

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Appropriations Subcommittee
 3 Representative Payne offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. All powers, duties, functions, records,
 8 offices, personnel, associated administrative support positions,
 9 property, pending issues, existing contracts, administrative
 10 authority, administrative rules, and unexpended balances of
 11 appropriations, allocations, and other funds for the regulation
 12 of onsite sewage treatment and disposal systems relating to the
 13 Onsite Sewage Program in the Department of Health are
 14 transferred by a type two transfer, as defined in s. 20.06(2),
 15 Florida Statutes, to the Department of Environmental Protection.

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16 Section 2. A new memorandum of agreement between the
17 Department of Health and the Department of Environmental
18 Protection regarding the type 2 transfer of the Onsite Sewage
19 Program shall be entered into prior to January 1, 2020. The
20 agreement shall address all aspects of the transfer identified
21 in section 1 and the respective administrative and regulatory
22 roles of the county health departments and the Department of
23 Environmental Protection after the July 1, 2020 type two
24 transfer of authority. This section shall take effect July 1,
25 2019.

26 Section 3. Subsection (5) of section 153.54, Florida
27 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

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

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

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

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65 Section 4. Paragraph (c) of subsection (2) of section
66 153.73, Florida Statutes, is amended to read:

67 153.73 Assessable improvements; levy and payment of
68 special assessments.—Any district may provide for the
69 construction or reconstruction of assessable improvements as
70 defined in s. 153.52, and for the levying of special assessments
71 upon benefited property for the payment thereof, under the
72 provisions of this section.

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

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90 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by
91 the local authority.

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

94 163.3180 Concurrency.—

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

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

112 180.03 Resolution or ordinance proposing construction or
113 extension of utility; objections to same.—

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114 (3) For the construction of a new proposed sewerage system
115 or the extension of an existing sewerage system that was not
116 previously approved, the report shall include a study that
117 includes the available information from the Department of
118 Environmental Protection~~Health~~ on the history of onsite sewage
119 treatment and disposal systems currently in use in the area and
120 a comparison of the projected costs to the owner of a typical
121 lot or parcel of connecting to and using the proposed sewerage
122 system versus installing, operating, and properly maintaining an
123 onsite sewage treatment system that is approved by the
124 Department of Environmental Protection~~Health~~ and that provides
125 for the comparable level of environmental and health protection
126 as the proposed central sewerage system; consideration of the
127 local authority's obligations or reasonably anticipated
128 obligations for water body cleanup and protection under state or
129 federal programs, including requirements for water bodies listed
130 under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33
131 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by
132 the local authority. The results of such a study shall be
133 included in the resolution or ordinance required under
134 subsection (1).

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

137 373.036 Florida water plan; district water management
138 plans.—

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

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

153 (b) The consolidated annual report shall contain the
154 following elements, as appropriate to that water management
155 district:

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

158 2. The department-approved minimum flows and minimum water
159 levels annual priority list and schedule required by s.
160 373.042(3).

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

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

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

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

169 7. The mitigation donation annual report required by s.
170 373.414(1) (b)2.

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

173 a. A list of all specific projects identified to implement
174 a basin management action plan, including any septic-to-sewer
175 conversion and septic tank remediation projects, or a recovery
176 or prevention strategy;

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

182 c. The estimated cost for each listed project;

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

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

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

190 9. A grade for each watershed, water body, or water
191 segment in which a project listed under subparagraph 8. is
192 located representing the level of impairment and violations of
193 adopted minimum flow or minimum water levels. The grading system
194 must reflect the severity of the impairment of the watershed,
195 water body, or water segment.

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

198 373.807 Protection of water quality in Outstanding Florida
199 Springs.—By July 1, 2016, the department shall initiate
200 assessment, pursuant to s. 403.067(3), of Outstanding Florida
201 Springs or spring systems for which an impairment determination
202 has not been made under the numeric nutrient standards in effect
203 for spring vents. Assessments must be completed by July 1, 2018.

204 (3) As part of a basin management action plan that
205 includes an Outstanding Florida Spring, the department, ~~the~~
206 ~~Department of Health,~~ relevant local governments, and relevant
207 local public and private wastewater utilities shall develop an
208 onsite sewage treatment and disposal system remediation plan for
209 a spring if the department determines onsite sewage treatment
210 and disposal systems within a priority focus area contribute at
211 least 20 percent of nonpoint source nitrogen pollution or if the

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212 department determines remediation is necessary to achieve the
213 total maximum daily load. The plan shall identify cost-effective
214 and financially feasible projects necessary to reduce the
215 nutrient impacts from onsite sewage treatment and disposal
216 systems and shall be completed and adopted as part of the basin
217 management action plan no later than the first 5-year milestone
218 required by subparagraph (1)(b)8. The department is the lead
219 agency in coordinating the preparation of and the adoption of
220 the plan. The department shall:

221 (a) Collect and evaluate credible scientific information
222 on the effect of nutrients, particularly forms of nitrogen, on
223 springs and springs systems; and

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

227
228 In addition to the requirements in s. 403.067, the plan shall
229 include options for repair, upgrade, replacement, drainfield
230 modification, addition of effective nitrogen reducing features,
231 connection to a central sewerage system, or other action for an
232 onsite sewage treatment and disposal system or group of systems
233 within a priority focus area that contribute at least 20 percent
234 of nonpoint source nitrogen pollution or if the department
235 determines remediation is necessary to achieve a total maximum
236 daily load. For these systems, the department shall include in

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

251 Section 9. Section 381.006, Florida Statutes, is amended
252 to read:

253 381.006 Environmental health.—The Department of Health
254 shall conduct an environmental health program as part of
255 fulfilling the state's public health mission. The purpose of
256 this program is to detect and prevent disease caused by natural
257 and manmade factors in the environment. The environmental health
258 program shall include, but not be limited to:

- 259 (1) A drinking water function.
260 (2) An environmental health surveillance function which
261 shall collect, compile, and correlate information on public

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262 health and exposure to hazardous substances through sampling and
263 testing of water, air, or foods. Environmental health
264 surveillance shall include a comprehensive assessment of
265 drinking water under the department's supervision and an indoor
266 air quality testing and monitoring program to assess health
267 risks from exposure to chemical, physical, and biological agents
268 in the indoor environment.

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

272 (a) Supporting determinations by the State Health Officer
273 of safe levels of contaminants in water, air, or food if
274 applicable standards or criteria have not been adopted. These
275 determinations shall include issuance of health advisories to
276 protect the health and safety of the public at risk from
277 exposure to toxic agents.

278 (b) Provision of human toxicological health risk
279 assessments to the public and other governmental agencies to
280 characterize the risks to the public from exposure to
281 contaminants in air, water, or food.

282 (c) Consultation and technical assistance to the
283 Department of Environmental Protection and other governmental
284 agencies on actions necessary to ameliorate exposure to toxic
285 agents, including the emergency provision by the Department of
286 Environmental Protection of drinking water in cases of drinking

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287 water contamination that present an imminent and substantial
288 threat to the public's health, as required by s.
289 376.30(3)(c)1.a.

290 (d) Monitoring and reporting the body burden of toxic
291 agents to estimate past exposure to these toxic agents, predict
292 future health effects, and decrease the incidence of poisoning
293 by identifying and eliminating exposure.

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

296 (5) A migrant labor function.

297 (6) A public facilities function, including sanitary
298 practices relating to state, county, municipal, and private
299 institutions serving the public; jointly with the Department of
300 Education, publicly and privately owned schools; all places used
301 for the incarceration of prisoners and inmates of state
302 institutions for the mentally ill; toilets and washrooms in all
303 public places and places of employment; any other condition,
304 place, or establishment necessary for the control of disease or
305 the protection and safety of public health.

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

307 (7)~~(8)~~ A biohazardous waste control function.

308 (8)~~(9)~~ A function to control diseases transmitted from
309 animals to humans, including the segregation, quarantine, and
310 destruction of domestic pets and wild animals having or
311 suspected of having such diseases.

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312 ~~(9)-(10)~~ An environmental epidemiology function which shall
313 investigate food-borne disease, waterborne disease, and other
314 diseases of environmental causation, whether of chemical,
315 radiological, or microbiological origin. A \$10 surcharge for
316 this function shall be assessed upon all persons permitted under
317 chapter 500. This function shall include an educational program
318 for physicians and health professionals designed to promote
319 surveillance and reporting of environmental diseases, and to
320 further the dissemination of knowledge about the relationship
321 between toxic substances and human health which will be useful
322 in the formulation of public policy and will be a source of
323 information for the public.

324 ~~(10)-(11)~~ Mosquito and pest control functions as provided
325 in chapters 388 and 482.

326 ~~(11)-(12)~~ A radiation control function as provided in
327 chapter 404 and part IV of chapter 468.

328 ~~(12)-(13)~~ A public swimming and bathing facilities function
329 as provided in chapter 514.

330 ~~(13)-(14)~~ A mobile home park, lodging park, recreational
331 vehicle park, and recreational camp function as provided in
332 chapter 513.

333 ~~(14)-(15)~~ A sanitary facilities function, which shall
334 include minimum standards for the maintenance and sanitation of
335 sanitary facilities; public access to sanitary facilities; and

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336 fixture ratios for special or temporary events and for homeless
337 shelters.

338 ~~(15)-(16)~~ A group-care-facilities function. As used in this
339 subsection, the term "group care facility" means any public or
340 private school, assisted living facility, adult family-care
341 home, adult day care center, short-term residential treatment
342 center, residential treatment facility, home for special
343 services, transitional living facility, crisis stabilization
344 unit, hospice, prescribed pediatric extended care center,
345 intermediate care facility for persons with developmental
346 disabilities, or boarding school. The department may adopt rules
347 necessary to protect the health and safety of residents, staff,
348 and patrons of group care facilities. Rules related to public
349 and private schools shall be developed by the Department of
350 Education in consultation with the department. Rules adopted
351 under this subsection may include definitions of terms;
352 provisions relating to operation and maintenance of facilities,
353 buildings, grounds, equipment, furnishings, and occupant-space
354 requirements; lighting; heating, cooling, and ventilation; food
355 service; water supply and plumbing; sewage; sanitary facilities;
356 insect and rodent control; garbage; safety; personnel health,
357 hygiene, and work practices; and other matters the department
358 finds are appropriate or necessary to protect the safety and
359 health of the residents, staff, students, faculty, or patrons.
360 The department may not adopt rules that conflict with rules

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361 adopted by the licensing or certifying agency. The department
362 may enter and inspect at reasonable hours to determine
363 compliance with applicable statutes or rules. In addition to any
364 sanctions that the department may impose for violations of rules
365 adopted under this section, the department shall also report
366 such violations to any agency responsible for licensing or
367 certifying the group care facility. The licensing or certifying
368 agency may also impose any sanction based solely on the findings
369 of the department.

370 ~~(16)-(17)~~ A function for investigating elevated levels of
371 lead in blood. Each participating county health department may
372 expend funds for federally mandated certification or
373 recertification fees related to conducting investigations of
374 elevated levels of lead in blood.

375 ~~(17)-(18)~~ A food service inspection function for domestic
376 violence centers that are certified by the Department of
377 Children and Families and monitored by the Florida Coalition
378 Against Domestic Violence under part XII of chapter 39 and group
379 care homes as described in subsection (16), which shall be
380 conducted annually and be limited to the requirements in
381 department rule applicable to community-based residential
382 facilities with five or fewer residents.

383
384 The department may adopt rules to carry out ~~the provisions of~~
385 this section.

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

388 381.0061 Administrative fines.—

389 (1) In addition to any administrative action authorized by
390 chapter 120 or by other law, the department may impose a fine,
391 which shall not exceed \$500 for each violation, for a violation
392 of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.
393 381.0072, or part III of chapter 489, for a violation of any
394 rule adopted under this chapter, or for a violation of any of
395 the provisions of chapter 386. Notice of intent to impose such
396 fine shall be given by the department to the alleged violator.
397 Each day that a violation continues may constitute a separate
398 violation.

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

401 381.0064 Continuing education courses for persons
402 installing or servicing septic tanks.—

403 (1) The Department of Environmental Protection ~~Health~~
404 shall establish a program for continuing education which meets
405 the purposes of ss. 381.0101 and 489.554 regarding the public
406 health and environmental effects of onsite sewage treatment and
407 disposal systems and any other matters the department determines
408 desirable for the safe installation and use of onsite sewage
409 treatment and disposal systems. The department may charge a fee
410 to cover the cost of such program.

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411 Section 12. Paragraphs (d) and (e) and paragraphs (g)
412 through (q) of subsection (2) of section 381.0065, Florida
413 Statutes, are redesignated as paragraphs (e) and (g),
414 respectively, and paragraphs (h) through (r), respectively,
415 paragraph (j) of subsection (3) and subsection (4) are amended,
416 a new paragraph (d) is added to subsection (2), and subsections
417 (7) and (8) are added to that section, to read:

418 381.0065 Onsite sewage treatment and disposal systems;
419 regulation.—

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

422 (d) "Department" means the Department of Environmental
423 Protection.

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

426 (j) Supervise research on, demonstration of, and training
427 on the performance, environmental impact, and public health
428 impact of onsite sewage treatment and disposal systems within
429 this state. Research fees collected under s. 381.0066(2)(k) must
430 be used to develop and fund hands-on training centers designed
431 to provide practical information about onsite sewage treatment
432 and disposal systems to septic tank contractors, master septic
433 tank contractors, contractors, inspectors, engineers, and the
434 public and must also be used to fund research projects which
435 focus on improvements of onsite sewage treatment and disposal

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436 systems, including use of performance-based standards and
437 reduction of environmental impact. Research projects shall be
438 ~~initially approved by the technical review and advisory panel~~
439 ~~and shall be~~ applicable to and reflect the soil conditions
440 specific to Florida. Such projects shall be awarded through
441 competitive negotiation, using the procedures provided in s.
442 287.055, to public or private entities that have experience in
443 onsite sewage treatment and disposal systems in Florida and that
444 are principally located in Florida. ~~Research projects shall not~~
445 ~~be awarded to firms or entities that employ or are associated~~
446 ~~with persons who serve on either the technical review and~~
447 ~~advisory panel or the research review and advisory committee.~~

448 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
449 not construct, repair, modify, abandon, or operate an onsite
450 sewage treatment and disposal system without first obtaining a
451 permit approved by the department. The department may issue
452 permits to carry out this section, but shall not make the
453 issuance of such permits contingent upon prior approval by the
454 department ~~of Environmental Protection~~, except that the issuance
455 of a permit for work seaward of the coastal construction control
456 line established under s. 161.053 shall be contingent upon
457 receipt of any required coastal construction control line permit
458 from the department ~~of Environmental Protection~~. A construction
459 permit is valid for 18 months from the issuance date and may be
460 extended by the department for one 90-day period under rules

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461 adopted by the department. A repair permit is valid for 90 days
462 from the date of issuance. An operating permit must be obtained
463 before ~~prior to~~ the use of any aerobic treatment unit or if the
464 establishment generates commercial waste. Buildings or
465 establishments that use an aerobic treatment unit or generate
466 commercial waste shall be inspected by the department at least
467 annually to assure compliance with the terms of the operating
468 permit. The operating permit for a commercial wastewater system
469 is valid for 1 year from the date of issuance and must be
470 renewed annually. The operating permit for an aerobic treatment
471 unit is valid for 2 years from the date of issuance and must be
472 renewed every 2 years. If all information pertaining to the
473 siting, location, and installation conditions or repair of an
474 onsite sewage treatment and disposal system remains the same, a
475 construction or repair permit for the onsite sewage treatment
476 and disposal system may be transferred to another person, if the
477 transferee files, within 60 days after the transfer of
478 ownership, an amended application providing all corrected
479 information and proof of ownership of the property. A ~~There is~~
480 ~~no~~ fee is not associated with the processing of this
481 supplemental information. A person may not contract to
482 construct, modify, alter, repair, service, abandon, or maintain
483 any portion of an onsite sewage treatment and disposal system
484 without being registered under part III of chapter 489. A
485 property owner who personally performs construction,

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486 maintenance, or repairs to a system serving his or her own
487 owner-occupied single-family residence is exempt from
488 registration requirements for performing such construction,
489 maintenance, or repairs on that residence, but is subject to all
490 permitting requirements. A municipality or political subdivision
491 of the state may not issue a building or plumbing permit for any
492 building that requires the use of an onsite sewage treatment and
493 disposal system unless the owner or builder has received a
494 construction permit for such system from the department. A
495 building or structure may not be occupied and a municipality,
496 political subdivision, or any state or federal agency may not
497 authorize occupancy until the department approves the final
498 installation of the onsite sewage treatment and disposal system.
499 A municipality or political subdivision of the state may not
500 approve any change in occupancy or tenancy of a building that
501 uses an onsite sewage treatment and disposal system until the
502 department has reviewed the use of the system with the proposed
503 change, approved the change, and amended the operating permit.

504 (a) Subdivisions and lots in which each lot has a minimum
505 area of at least one-half acre and either a minimum dimension of
506 100 feet or a mean of at least 100 feet of the side bordering
507 the street and the distance formed by a line parallel to the
508 side bordering the street drawn between the two most distant
509 points of the remainder of the lot may be developed with a water
510 system regulated under s. 381.0062 and onsite sewage treatment

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511 and disposal systems, provided the projected daily sewage flow
512 does not exceed an average of 1,500 gallons per acre per day,
513 and provided satisfactory drinking water can be obtained and all
514 distance and setback, soil condition, water table elevation, and
515 other related requirements of this section and rules adopted
516 under this section can be met.

517 (b) Subdivisions and lots using a public water system as
518 defined in s. 403.852 may use onsite sewage treatment and
519 disposal systems, provided there are no more than four lots per
520 acre, provided the projected daily sewage flow does not exceed
521 an average of 2,500 gallons per acre per day, and provided that
522 all distance and setback, soil condition, water table elevation,
523 and other related requirements that are generally applicable to
524 the use of onsite sewage treatment and disposal systems are met.

525 (c) Notwithstanding paragraphs (a) and (b), for
526 subdivisions platted of record on or before October 1, 1991,
527 when a developer or other appropriate entity has previously made
528 or makes provisions, including financial assurances or other
529 commitments, acceptable to the Department of Health, that a
530 central water system will be installed by a regulated public
531 utility based on a density formula, private potable wells may be
532 used with onsite sewage treatment and disposal systems until the
533 agreed-upon densities are reached. In a subdivision regulated by
534 this paragraph, the average daily sewage flow may not exceed
535 2,500 gallons per acre per day. This section does not affect the

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536 validity of existing prior agreements. After October 1, 1991,
537 the exception provided under this paragraph is not available to
538 a developer or other appropriate entity.

539 (d) Paragraphs (a) and (b) do not apply to any proposed
540 residential subdivision with more than 50 lots or to any
541 proposed commercial subdivision with more than 5 lots where a
542 publicly owned or investor-owned sewage treatment~~sewerage~~ system
543 is available. ~~It is the intent of~~ This paragraph does not ~~to~~
544 allow development of additional proposed subdivisions in order
545 to evade the requirements of this paragraph.

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

- 548 1. Seventy-five feet from a private potable well.
- 549 2. Two hundred feet from a public potable well serving a
550 residential or nonresidential establishment having a total
551 sewage flow of greater than 2,000 gallons per day.
- 552 3. One hundred feet from a public potable well serving a
553 residential or nonresidential establishment having a total
554 sewage flow of less than or equal to 2,000 gallons per day.
- 555 4. Fifty feet from any nonpotable well.
- 556 5. Ten feet from any storm sewer pipe, to the maximum
557 extent possible, but in no instance shall the setback be less
558 than 5 feet.
- 559 6. Seventy-five feet from the mean high-water line of a
560 tidally influenced surface water body.

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

563 8. Fifteen feet from the design high-water line of
564 retention areas, detention areas, or swales designed to contain
565 standing or flowing water for less than 72 hours after a
566 rainfall or the design high-water level of normally dry drainage
567 ditches or normally dry individual lot stormwater retention
568 areas.

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

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

577 1. Any residential lot that was platted and recorded on or
578 after January 1, 1972, or that is part of a residential
579 subdivision that was approved by the appropriate permitting
580 agency on or after January 1, 1972, and that was eligible for an
581 onsite sewage treatment and disposal system construction permit
582 on the date of such platting and recording or approval shall be
583 eligible for an onsite sewage treatment and disposal system
584 construction permit, regardless of when the application for a
585 permit is made. If rules in effect at the time the permit

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586 application is filed cannot be met, residential lots platted and
587 recorded or approved on or after January 1, 1972, shall, to the
588 maximum extent possible, comply with the rules in effect at the
589 time the permit application is filed. At a minimum, however,
590 those residential lots platted and recorded or approved on or
591 after January 1, 1972, but before January 1, 1983, shall comply
592 with those rules in effect on January 1, 1983, and those
593 residential lots platted and recorded or approved on or after
594 January 1, 1983, shall comply with those rules in effect at the
595 time of such platting and recording or approval. In determining
596 the maximum extent of compliance with current rules that is
597 possible, the department shall allow structures and
598 appurtenances thereto which were authorized at the time such
599 lots were platted and recorded or approved.

600 2. Lots platted before 1972 are subject to a 50-foot
601 minimum surface water setback and are not subject to lot size
602 requirements. The projected daily flow for onsite sewage
603 treatment and disposal systems for lots platted before 1972 may
604 not exceed:

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

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

609 (h)1. The department may grant variances in hardship cases
610 which may be less restrictive than ~~the provisions~~ specified in

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611 this section. If a variance is granted and the onsite sewage
612 treatment and disposal system construction permit has been
613 issued, the variance may be transferred with the system
614 construction permit, if the transferee files, within 60 days
615 after the transfer of ownership, an amended construction permit
616 application providing all corrected information and proof of
617 ownership of the property and if the same variance would have
618 been required for the new owner of the property as was
619 originally granted to the original applicant for the variance. A
620 ~~There is no fee~~ is not associated with the processing of this
621 supplemental information. A variance may not be granted under
622 this section until the department is satisfied that:

623 a. The hardship was not caused intentionally by the action
624 of the applicant;

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

628 c. The discharge from the onsite sewage treatment and
629 disposal system will not adversely affect the health of the
630 applicant or the public or significantly degrade the groundwater
631 or surface waters.

632

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

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635 special consideration must be given to those lots platted before
636 1972.

637 2. The department shall appoint and staff a variance
638 review and advisory committee, which shall meet monthly to
639 recommend agency action on variance requests. The committee
640 shall make its recommendations on variance requests at the
641 meeting in which the application is scheduled for consideration,
642 except for an extraordinary change in circumstances, the receipt
643 of new information that raises new issues, or when the applicant
644 requests an extension. The committee shall consider the criteria
645 in subparagraph 1. in its recommended agency action on variance
646 requests and shall also strive to allow property owners the full
647 use of their land where possible. The committee consists of the
648 following:

649 a. The Secretary of the department~~State Surgeon General~~ or
650 his or her designee.

651 b. A representative from the county health departments.

652 c. A representative from the home building industry
653 recommended by the Florida Home Builders Association.

654 d. A representative from the septic tank industry
655 recommended by the Florida Onsite Wastewater Association.

656 e. A representative from the Department of Health
657 ~~Environmental Protection~~.

658 f. A representative from the real estate industry who is
659 also a developer in this state who develops lots using onsite

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660 sewage treatment and disposal systems, recommended by the
661 Florida Association of Realtors.

662 g. A representative from the engineering profession
663 recommended by the Florida Engineering Society.

664

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

670 (i) A construction permit may not be issued for an onsite
671 sewage treatment and disposal system in any area zoned or used
672 for industrial or manufacturing purposes, or its equivalent,
673 where a publicly owned or investor-owned sewage treatment system
674 is available, or where a likelihood exists that the system will
675 receive toxic, hazardous, or industrial waste. An existing
676 onsite sewage treatment and disposal system may be repaired if a
677 publicly owned or investor-owned sewage treatment ~~sewerage~~
678 system is not available within 500 feet of the building sewer
679 stub-out and if system construction and operation standards can
680 be met. This paragraph does not require publicly owned or
681 investor-owned sewage ~~sewerage~~ treatment systems to accept
682 anything other than domestic wastewater.

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

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685 such building is served by an onsite sewage treatment and
686 disposal system, must not be occupied until the owner or tenant
687 has obtained written approval from the department. The
688 department may ~~shall~~ not grant approval when the proposed use of
689 the system is to dispose of toxic, hazardous, or industrial
690 wastewater or toxic or hazardous chemicals.

691 2. Each person who owns or operates a business or facility
692 in an area zoned or used for industrial or manufacturing
693 purposes, or its equivalent, or who owns or operates a business
694 that has the potential to generate toxic, hazardous, or
695 industrial wastewater or toxic or hazardous chemicals, and uses
696 an onsite sewage treatment and disposal system that is installed
697 on or after July 5, 1989, must obtain an annual system operating
698 permit from the department. A person who owns or operates a
699 business that uses an onsite sewage treatment and disposal
700 system that was installed and approved before July 5, 1989, does
701 not need to not obtain a system operating permit. However, upon
702 change of ownership or tenancy, the new owner or operator must
703 notify the department of the change, and the new owner or
704 operator must obtain an annual system operating permit,
705 regardless of the date that the system was installed or
706 approved.

707 3. The department shall periodically review and evaluate
708 the continued use of onsite sewage treatment and disposal
709 systems in areas zoned or used for industrial or manufacturing

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710 purposes, or its equivalent, and may require the collection and
711 analyses of samples from within and around such systems. If the
712 department finds that toxic or hazardous chemicals or toxic,
713 hazardous, or industrial wastewater have been or are being
714 disposed of through an onsite sewage treatment and disposal
715 system, the department shall initiate enforcement actions
716 against the owner or tenant to ensure adequate cleanup,
717 treatment, and disposal.

718 (j) An onsite sewage treatment and disposal system
719 designed by a professional engineer registered in the state and
720 certified by such engineer as complying with performance
721 criteria adopted by the department must be approved by the
722 department subject to the following:

723 1. The performance criteria applicable to engineer-
724 designed systems must be limited to those necessary to ensure
725 that such systems do not adversely affect the public health or
726 significantly degrade the groundwater or surface water. Such
727 performance criteria shall include consideration of the quality
728 of system effluent, the proposed total sewage flow per acre,
729 wastewater treatment capabilities of the natural or replaced
730 soil, water quality classification of the potential surface-
731 water-receiving body, and the structural and maintenance
732 viability of the system for the treatment of domestic
733 wastewater. However, performance criteria shall address only the
734 performance of a system and not a system's design.

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735 2. A person electing to use ~~utilize~~ an engineer-designed
736 system shall, upon completion of the system design, submit such
737 design, certified by a registered professional engineer, to the
738 county health department. The county health department may use
739 ~~utilize~~ an outside consultant to review the engineer-designed
740 system, with the actual cost of such review to be borne by the
741 applicant. Within 5 working days after receiving an engineer-
742 designed system permit application, the county health department
743 shall request additional information if the application is not
744 complete. Within 15 working days after receiving a complete
745 application for an engineer-designed system, the county health
746 department either shall issue the permit or, if it determines
747 that the system does not comply with the performance criteria,
748 shall notify the applicant of that determination and refer the
749 application to the department for a determination as to whether
750 the system should be approved, disapproved, or approved with
751 modification. The department engineer's determination shall
752 prevail over the action of the county health department. The
753 applicant shall be notified in writing of the department's
754 determination and of the applicant's rights to pursue a variance
755 or seek review under the provisions of chapter 120.

756 3. The owner of an engineer-designed performance-based
757 system must maintain a current maintenance service agreement
758 with a maintenance entity permitted by the department. The
759 maintenance entity shall inspect each system at least twice each

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760 year and shall report quarterly to the department on the number
761 of systems inspected and serviced. The reports may be submitted
762 electronically.

763 4. The property owner of an owner-occupied, single-family
764 residence may be approved and permitted by the department as a
765 maintenance entity for his or her own performance-based
766 treatment system upon written certification from the system
767 manufacturer's approved representative that the property owner
768 has received training on the proper installation and service of
769 the system. The maintenance service agreement must conspicuously
770 disclose that the property owner has the right to maintain his
771 or her own system and is exempt from contractor registration
772 requirements for performing construction, maintenance, or
773 repairs on the system but is subject to all permitting
774 requirements.

775 5. The property owner shall obtain a biennial system
776 operating permit from the department for each system. The
777 department shall inspect the system at least annually, or on
778 such periodic basis as the fee collected permits, and may
779 collect system-effluent samples if appropriate to determine
780 compliance with the performance criteria. The fee for the
781 biennial operating permit shall be collected beginning with the
782 second year of system operation.

783 6. If an engineer-designed system fails to properly
784 function or fails to meet performance standards, the system

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785 shall be re-engineered, if necessary, to bring the system into
786 compliance with the provisions of this section.

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

791 (l) For the Florida Keys, the department shall adopt a
792 special rule for the construction, installation, modification,
793 operation, repair, maintenance, and performance of onsite sewage
794 treatment and disposal systems which considers the unique soil
795 conditions and water table elevations, densities, and setback
796 requirements. On lots where a setback distance of 75 feet from
797 surface waters, saltmarsh, and buttonwood association habitat
798 areas cannot be met, an injection well, approved and permitted
799 by the department, may be used for disposal of effluent from
800 onsite sewage treatment and disposal systems. The following
801 additional requirements apply to onsite sewage treatment and
802 disposal systems in Monroe County:

803 1. The county, each municipality, and those special
804 districts established for the purpose of the collection,
805 transmission, treatment, or disposal of sewage shall ensure, in
806 accordance with the specific schedules adopted by the
807 Administration Commission under s. 380.0552, the completion of
808 onsite sewage treatment and disposal system upgrades to meet the
809 requirements of this paragraph.

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

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

816 b. Suspended Solids of 10 mg/l.

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

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

823

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

827 3. In areas not scheduled to be served by a central sewer,
828 onsite sewage treatment and disposal systems must, by December
829 31, 2015, comply with department rules and provide the level of
830 treatment described in subparagraph 2.

831 4. In areas scheduled to be served by a central sewerage
832 system~~sewer~~ by December 31, 2015, if the property owner has paid
833 a connection fee or assessment for connection to the central
834 sewerage~~sewer~~ system, the property owner may install a holding

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835 tank with a high water alarm or an onsite sewage treatment and
836 disposal system that meets the following minimum standards:

837 a. The existing tanks must be pumped and inspected and
838 certified as being watertight and free of defects in accordance
839 with department rule; and

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

842 5. Onsite sewage treatment and disposal systems must be
843 monitored for total nitrogen and total phosphorus concentrations
844 as required by department rule.

845 6. The department shall enforce proper installation,
846 operation, and maintenance of onsite sewage treatment and
847 disposal systems pursuant to this chapter, including ensuring
848 that the appropriate level of treatment described in
849 subparagraph 2. is met.

850 7. The authority of a local government, including a
851 special district, to mandate connection of an onsite sewage
852 treatment and disposal system is governed by s. 4, chapter 99-
853 395, Laws of Florida.

854 8. Notwithstanding any other ~~provision of~~ law, an onsite
855 sewage treatment and disposal system installed after July 1,
856 2010, in unincorporated Monroe County, excluding special
857 wastewater districts, that complies with the standards in
858 subparagraph 2. is not required to connect to a central sewer
859 system until December 31, 2020.

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860 (m) Any ~~No~~ product sold in the state for use in onsite
861 sewage treatment and disposal systems may not contain any
862 substance in concentrations or amounts that would interfere with
863 or prevent the successful operation of such system, or that
864 would cause discharges from such systems to violate applicable
865 water quality standards. The department shall publish criteria
866 for products known or expected to meet the conditions of this
867 paragraph. If ~~In the event~~ a product does not meet such
868 criteria, such product may be sold if the manufacturer
869 satisfactorily demonstrates to the department that the
870 conditions of this paragraph are met.

871 (n) Evaluations for determining the seasonal high-water
872 table elevations or the suitability of soils for the use of a
873 new onsite sewage treatment and disposal system shall be
874 performed by department personnel, professional engineers
875 registered in the state, or such other persons with expertise,
876 as defined by rule, in making such evaluations. Evaluations for
877 determining mean annual flood lines shall be performed by those
878 persons identified in paragraph (2)(j). The department shall
879 accept evaluations submitted by professional engineers and such
880 other persons as meet the expertise established by this section
881 or by rule unless the department has a reasonable scientific
882 basis for questioning the accuracy or completeness of the
883 evaluation.

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884 ~~(e) The department shall appoint a research review and~~
885 ~~advisory committee, which shall meet at least semiannually. The~~
886 ~~committee shall advise the department on directions for new~~
887 ~~research, review and rank proposals for research contracts, and~~
888 ~~review draft research reports and make comments. The committee~~
889 ~~is comprised of:~~

890 ~~1. A representative of the State Surgeon General, or his~~
891 ~~or her designee.~~

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

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

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

895 ~~5. A representative from the State University System, from~~
896 ~~a department knowledgeable about onsite sewage treatment and~~
897 ~~disposal systems.~~

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

901 ~~7. A representative from local government who is~~
902 ~~knowledgeable about domestic wastewater treatment.~~

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

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

905 ~~10. A consumer.~~

906
907 ~~Members shall be appointed for a term of 3 years, with the~~
908 ~~appointments being staggered so that the terms of no more than~~

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909 ~~four members expire in any one year. Members shall serve without~~
910 ~~remuneration, but are entitled to reimbursement for per diem and~~
911 ~~travel expenses as provided in s. 112.061.~~

912 ~~(o)~~ ~~(p)~~ An application for an onsite sewage treatment and
913 disposal system permit shall be completed in full, signed by the
914 owner or the owner's authorized representative, or by a
915 contractor licensed under chapter 489, and shall be accompanied
916 by all required exhibits and fees. ~~No~~ Specific documentation of
917 property ownership is not ~~shall be~~ required as a prerequisite to
918 the review of an application or the issuance of a permit. The
919 issuance of a permit does not constitute determination by the
920 department of property ownership.

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

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

928 ~~(r)~~ ~~(s)~~ In the siting of onsite sewage treatment and
929 disposal systems, including drainfields, shoulders, and slopes,
930 guttering may ~~shall~~ not be required on single-family residential
931 dwelling units for systems located greater than 5 feet from the
932 roof drip line of the house. If guttering is used on residential

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933 dwelling units, the downspouts shall be directed away from the
934 drainfield.

935 ~~(s)-(t)~~ Notwithstanding ~~the provisions of~~ subparagraph
936 (g)1., onsite sewage treatment and disposal systems located in
937 floodways of the Suwannee and Aucilla Rivers must adhere to the
938 following requirements:

939 1. The absorption surface of the drainfield ~~may shall~~ not
940 be subject to flooding based on 10-year flood elevations.
941 Provided, however, for lots or parcels created by the
942 subdivision of land in accordance with applicable local
943 government regulations before ~~prior to~~ January 17, 1990, if an
944 applicant cannot construct a drainfield system with the
945 absorption surface of the drainfield at an elevation equal to or
946 above 10-year flood elevation, the department shall issue a
947 permit for an onsite sewage treatment and disposal system within
948 the 10-year floodplain of rivers, streams, and other bodies of
949 flowing water if all of the following criteria are met:

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

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

953 c. The applicant installs either: a waterless,
954 incinerating, or organic waste composting toilet and a graywater
955 system and drainfield in accordance with department rules; an
956 aerobic treatment unit and drainfield in accordance with
957 department rules; a system ~~approved by the State Health Office~~

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958 that is capable of reducing effluent nitrate by at least 50
959 percent in accordance with department rules; or a system other
960 than a system using alternative drainfield materials in
961 accordance with department rules ~~approved by the county health~~
962 ~~department pursuant to department rule other than a system using~~
963 ~~alternative drainfield materials~~. The United States Department
964 of Agriculture Soil Conservation Service soil maps, State of
965 Florida Water Management District data, and Federal Emergency
966 Management Agency Flood Insurance maps are resources that shall
967 be used to identify flood-prone areas.

968 2. The use of fill or mounding to elevate a drainfield
969 system out of the 10-year floodplain of rivers, streams, or
970 other bodies of flowing water may ~~shall~~ not be permitted if such
971 a system lies within a regulatory floodway of the Suwannee and
972 Aucilla Rivers. In cases where the 10-year flood elevation does
973 not coincide with the boundaries of the regulatory floodway, the
974 regulatory floodway will be considered for the purposes of this
975 subsection to extend at a minimum to the 10-year flood
976 elevation.

977 (t)1. ~~(u)1.~~ The owner of an aerobic treatment unit system
978 shall maintain a current maintenance service agreement with an
979 aerobic treatment unit maintenance entity permitted by the
980 department. The maintenance entity shall inspect each aerobic
981 treatment unit system at least twice each year and shall report
982 quarterly to the department on the number of aerobic treatment

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983 unit systems inspected and serviced. The reports may be
984 submitted electronically.

985 2. The property owner of an owner-occupied, single-family
986 residence may be approved and permitted by the department as a
987 maintenance entity for his or her own aerobic treatment unit
988 system upon written certification from the system manufacturer's
989 approved representative that the property owner has received
990 training on the proper installation and service of the system.
991 The maintenance entity service agreement must conspicuously
992 disclose that the property owner has the right to maintain his
993 or her own system and is exempt from contractor registration
994 requirements for performing construction, maintenance, or
995 repairs on the system but is subject to all permitting
996 requirements.

997 3. A septic tank contractor licensed under part III of
998 chapter 489, if approved by the manufacturer, may not be denied
999 access by the manufacturer to aerobic treatment unit system
1000 training or spare parts for maintenance entities. After the
1001 original warranty period, component parts for an aerobic
1002 treatment unit system may be replaced with parts that meet
1003 manufacturer's specifications but are manufactured by others.
1004 The maintenance entity shall maintain documentation of the
1005 substitute part's equivalency for 2 years and shall provide such
1006 documentation to the department upon request.

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1007 4. The owner of an aerobic treatment unit system shall
1008 obtain a system operating permit from the department and allow
1009 the department to inspect during reasonable hours each aerobic
1010 treatment unit system at least annually, and such inspection may
1011 include collection and analysis of system-effluent samples for
1012 performance criteria established by rule of the department.

1013 (u)~~(v)~~ The department may require the submission of
1014 detailed system construction plans that are prepared by a
1015 professional engineer registered in this state. The department
1016 shall establish by rule criteria for determining when such a
1017 submission is required.

1018 (v)~~(w)~~ Any permit issued and approved by the department
1019 for the installation, modification, or repair of an onsite
1020 sewage treatment and disposal system shall transfer with the
1021 title to the property in a real estate transaction. A title may
1022 not be encumbered at the time of transfer by new permit
1023 requirements by a governmental entity for an onsite sewage
1024 treatment and disposal system which differ from the permitting
1025 requirements in effect at the time the system was permitted,
1026 modified, or repaired. An inspection of a system may not be
1027 mandated by a governmental entity at the point of sale in a real
1028 estate transaction. This paragraph does not affect a septic tank
1029 phase-out deferral program implemented by a consolidated
1030 government as defined in s. 9, Art. VIII of the State
1031 Constitution (1885).

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1032 ~~(w)(*)~~ A governmental entity, including a municipality,
1033 county, or statutorily created commission, may not require an
1034 engineer-designed performance-based treatment system, excluding
1035 a passive engineer-designed performance-based treatment system,
1036 before the completion of the Florida Onsite Sewage Nitrogen
1037 Reduction Strategies Project. This paragraph does not apply to a
1038 governmental entity, including a municipality, county, or
1039 statutorily created commission, which adopted a local law,
1040 ordinance, or regulation on or before January 31, 2012.

1041 Notwithstanding this paragraph, an engineer-designed
1042 performance-based treatment system may be used to meet the
1043 requirements of the variance review and advisory committee
1044 recommendations.

1045 ~~(x)1.(y)1.~~ An onsite sewage treatment and disposal system
1046 is not considered abandoned if the system is disconnected from a
1047 structure that was made unusable or destroyed following a
1048 disaster and if the system was properly functioning at the time
1049 of disconnection and was not adversely affected by the disaster.
1050 The onsite sewage treatment and disposal system may be
1051 reconnected to a rebuilt structure if:

1052 a. The reconnection of the system is to the same type of
1053 structure which contains the same number of bedrooms or fewer,
1054 if the square footage of the structure is less than or equal to
1055 110 percent of the original square footage of the structure that
1056 existed before the disaster;

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1057 b. The system is not a sanitary nuisance; and

1058 c. The system has not been altered without prior
1059 authorization.

1060 2. An onsite sewage treatment and disposal system that
1061 serves a property that is foreclosed upon is not considered
1062 abandoned.

1063 ~~(y)(z)~~ If an onsite sewage treatment and disposal system
1064 permittee receives, relies upon, and undertakes construction of
1065 a system based upon a validly issued construction permit under
1066 rules applicable at the time of construction but a change to a
1067 rule occurs within 5 years after the approval of the system for
1068 construction but before the final approval of the system, the
1069 rules applicable and in effect at the time of construction
1070 approval apply at the time of final approval if fundamental site
1071 conditions have not changed between the time of construction
1072 approval and final approval.

1073 ~~(z)(aa)~~ An existing-system inspection or evaluation and
1074 assessment, or a modification, replacement, or upgrade of an
1075 onsite sewage treatment and disposal system is not required for
1076 a remodeling addition or modification to a single-family home if
1077 a bedroom is not added. However, a remodeling addition or
1078 modification to a single-family home may not cover any part of
1079 the existing system or encroach upon a required setback or the
1080 unobstructed area. To determine if a setback or the unobstructed
1081 area is impacted, the local health department shall review and

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1082 verify a floor plan and site plan of the proposed remodeling
1083 addition or modification to the home submitted by a remodeler
1084 which shows the location of the system, including the distance
1085 of the remodeling addition or modification to the home from the
1086 onsite sewage treatment and disposal system. The local health
1087 department may visit the site or otherwise determine the best
1088 means of verifying the information submitted. A verification of
1089 the location of a system is not an inspection or evaluation and
1090 assessment of the system. The review and verification must be
1091 completed within 7 business days after receipt by the local
1092 health department of a floor plan and site plan. If the review
1093 and verification is not completed within such time, the
1094 remodeling addition or modification to the single-family home,
1095 for the purposes of this paragraph, is approved.

1096 (7) LOT SIZE CALCULATION.—When applying the requirements
1097 of s. 373.811(2), the department shall:

1098 (a) Include portions of the lot subject to an easement or
1099 right of entry when determining the size of a lot.

1100 (b) Determine that a hardship exists in accordance with s.
1101 403.021(1)(c) when an applicant for a variance demonstrates that
1102 the lot subject to the request is no smaller than 0.85 acres and
1103 that lots in the immediate proximity average one acre in size or
1104 larger.

1105 (c) This subsection shall take effect July, 1, 2019.

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1106 (8) In addition to allowing the use of other department
1107 approved nutrient removing onsite sewage treatment and disposal
1108 systems to meet the requirements of a total maximum daily load
1109 or basin management action plan adopted pursuant to 403.067, a
1110 reasonable assurance plan or other water quality protection and
1111 restoration requirements, the department shall also allow the
1112 use of National Sanitation Foundation International/American
1113 National Standards Institute 245 systems approved by the Public
1114 Health and Safety Organization before July 1, 2019. This
1115 subsection shall take effect on July 1, 2019.

1116 Section 13. Paragraph (d) of subsection (7) and
1117 subsections (8) and (9) of section 381.00651, Florida Statutes,
1118 are amended to read:

1119 381.00651 Periodic evaluation and assessment of onsite
1120 sewage treatment and disposal systems.-

1121 (7) The following procedures shall be used for conducting
1122 evaluations:

1123 (d) Assessment procedure.-All evaluation procedures used
1124 by a qualified contractor shall be documented in the
1125 environmental health database of the department ~~of Health~~. The
1126 qualified contractor shall provide a copy of a written, signed
1127 evaluation report to the property owner upon completion of the
1128 evaluation and to the county health department within 30 days
1129 after the evaluation. The report shall contain the name and
1130 license number of the company providing the report. A copy of

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1131 the evaluation report shall be retained by the local county
1132 health department for a minimum of 5 years and until a
1133 subsequent inspection report is filed. The front cover of the
1134 report must identify any system failure and include a clear and
1135 conspicuous notice to the owner that the owner has a right to
1136 have any remediation of the failure performed by a qualified
1137 contractor other than the contractor performing the evaluation.
1138 The report must further identify any crack, leak, improper fit,
1139 or other defect in the tank, manhole, or lid, and any other
1140 damaged or missing component; any sewage or effluent visible on
1141 the ground or discharging to a ditch or other surface water
1142 body; any downspout, stormwater, or other source of water
1143 directed onto or toward the system; and any other maintenance
1144 need or condition of the system at the time of the evaluation
1145 which, in the opinion of the qualified contractor, would
1146 possibly interfere with or restrict any future repair or
1147 modification to the existing system. The report shall conclude
1148 with an overall assessment of the fundamental operational
1149 condition of the system.

1150 (8) The county health department, in coordination with the
1151 department, shall administer any evaluation program on behalf of
1152 a county, or a municipality within the county, that has adopted
1153 an evaluation program pursuant to this section. In order to
1154 administer the evaluation program, the county or municipality,
1155 in consultation with the county health department, may develop a

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1156 reasonable fee schedule to be used solely to pay for the costs
1157 of administering the evaluation program. Such a fee schedule
1158 shall be identified in the ordinance that adopts the evaluation
1159 program. When arriving at a reasonable fee schedule, the
1160 estimated annual revenues to be derived from fees may not exceed
1161 reasonable estimated annual costs of the program. Fees shall be
1162 assessed to the system owner during an inspection and separately
1163 identified on the invoice of the qualified contractor. Fees
1164 shall be remitted by the qualified contractor to the county
1165 health department. The county health department's administrative
1166 responsibilities include the following:

1167 (a) Providing a notice to the system owner at least 60
1168 days before the system is due for an evaluation. The notice may
1169 include information on the proper maintenance of onsite sewage
1170 treatment and disposal systems.

1171 (b) In consultation with the department ~~of Health,~~
1172 providing uniform disciplinary procedures and penalties for
1173 qualified contractors who do not comply with the requirements of
1174 the adopted ordinance, including, but not limited to, failure to
1175 provide the evaluation report as required in this subsection to
1176 the system owner and the county health department. Only the
1177 county health department may assess penalties against system
1178 owners for failure to comply with the adopted ordinance,
1179 consistent with existing requirements of law.

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1180 (9) (a) A county or municipality that adopts an onsite
1181 sewage treatment and disposal system evaluation and assessment
1182 program pursuant to this section shall notify the Secretary of
1183 Environmental Protection, the Department of Health, and the
1184 applicable county health department upon the adoption of its
1185 ordinance establishing the program.

1186 (b) Upon receipt of the notice under paragraph (a), the
1187 department ~~of Environmental Protection~~ shall, within existing
1188 resources, notify the county or municipality of the potential
1189 use of, and access to, program funds under the Clean Water State
1190 Revolving Fund or s. 319 of the Clean Water Act, provide
1191 guidance in the application process to receive such moneys, and
1192 provide advice and technical assistance to the county or
1193 municipality on how to establish a low-interest revolving loan
1194 program or how to model a revolving loan program after the low-
1195 interest loan program of the Clean Water State Revolving Fund.
1196 This paragraph does not obligate the department ~~of Environmental~~
1197 ~~Protection~~ to provide any county or municipality with money to
1198 fund such programs.

1199 (c) The department ~~of Health~~ may not adopt any rule that
1200 alters the provisions of this section.

1201 (d) The department ~~of Health~~ must allow county health
1202 departments and qualified contractors access to the
1203 environmental health database to track relevant information and
1204 assimilate data from assessment and evaluation reports of the

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1205 overall condition of onsite sewage treatment and disposal
1206 systems. The environmental health database must be used by
1207 contractors to report each service and evaluation event and by a
1208 county health department to notify owners of onsite sewage
1209 treatment and disposal systems when evaluations are due. Data
1210 and information must be recorded and updated as service and
1211 evaluations are conducted and reported.

1212 Section 14. Section 381.00652, Florida Statutes, is created
1213 to read:

1214 381.00652 Onsite treatment and disposal systems;
1215 permitting.-

1216 (1) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS TECHNICAL
1217 ADVISORY COMMITTEE.-

1218 (a) By August 1, 2019, the department, in consultation
1219 with the Department of Health, shall appoint a technical
1220 advisory committee to assist in developing rules that will
1221 increase the availability of nutrient removing onsite sewage
1222 treatment and disposal systems in the marketplace, including
1223 such systems that are cost-effective, low maintenance, and
1224 reliable. By July 1, 2020, the committee shall consider and
1225 recommend regulatory options, such as fast-track approval,
1226 prequalification, or expedited permitting, to facilitate the
1227 introduction and use of nutrient removing onsite sewage
1228 treatment and disposal systems that have been reviewed and
1229 approved by a national agency or organization, such as the

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1230 National Sanitation Foundation International/American National
1231 Standards Institute 245 systems approved by the Public Health
1232 and Safety Organization. The department shall use existing and
1233 available resources to administer and support the activities of
1234 the technical advisory committee.

1235 (b) The committee shall consist of at least five but not
1236 more than nine members representing the home building industry,
1237 the real estate industry, the onsite sewage treatment and
1238 disposal system industry, septic tank contractors, engineers,
1239 and local governments. Members shall serve without compensation
1240 and are not entitled to reimbursement for per diem or travel
1241 expenses.

1242 (c) This subsection shall expire on July 1, 2020.

1243 (2) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS
1244 RULEMAKING.—The department shall initiate rulemaking no later
1245 than August 1, 2020, considering the recommendations of the
1246 technical advisory committee, and adopt rules to increase the
1247 availability of cost-effective, low maintenance, and reliable
1248 nutrient removing onsite sewage treatment and disposal systems
1249 in the marketplace.

1250 (3) This section shall take effect July 1, 2019.

1251 Section 15. Section 381.0068, Florida Statutes, is
1252 repealed.

1253 Section 16. Paragraph (g) of subsection (1) of section
1254 381.0101, Florida Statutes, is amended to read:

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1255 | 381.0101 Environmental health professionals.—

1256 | (1) DEFINITIONS.—As used in this section:

1257 | (g) "Primary environmental health program" means those
1258 | programs determined by the department to be essential for
1259 | providing basic environmental and sanitary protection to the
1260 | public. At a minimum, these programs shall include food
1261 | protection program ~~work and onsite sewage treatment and disposal~~
1262 | ~~system evaluations.~~

1263 | Section 17. Paragraph (a) of subsection (7) of section
1264 | 403.067, Florida Statutes, is amended to read:

1265 | 403.067 Establishment and implementation of total maximum
1266 | daily loads.—

1267 | (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1268 | IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1269 | (a) Basin management action plans.—

1270 | 1. In developing and implementing the total maximum daily
1271 | load for a water body, the department, or the department in
1272 | conjunction with a water management district, may develop a
1273 | basin management action plan that addresses some or all of the
1274 | watersheds and basins tributary to the water body. Such plan
1275 | must integrate the appropriate management strategies available
1276 | to the state through existing water quality protection programs
1277 | to achieve the total maximum daily loads and may provide for
1278 | phased implementation of these management strategies to promote
1279 | timely, cost-effective actions as provided for in s. 403.151.

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1280 The plan must establish a schedule implementing the management
1281 strategies, establish a basis for evaluating the plan's
1282 effectiveness, and identify feasible funding strategies for
1283 implementing the plan's management strategies. The management
1284 strategies may include regional treatment systems or other
1285 public works, where appropriate, and voluntary trading of water
1286 quality credits to achieve the needed pollutant load reductions.

1287 2. A basin management action plan must equitably allocate,
1288 pursuant to paragraph (6) (b), pollutant reductions to individual
1289 basins, as a whole to all basins, or to each identified point
1290 source or category of nonpoint sources, as appropriate. For
1291 nonpoint sources for which best management practices have been
1292 adopted, the initial requirement specified by the plan must be
1293 those practices developed pursuant to paragraph (c). Where
1294 appropriate, the plan may take into account the benefits of
1295 pollutant load reduction achieved by point or nonpoint sources
1296 that have implemented management strategies to reduce pollutant
1297 loads, including best management practices, before the
1298 development of the basin management action plan. The plan must
1299 also identify the mechanisms that will address potential future
1300 increases in pollutant loading.

1301 3. The basin management action planning process is
1302 intended to involve the broadest possible range of interested
1303 parties, with the objective of encouraging the greatest amount
1304 of cooperation and consensus possible. In developing a basin

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1305 management action plan, the department shall assure that key
1306 stakeholders, including, but not limited to, applicable local
1307 governments, water management districts, the Department of
1308 Agriculture and Consumer Services, other appropriate state
1309 agencies, local soil and water conservation districts,
1310 environmental groups, regulated interests, and affected
1311 pollution sources, are invited to participate in the process.
1312 The department shall hold at least one public meeting in the
1313 vicinity of the watershed or basin to discuss and receive
1314 comments during the planning process and shall otherwise
1315 encourage public participation to the greatest practicable
1316 extent. Notice of the public meeting must be published in a
1317 newspaper of general circulation in each county in which the
1318 watershed or basin lies at least ~~not less than~~ 5 days but not
1319 ~~nor~~ more than 15 days before the public meeting. A basin
1320 management action plan does not supplant or otherwise alter any
1321 assessment made under subsection (3) or subsection (4) or any
1322 calculation or initial allocation.

1323 4. Each new or revised basin management action plan shall
1324 include:

1325 a. The appropriate management strategies available through
1326 existing water quality protection programs to achieve total
1327 maximum daily loads, which may provide for phased implementation
1328 to promote timely, cost-effective actions as provided ~~for~~ in s.
1329 403.151;

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1330 b. A description of best management practices adopted by
1331 rule;

1332 c. A list of projects in priority ranking with a planning-
1333 level cost estimate and estimated date of completion for each
1334 listed project;

1335 d. The source and amount of financial assistance to be
1336 made available by the department, a water management district,
1337 or other entity for each listed project, if applicable; and

1338 e. A planning-level estimate of each listed project's
1339 expected load reduction, if applicable.

1340 5. The department shall adopt all or any part of a basin
1341 management action plan and any amendment to such plan by
1342 secretarial order pursuant to chapter 120 to implement the
1343 provisions of this section.

1344 6. The basin management action plan must include
1345 milestones for implementation and water quality improvement, and
1346 an associated water quality monitoring component sufficient to
1347 evaluate whether reasonable progress in pollutant load
1348 reductions is being achieved over time. An assessment of
1349 progress toward these milestones shall be conducted every 5
1350 years, and revisions to the plan shall be made as appropriate.
1351 Revisions to the basin management action plan shall be made by
1352 the department in cooperation with basin stakeholders. Revisions
1353 to the management strategies required for nonpoint sources must
1354 follow the procedures set forth in subparagraph (c)4. Revised

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1355 basin management action plans must be adopted pursuant to
1356 subparagraph 5.

1357 7. In accordance with procedures adopted by rule under
1358 paragraph (9)(c), basin management action plans, and other
1359 pollution control programs under local, state, or federal
1360 authority as provided in subsection (4), may allow point or
1361 nonpoint sources that will achieve greater pollutant reductions
1362 than required by an adopted total maximum daily load or
1363 wasteload allocation to generate, register, and trade water
1364 quality credits for the excess reductions to enable other
1365 sources to achieve their allocation; however, the generation of
1366 water quality credits does not remove the obligation of a source
1367 or activity to meet applicable technology requirements or
1368 adopted best management practices. Such plans must allow trading
1369 between NPDES permittees, and trading that may or may not
1370 involve NPDES permittees, where the generation or use of the
1371 credits involve an entity or activity not subject to department
1372 water discharge permits whose owner voluntarily elects to obtain
1373 department authorization for the generation and sale of credits.

1374 8. The provisions of the department's rule relating to the
1375 equitable abatement of pollutants into surface waters do not
1376 apply to water bodies or water body segments for which a basin
1377 management plan that takes into account future new or expanded
1378 activities or discharges has been adopted under this section.

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1379 9. The department shall submit to the Office of Economic
1380 and Demographic Research the project cost estimates required in
1381 sub-subparagraph 4.c., including any septic-to-sewer conversion
1382 and septic tank remediation project costs.

1383 Section 18. Subsection (1) of section 489.551, Florida
1384 Statutes, is amended to read:

1385 489.551 Definitions.—As used in this part:

1386 (1) "Department" means the Department of Environmental
1387 Protection~~Health~~.

1388 Section 19. Except as otherwise expressly provided in this
1389 act, this act shall take effect on July 1, 2020.

1392 -----
1393 **T I T L E A M E N D M E N T**

1394 Remove everything before the enacting clause and insert:
1395 An act relating to onsite sewage treatment and disposal systems;
1396 transferring the Onsite Sewage Program in the Department of
1397 Health to the Department of Environmental Protection; effective
1398 July 1, 2019, requiring a memorandum of agreement; amending ss.
1399 153.54, 153.73, 163.3180, and 180.03, F.S.; conforming
1400 provisions to changes made by the act; amending s. 373.036,
1401 F.S.; directing water management districts to submit
1402 consolidated annual reports to the Office of Economic and
1403 Demographic Research; requiring such reports to include septic-

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1404 to-sewer conversion and septic tank remediation projects;
1405 amending ss. 373.807, 381.006, 381.0061, and 381.0064, F.S.;
1406 conforming provisions to changes made by the act and conforming
1407 a cross-reference; amending s. 381.0065, F.S.; conforming
1408 provisions to changes made by the act; removing provisions
1409 requiring certain onsite sewage treatment and disposal system
1410 research projects to be approved by a Department of Health
1411 technical review and advisory panel; removing provisions
1412 prohibiting the award of research projects to certain entities;
1413 removing provisions establishing a Department of Health onsite
1414 sewage treatment and disposal system research review and
1415 advisory committee; effective July 1, 2019, clarifying lot size
1416 calculation; effective July 1, 2019, allowing the use of
1417 National Sanitation Foundation International/American National
1418 Standards Institute 245 systems; amending s. 381.00651, F.S.;
1419 directing county health departments to coordinate with the
1420 department to administer onsite sewage treatment and disposal
1421 system evaluation programs; conforming provisions to changes
1422 made by the act; effective July 1, 2019, creating s. 381.00652;
1423 authorizing the Department of Environmental Protection to
1424 appoint an onsite sewage treatment and disposal systems
1425 technical advisory committee; providing for committee purpose,
1426 membership, and expiration; directing the department to initiate
1427 rulemaking by a specified date and to adopt specified rules;
1428 repealing s. 381.0068, F.S., relating to the Department of

COMMITTEE/SUBCOMMITTEE AMENDMENT

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1429 Health onsite sewage treatment and disposal systems technical
1430 review and advisory panel; amending s. 381.0101, F.S.;
1431 conforming provisions to changes made by the act; amending s.
1432 403.067, F.S.; directing the department to submit certain water
1433 quality project cost estimates to the Office of Economic and
1434 Demographic Research; amending s. 489.551, F.S.; conforming
1435 provisions to changes made by the act; providing an effective
1436 date.