment of the system. The review and verification must be
1258 completed within 7 business days after receipt by the local



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1259 health department of a floor plan and site plan. If the review
1260 and verification is not completed within such time, the
1261 remodeling addition or modification to the single-family home,
1262 for the purposes of this paragraph, is approved.

1263 Section 18. Effective July 1, 2020, paragraph (d) of
1264 subsection (7) and subsections (8) and (9) of section 381.00651,
1265 Florida Statutes, are amended to read:

1266 381.00651 Periodic evaluation and assessment of onsite
1267 sewage treatment and disposal systems.—

1268 (7) The following procedures shall be used for conducting
1269 evaluations:

1270 (d) *Assessment procedure.*—All evaluation procedures used by
1271 a qualified contractor shall be documented in the environmental
1272 health database of the department ~~of Health~~. The qualified
1273 contractor shall provide a copy of a written, signed evaluation
1274 report to the property owner upon completion of the evaluation
1275 and to the county health department within 30 days after the
1276 evaluation. The report shall contain the name and license number
1277 of the company providing the report. A copy of the evaluation
1278 report shall be retained by the local county health department
1279 for a minimum of 5 years and until a subsequent inspection
1280 report is filed. The front cover of the report must identify any
1281 system failure and include a clear and conspicuous notice to the
1282 owner that the owner has a right to have any remediation of the
1283 failure performed by a qualified contractor other than the
1284 contractor performing the evaluation. The report must further
1285 identify any crack, leak, improper fit, or other defect in the
1286 tank, manhole, or lid, and any other damaged or missing
1287 component; any sewage or effluent visible on the ground or



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1288 discharging to a ditch or other surface water body; any
1289 downspout, stormwater, or other source of water directed onto or
1290 toward the system; and any other maintenance need or condition
1291 of the system at the time of the evaluation which, in the
1292 opinion of the qualified contractor, would possibly interfere
1293 with or restrict any future repair or modification to the
1294 existing system. The report shall conclude with an overall
1295 assessment of the fundamental operational condition of the
1296 system.

1297 (8) The county health department, in coordination with the
1298 department, shall administer any evaluation program on behalf of
1299 a county, or a municipality within the county, that has adopted
1300 an evaluation program pursuant to this section. In order to
1301 administer the evaluation program, the county or municipality,
1302 in consultation with the county health department, may develop a
1303 reasonable fee schedule to be used solely to pay for the costs
1304 of administering the evaluation program. Such a fee schedule
1305 shall be identified in the ordinance that adopts the evaluation
1306 program. When arriving at a reasonable fee schedule, the
1307 estimated annual revenues to be derived from fees may not exceed
1308 reasonable estimated annual costs of the program. Fees shall be
1309 assessed to the system owner during an inspection and separately
1310 identified on the invoice of the qualified contractor. Fees
1311 shall be remitted by the qualified contractor to the county
1312 health department. The county health department's administrative
1313 responsibilities include the following:

1314 (a) Providing a notice to the system owner at least 60 days
1315 before the system is due for an evaluation. The notice may
1316 include information on the proper maintenance of onsite sewage



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1317 treatment and disposal systems.

1318 (b) In consultation with the department ~~of Health~~,
1319 providing uniform disciplinary procedures and penalties for
1320 qualified contractors who do not comply with the requirements of
1321 the adopted ordinance, including, but not limited to, failure to
1322 provide the evaluation report as required in this subsection to
1323 the system owner and the county health department. Only the
1324 county health department may assess penalties against system
1325 owners for failure to comply with the adopted ordinance,
1326 consistent with existing requirements of law.

1327 (9) (a) A county or municipality that adopts an onsite
1328 sewage treatment and disposal system evaluation and assessment
1329 program pursuant to this section shall notify the Secretary of
1330 Environmental Protection, the Department of Health, and the
1331 applicable county health department upon the adoption of its
1332 ordinance establishing the program.

1333 (b) Upon receipt of the notice under paragraph (a), the
1334 department ~~of Environmental Protection~~ shall, within existing
1335 resources, notify the county or municipality of the potential
1336 use of, and access to, program funds under the Clean Water State
1337 Revolving Fund or s. 319 of the Clean Water Act, provide
1338 guidance in the application process to receive such moneys, and
1339 provide advice and technical assistance to the county or
1340 municipality on how to establish a low-interest revolving loan
1341 program or how to model a revolving loan program after the low-
1342 interest loan program of the Clean Water State Revolving Fund.
1343 This paragraph does not obligate the department ~~of Environmental~~
1344 ~~Protection~~ to provide any county or municipality with money to
1345 fund such programs.



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1346 (c) The department ~~of Health~~ may not adopt any rule that
1347 alters the provisions of this section.

1348 (d) The department ~~of Health~~ must allow county health
1349 departments and qualified contractors access to the
1350 environmental health database to track relevant information and
1351 assimilate data from assessment and evaluation reports of the
1352 overall condition of onsite sewage treatment and disposal
1353 systems. The environmental health database must be used by
1354 contractors to report each service and evaluation event and by a
1355 county health department to notify owners of onsite sewage
1356 treatment and disposal systems when evaluations are due. Data
1357 and information must be recorded and updated as service and
1358 evaluations are conducted and reported.

1359 Section 19. Section 381.00652, Florida Statutes, is created
1360 to read:

1361 381.00652 Onsite sewage treatment and disposal systems
1362 technical advisory committee.-

1363 (1) An onsite sewage treatment and disposal systems
1364 technical advisory committee, a committee as defined in s.
1365 20.03(8), is created within the Department of Environmental
1366 Protection. The committee shall:

1367 (a) Provide recommendations to increase the availability of
1368 nutrient removing onsite sewage treatment and disposal systems
1369 in the marketplace, including such systems that are cost-
1370 effective, low maintenance, and reliable.

1371 (b) Consider and recommend regulatory options, such as
1372 fast-track approval, prequalification, or expedited permitting,
1373 to facilitate the introduction and use of nutrient removing
1374 onsite sewage treatment and disposal systems that have been



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1375 reviewed and approved by a national agency or organization, such
1376 as the American National Standards Institute 245 systems
1377 approved by the National Sanitation Foundation International.

1378 (2) The department shall use existing and available
1379 resources to administer and support the activities of the onsite
1380 sewage treatment and disposal systems technical advisory
1381 committee.

1382 (3) (a) By August 1, 2019, the Secretary of Environmental
1383 Protection, in consultation with the Department of Health shall
1384 appoint members to the onsite sewage treatment and disposal
1385 systems technical advisory committee. The committee must consist
1386 of:

1387 1. A professional engineer.

1388 2. A septic tank contractor who has at least 5 years'
1389 experience in installation, operation or maintenance.

1390 3. A representative from the home building industry who has
1391 at least 5 years' experience utilizing onsite sewage treatment
1392 and disposal units.

1393 4. A representative from the real estate industry.

1394 5. A representative from the onsite sewage treatment and
1395 disposal system industry who has at least 5 years' experience in
1396 the industry.

1397 6. A representative from a local government who has at
1398 least 5 years' experience with onsite sewage treatment and
1399 disposal systems or water quality programs.

1400 7. A representative from the Florida Springs Council.

1401 8. A representative from an environmental organization who
1402 has at least 5 years' experience with onsite sewage treatment
1403 and disposal systems or water quality programs.



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1404 Section 20. Section 381.0068, Florida Statutes, is
1405 repealed.

1406 Section 21. Effective July 1, 2020, paragraph (g) of
1407 subsection (1) of section 381.0101, Florida Statutes, is amended
1408 to read:

1409 381.0101 Environmental health professionals.—

1410 (1) DEFINITIONS.—As used in this section:

1411 (g) "Primary environmental health program" means those
1412 programs determined by the department to be essential for
1413 providing basic environmental and sanitary protection to the
1414 public. At a minimum, these programs shall include food
1415 protection program work ~~and onsite sewage treatment and disposal~~
1416 ~~system evaluations.~~

1417 Section 22. Section 403.0616, Florida Statutes, is created
1418 to read:

1419 403.0616 Real-time water quality monitoring program.—

1420 (1) Subject to appropriation, the department shall
1421 establish a real-time water quality monitoring program to assist
1422 in the restoration, preservation, and enhancement of impaired
1423 water bodies and coastal resources.

1424 (2) In order to expedite the creation and implementation of
1425 the program, the department is encouraged to form public-private
1426 partnerships with established scientific entities with existing,
1427 proven real-time water quality monitoring equipment and
1428 experience in deploying such equipment.

1429 Section 23. Section 403.08715, Florida Statutes, is created
1430 to read:

1431 403.08715 Biosolids management.—

1432 (1) LEGISLATIVE FINDINGS.—The Legislature finds it is in



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1433 the best interest of the state to:

1434 (a) Regulate biosolids management to minimize the migration
1435 of nutrients that may impair or contribute to the impairment of
1436 surface water and groundwater quality.

1437 (b) Expedite implementation of the recommendations of the
1438 biosolids technical advisory committee, which includes
1439 permitting based on site-specific application conditions,
1440 increased inspection frequencies, groundwater and surface water
1441 monitoring protocols, and nutrient management research to
1442 improve the management of biosolids and protect the state's
1443 water resources and water quality.

1444 (c) Expedite the implementation of biosolids processing
1445 innovative technologies as a means to improve biosolids
1446 management and protect the state's water resources and water
1447 quality.

1448 (2) DEFINITION.—As used in this section, the term
1449 "biosolids" has the same meaning as in s. 373.4595(2).

1450 (3) PROHIBITED LAND APPLICATION.—

1451 (a) The land application of biosolids is prohibited on any
1452 site where the biosolids application zone interacts with the
1453 seasonal high ground water level, unless a department approved
1454 nutrient management plan and water quality monitoring plan
1455 provide reasonable assurances that the land application of
1456 biosolids at the site will not cause or contribute to a
1457 violation of Florida surface water quality standards or ground
1458 water standards.

1459 (b) The department may not issue a new permit or renew an
1460 existing permit for the land application of biosolids for any
1461 site where the land application of biosolids is prohibited



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1462 pursuant to paragraph (a).

1463 (c) Unless amended to comply with paragraph (a), a permit
1464 issued before July 1, 2019, shall continue in effect until July
1465 1, 2021, or the termination date of the permit, whichever date
1466 is earlier.

1467 (4) RULEMAKING.—

1468 (a) The department shall adopt rules for biosolids
1469 management to:

1470 1. Permit the use of biosolids in a manner that minimizes
1471 the migration of nutrients, including nitrogen and phosphorus,
1472 that impair or contribute to the impairment of surface water and
1473 groundwater quality, including:

1474 a. Site-specific land application rates of biosolids based
1475 on soil characteristics, soil adsorption capacity, water table
1476 characteristics, hydrogeology, site use, and distance to surface
1477 water;

1478 b. An evaluation of the percentage of water-extractable
1479 phosphorus in all biosolids to determine the appropriate
1480 application rate;

1481 c. Criteria for low-, medium-, and high-risk sites that
1482 guide application practices and required water quality
1483 monitoring; and

1484 2. Establish site specific groundwater and surface water
1485 monitoring requirements.

1486 (b) The department shall initiate rulemaking by August 1,
1487 2019.

1488 (5) WATER QUALITY MONITORING.—The department shall
1489 implement an offsite water quality monitoring program sufficient
1490 to determine impacts from the land application of biosolids on



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1491 downstream and nearby surface water and groundwater quality.

1492 (6) BIOSOLIDS ALTERNATIVE MANAGEMENT TECHNICAL ADVISORY
1493 COMMITTEE.—

1494 (a) The biosolids alternative management technical advisory
1495 committee, a committee as defined in s. 20.03(8), is created
1496 within the department for the purpose of reviewing the
1497 recommendations of the biosolids technical advisory committee,
1498 the costs and impacts of proposed future regulation of the land
1499 application of biosolids, the identification of alternative
1500 management approaches, and the identification of new biosolids
1501 processing technologies.

1502 (b) The secretary shall appoint nine members to the
1503 biosolids alternative management technical advisory committee.
1504 The chair of the committee shall be a representative of the
1505 department. The committee shall consist of the following
1506 members:

1507 1. A representative from a wastewater facility who has at
1508 least 5 years' experience in the production or land application
1509 of biosolids.

1510 2. A representative from a wastewater facility that uses an
1511 alternative biosolids disposal method who has at least 5 years'
1512 experience in such alternative disposal method.

1513 3. A representative from an agricultural operation who has
1514 at least 5 years' experience in land application of biosolids or
1515 the use of biosolids as a soil amendment.

1516 4. A representative from an environmental organization who
1517 has at least 5 years' experience in land application of
1518 biosolids or water quality programs.

1519 5. A representative from a university or educational



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1520 institution who is knowledgeable of alternative biosolids uses
1521 or disposal methods.

1522 6. A representative from a biosolids hauler who has at
1523 least 5 years' experience in hauling.

1524 7. A representative from a local government who has at
1525 least 5 years' experience with biosolids or water quality
1526 programs.

1527 8. A representative from a biosolids processing facility
1528 who has at least 5 years' experience in biosolids management and
1529 is familiar with alternative or innovative technologies.

1530 9. A professional engineer who has at least 5 years'
1531 experience in biosolids management.

1532 (c) The biosolids alternative management technical advisory
1533 committee shall:

1534 1. Conduct its first meeting on or before August 1, 2019;

1535 2. Conduct at least three meetings for the purpose of
1536 receiving input from the public regarding alternative management
1537 approaches and the identification of biosolids processing
1538 technologies. At least 7 days before each public meeting, notice
1539 of the time, date, and location of the meeting shall be
1540 published in the Florida Administrative Register; and

1541 3. Conduct additional meetings as often as necessary in
1542 order to fulfill its responsibilities under this subsection. Any
1543 additional meetings may be conducted in person, by
1544 teleconference, or by any other electronic means.

1545 (d) In evaluating the costs and impacts of the land
1546 application of biosolids, the identification of alternative
1547 management approaches, and the identification of biosolids
1548 processing technologies, the biosolids alternative management



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1549 technical advisory committee must consider:
1550 1. The existing costs associated with the land application
1551 of biosolids;
1552 2. The costs and if ascertainable, avoided costs, related
1553 to the elimination of land application of biosolids;
1554 3. The alternative processing technologies available for
1555 biosolids management; and
1556 4. Identification of new alternative technologies for
1557 biosolids management.
1558 (e) By July 1, 2020, the biosolids alternative management
1559 technical advisory committee shall submit a report of its
1560 findings and recommendations to the Governor, the President of
1561 the Senate, and the Speaker of the House of Representatives.
1562 (f) This subsection expires July 15, 2020.
1563 (7) APPLICABILITY.—
1564 (a) This section does not conflict with or supersede s.
1565 373.4595 or s. 373.811.
1566 (b) This section does not apply to Class AA biosolids that
1567 are marketed and distributed as fertilizer products in
1568 accordance with department rule.
1569 (c)1. This section does not preempt a municipality or
1570 county from enforcing or extending an ordinance, regulation,
1571 resolution, rule, moratorium, or policy adopted before February
1572 1, 2019, relating to the land application of Class B biosolids
1573 until the ordinance, regulation, resolution, rule, moratorium,
1574 or policy is repealed by the municipality or county or until the
1575 effective date of the rules adopted by the department pursuant
1576 to subsection (4), whichever occurs first.
1577 2. Upon the effective date of rules by the department



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1578 pursuant to subsection (4), a municipality or county may not
1579 adopt or enforce any ordinance, regulation, resolution, rule,
1580 moratorium, or policy relating to biosolids.

1581 Section 24. Effective July 1, 2020, subsection (1) of
1582 section 489.551, Florida Statutes, is amended to read:

1583 489.551 Definitions.—As used in this part:

1584 (1) "Department" means the Department of Environmental
1585 Protection Health.

1586 Section 25. Except as otherwise expressly provided in this
1587 act, this act shall take effect upon becoming a law.

1588

1589 ===== T I T L E A M E N D M E N T =====

1590 And the title is amended as follows:

1591 Delete line 31

1592 and insert:

1593 transferring the Onsite Sewage Program in the
1594 Department of Health to the Department of
1595 Environmental Protection; directing the Department of
1596 Health and the Department of Environmental Protection
1597 to submit recommendations regarding the transfer of
1598 the Onsite Sewage Program to the Governor and
1599 Legislature by a specified date; amending ss. 153.54,
1600 153.73, 163.3180, and 180.03, F.S.; conforming
1601 provisions to changes made by the act; amending s.
1602 373.036, F.S.; directing water management districts to
1603 submit consolidated annual reports to the Office of
1604 Economic and Demographic Research; requiring such
1605 reports to include connection and conversion projects
1606 for onsite sewage treatment and disposal systems;



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1607 amending ss. 373.807, 381.006, 381.0061, and 381.0064,
1608 F.S.; conforming provisions to changes made by the act
1609 and conforming a cross-reference; amending s. 373.811,
1610 F.S.; providing criteria for calculating lot size
1611 within priority focus areas for Outstanding Florida
1612 Springs; amending s. 381.0065, F.S.; conforming
1613 provisions to changes made by the act; removing
1614 provisions requiring certain onsite sewage treatment
1615 and disposal system research projects to be approved
1616 by a Department of Health technical review and
1617 advisory panel; removing provisions prohibiting the
1618 award of research projects to certain entities;
1619 removing provisions establishing a Department of
1620 Health onsite sewage treatment and disposal system
1621 research review and advisory committee; directing the
1622 Department of Health to determine that a hardship
1623 exists for certain onsite sewage treatment and
1624 disposal system variance requests; providing a
1625 definition; allowing the use of specified nutrient
1626 removing onsite sewage treatment and disposal systems
1627 to meet water quality protection and restoration
1628 requirements; amending s. 381.00651, F.S.; directing
1629 county health departments to coordinate with the
1630 Department of Environmental Protection to administer
1631 onsite sewage treatment and disposal system evaluation
1632 and assessment programs; conforming provisions to
1633 changes made by the act; creating s. 381.00652, F.S.;
1634 authorizing the Department of Environmental
1635 Protection, in consultation with the Department of



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1636 Health, to appoint an onsite sewage treatment and
1637 disposal systems technical advisory committee;
1638 providing for committee purpose, membership, and
1639 expiration; directing the Department of Environmental
1640 Protection to initiate rulemaking by a specified date
1641 and to adopt specified rules; repealing s. 381.0068,
1642 F.S., relating to the Department of Health onsite
1643 sewage treatment and disposal systems technical review
1644 and advisory panel; amending s. 381.0101, F.S.;
1645 conforming provisions to changes made by the act;
1646 creating s. 403.0616, F.S.; requiring the Department
1647 of Environmental Protection, subject to appropriation,
1648 to establish a real-time water quality monitoring
1649 program; encouraging the formation of public-private
1650 partnerships; creating s. 403.08715, F.S.; providing
1651 for the management of biosolids; providing legislative
1652 findings; providing a definition; prohibiting the land
1653 application of biosolids on certain sites; prohibiting
1654 the Department of Environmental Protection from
1655 issuing or renewing certain permits; providing for the
1656 continuation of certain permits; directing the
1657 department to adopt certain rules by a specified date;
1658 directing the department to implement an offsite water
1659 quality monitoring program; creating the biosolids
1660 alternative management technical advisory committee;
1661 providing for committee purpose, membership, meetings,
1662 and expiration; providing applicability; amending s.
1663 489.551, F.S.; conforming provisions to changes made
1664 by the act; providing legislative findings; providing



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1665

effective dates.