

Amendment No.

He

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WITHDRAWN	_____	(Y/N)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 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 and existing contracts; administrative
10 authority; administrative rules; trust funds; and unexpended
11 balances of appropriations, allocations, and other funds for the
12 regulation of onsite sewage treatment and disposal systems
13 relating to the Onsite Sewage Program in the Department of
14 Health are transferred by a type two transfer, as defined in s.

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15 20.06(2), Florida Statutes, to the Department of Environmental
16 Protection.

17 Section 2. Any binding contract or interagency agreement
18 existing before July 1, 2019, between the Department of Health
19 or any entity or agent of the agency, and any other agency,
20 entity, or person shall continue as a binding contract or
21 agreement for the remainder of the term of such contract or
22 agreement on the successor department or entity responsible for
23 the program, activity, or function relative to the contract or
24 agreement.

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

27 153.54 Preliminary report by county commissioners with
28 respect to creation of proposed district.—Upon receipt of a
29 petition duly signed by not less than 25 qualified electors who
30 are also freeholders residing within an area proposed to be
31 incorporated into a water and sewer district pursuant to this
32 law and describing in general terms the proposed boundaries of
33 such proposed district, the board of county commissioners if it
34 shall deem it necessary and advisable to create and establish
35 such proposed district for the purpose of constructing,
36 establishing or acquiring a water system or a sewer system or
37 both in and for such district (herein called "improvements"),
38 shall first cause a preliminary report to be made which such

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

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

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

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

66 153.73 Assessable improvements; levy and payment of
67 special assessments.—Any district may provide for the
68 construction or reconstruction of assessable improvements as
69 defined in s. 153.52, and for the levying of special assessments
70 upon benefited property for the payment thereof, under the
71 provisions of this section.

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

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

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

93 163.3180 Concurrency.—

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

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

111 180.03 Resolution or ordinance proposing construction or
112 extension of utility; objections to same.—

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

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

136 373.036 Florida water plan; district water management
137 plans.—

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

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

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

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

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

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

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

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

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

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

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

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

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

181 c. The estimated cost for each listed project;

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

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

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

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

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

197 373.807 Protection of water quality in Outstanding Florida
198 Springs.—By July 1, 2016, the department shall initiate
199 assessment, pursuant to s. 403.067(3), of Outstanding Florida
200 Springs or spring systems for which an impairment determination
201 has not been made under the numeric nutrient standards in effect
202 for spring vents. Assessments must be completed by July 1, 2018.

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

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

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

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

226
227 In addition to the requirements in s. 403.067, the plan shall
228 include options for repair, upgrade, replacement, drainfield
229 modification, addition of effective nitrogen reducing features,
230 connection to a central sewerage system, or other action for an
231 onsite sewage treatment and disposal system or group of systems
232 within a priority focus area that contribute at least 20 percent
233 of nonpoint source nitrogen pollution or if the department
234 determines remediation is necessary to achieve a total maximum
235 daily load. For these systems, the department shall include in

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

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

252 381.006 Environmental health.—The Department of Health
253 shall conduct an environmental health program as part of
254 fulfilling the state's public health mission. The purpose of
255 this program is to detect and prevent disease caused by natural
256 and manmade factors in the environment. The environmental health
257 program shall include, but not be limited to:

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

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

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

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

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

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

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

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

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

295 (5) A migrant labor function.

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

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

306 (7)~~(8)~~ A biohazardous waste control function.

307 (8)~~(9)~~ A function to control diseases transmitted from
308 animals to humans, including the segregation, quarantine, and
309 destruction of domestic pets and wild animals having or
310 suspected of having such diseases.

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311 ~~(9)-(10)~~ An environmental epidemiology function which shall
312 investigate food-borne disease, waterborne disease, and other
313 diseases of environmental causation, whether of chemical,
314 radiological, or microbiological origin. A \$10 surcharge for
315 this function shall be assessed upon all persons permitted under
316 chapter 500. This function shall include an educational program
317 for physicians and health professionals designed to promote
318 surveillance and reporting of environmental diseases, and to
319 further the dissemination of knowledge about the relationship
320 between toxic substances and human health which will be useful
321 in the formulation of public policy and will be a source of
322 information for the public.

323 ~~(10)-(11)~~ Mosquito and pest control functions as provided
324 in chapters 388 and 482.

325 ~~(11)-(12)~~ A radiation control function as provided in
326 chapter 404 and part IV of chapter 468.

327 ~~(12)-(13)~~ A public swimming and bathing facilities function
328 as provided in chapter 514.

329 ~~(13)-(14)~~ A mobile home park, lodging park, recreational
330 vehicle park, and recreational camp function as provided in
331 chapter 513.

332 ~~(14)-(15)~~ A sanitary facilities function, which shall
333 include minimum standards for the maintenance and sanitation of
334 sanitary facilities; public access to sanitary facilities; and

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

337 ~~(15)-(16)~~ A group-care-facilities function. As used in this
338 subsection, the term "group care facility" means any public or
339 private school, assisted living facility, adult family-care
340 home, adult day care center, short-term residential treatment
341 center, residential treatment facility, home for special
342 services, transitional living facility, crisis stabilization
343 unit, hospice, prescribed pediatric extended care center,
344 intermediate care facility for persons with developmental
345 disabilities, or boarding school. The department may adopt rules
346 necessary to protect the health and safety of residents, staff,
347 and patrons of group care facilities. Rules related to public
348 and private schools shall be developed by the Department of
349 Education in consultation with the department. Rules adopted
350 under this subsection may include definitions of terms;
351 provisions relating to operation and maintenance of facilities,
352 buildings, grounds, equipment, furnishings, and occupant-space
353 requirements; lighting; heating, cooling, and ventilation; food
354 service; water supply and plumbing; sewage; sanitary facilities;
355 insect and rodent control; garbage; safety; personnel health,
356 hygiene, and work practices; and other matters the department
357 finds are appropriate or necessary to protect the safety and
358 health of the residents, staff, students, faculty, or patrons.
359 The department may not adopt rules that conflict with rules

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

369 ~~(16)-(17)~~ A function for investigating elevated levels of
370 lead in blood. Each participating county health department may
371 expend funds for federally mandated certification or
372 recertification fees related to conducting investigations of
373 elevated levels of lead in blood.

374 ~~(17)-(18)~~ A food service inspection function for domestic
375 violence centers that are certified by the Department of
376 Children and Families and monitored by the Florida Coalition
377 Against Domestic Violence under part XII of chapter 39 and group
378 care homes as described in subsection (16), which shall be
379 conducted annually and be limited to the requirements in
380 department rule applicable to community-based residential
381 facilities with five or fewer residents.

382
383 The department may adopt rules to carry out ~~the provisions of~~
384 this section.

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

387 381.0061 Administrative fines.—

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

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

400 381.0064 Continuing education courses for persons
401 installing or servicing septic tanks.—

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

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

417 381.0065 Onsite sewage treatment and disposal systems;
418 regulation.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

631
632 Where soil conditions, water table elevation, and setback
633 provisions are determined by the department to be satisfactory,

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

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

- 648 a. The State Surgeon General or his or her designee.
- 649 b. A representative from the county health departments.
- 650 c. A representative from the home building industry
651 recommended by the Florida Home Builders Association.
- 652 d. A representative from the septic tank industry
653 recommended by the Florida Onsite Wastewater Association.
- 654 e. A representative from the Department of Environmental
655 Protection.
- 656 f. A representative from the real estate industry who is
657 also a developer in this state who develops lots using onsite

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658 sewage treatment and disposal systems, recommended by the
659 Florida Association of Realtors.

660 g. A representative from the engineering profession
661 recommended by the Florida Engineering Society.

662

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

814 b. Suspended Solids of 10 mg/l.

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

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

821
822 In addition, onsite sewage treatment and disposal systems
823 discharging to an injection well must provide basic disinfection
824 as defined by department rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~10. A consumer.~~

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

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

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

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

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

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

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931 dwelling units, the downspouts shall be directed away from the
932 drainfield.

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

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

- 948 a. The lot is at least one-half acre in size;
- 949 b. The bottom of the drainfield is at least 36 inches
950 above the 2-year flood elevation; and
- 951 c. The applicant installs either: a waterless,
952 incinerating, or organic waste composting toilet and a graywater
953 system and drainfield in accordance with department rules; an
954 aerobic treatment unit and drainfield in accordance with
955 department rules; a system approved by the State Health Office

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

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

973 (t)1. ~~(u)1.~~ The owner of an aerobic treatment unit system
974 shall maintain a current maintenance service agreement with an
975 aerobic treatment unit maintenance entity permitted by the
976 department. The maintenance entity shall inspect each aerobic
977 treatment unit system at least twice each year and shall report
978 quarterly to the department on the number of aerobic treatment
979 unit systems inspected and serviced. The reports may be
980 submitted electronically.

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

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

1003 4. The owner of an aerobic treatment unit system shall
1004 obtain a system operating permit from the department and allow
1005 the department to inspect during reasonable hours each aerobic

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1006 treatment unit system at least annually, and such inspection may
1007 include collection and analysis of system-effluent samples for
1008 performance criteria established by rule of the department.

1009 (u)~~(v)~~ The department may require the submission of
1010 detailed system construction plans that are prepared by a
1011 professional engineer registered in this state. The department
1012 shall establish by rule criteria for determining when such a
1013 submission is required.

1014 (v)~~(w)~~ Any permit issued and approved by the department
1015 for the installation, modification, or repair of an onsite
1016 sewage treatment and disposal system shall transfer with the
1017 title to the property in a real estate transaction. A title may
1018 not be encumbered at the time of transfer by new permit
1019 requirements by a governmental entity for an onsite sewage
1020 treatment and disposal system which differ from the permitting
1021 requirements in effect at the time the system was permitted,
1022 modified, or repaired. An inspection of a system may not be
1023 mandated by a governmental entity at the point of sale in a real
1024 estate transaction. This paragraph does not affect a septic tank
1025 phase-out deferral program implemented by a consolidated
1026 government as defined in s. 9, Art. VIII of the State
1027 Constitution (1885).

1028 (w)~~(x)~~ A governmental entity, including a municipality,
1029 county, or statutorily created commission, may not require an
1030 engineer-designed performance-based treatment system, excluding

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1031 a passive engineer-designed performance-based treatment system,
1032 before the completion of the Florida Onsite Sewage Nitrogen
1033 Reduction Strategies Project. This paragraph does not apply to a
1034 governmental entity, including a municipality, county, or
1035 statutorily created commission, which adopted a local law,
1036 ordinance, or regulation on or before January 31, 2012.
1037 Notwithstanding this paragraph, an engineer-designed
1038 performance-based treatment system may be used to meet the
1039 requirements of the variance review and advisory committee
1040 recommendations.

1041 ~~(x) 1. (y) 1.~~ An onsite sewage treatment and disposal system
1042 is not considered abandoned if the system is disconnected from a
1043 structure that was made unusable or destroyed following a
1044 disaster and if the system was properly functioning at the time
1045 of disconnection and was not adversely affected by the disaster.
1046 The onsite sewage treatment and disposal system may be
1047 reconnected to a rebuilt structure if:

1048 a. The reconnection of the system is to the same type of
1049 structure which contains the same number of bedrooms or fewer,
1050 if the square footage of the structure is less than or equal to
1051 110 percent of the original square footage of the structure that
1052 existed before the disaster;

1053 b. The system is not a sanitary nuisance; and

1054 c. The system has not been altered without prior
1055 authorization.

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1056 2. An onsite sewage treatment and disposal system that
1057 serves a property that is foreclosed upon is not considered
1058 abandoned.

1059 ~~(y)-(z)~~ If an onsite sewage treatment and disposal system
1060 permittee receives, relies upon, and undertakes construction of
1061 a system based upon a validly issued construction permit under
1062 rules applicable at the time of construction but a change to a
1063 rule occurs within 5 years after the approval of the system for
1064 construction but before the final approval of the system, the
1065 rules applicable and in effect at the time of construction
1066 approval apply at the time of final approval if fundamental site
1067 conditions have not changed between the time of construction
1068 approval and final approval.

1069 ~~(z)-(aa)~~ An existing-system inspection or evaluation and
1070 assessment, or a modification, replacement, or upgrade of an
1071 onsite sewage treatment and disposal system is not required for
1072 a remodeling addition or modification to a single-family home if
1073 a bedroom is not added. However, a remodeling addition or
1074 modification to a single-family home may not cover any part of
1075 the existing system or encroach upon a required setback or the
1076 unobstructed area. To determine if a setback or the unobstructed
1077 area is impacted, the local health department shall review and
1078 verify a floor plan and site plan of the proposed remodeling
1079 addition or modification to the home submitted by a remodeler
1080 which shows the location of the system, including the distance

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1081 of the remodeling addition or modification to the home from the
1082 onsite sewage treatment and disposal system. The local health
1083 department may visit the site or otherwise determine the best
1084 means of verifying the information submitted. A verification of
1085 the location of a system is not an inspection or evaluation and
1086 assessment of the system. The review and verification must be
1087 completed within 7 business days after receipt by the local
1088 health department of a floor plan and site plan. If the review
1089 and verification is not completed within such time, the
1090 remodeling addition or modification to the single-family home,
1091 for the purposes of this paragraph, is approved.

1092 (7) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS TECHNICAL
1093 ADVISORY COMMITTEE.-

1094 (a) By August 1, 2019, the department shall appoint a
1095 technical advisory committee to assist in developing rules that
1096 will increase the availability of nutrient removing onsite
1097 sewage treatment and disposal systems in the marketplace,
1098 including such systems that are cost-effective, low maintenance,
1099 and reliable. By December 1, 2019, the committee shall consider
1100 and recommend regulatory options, such as fast-track approval,
1101 prequalification, or expedited permitting, to facilitate the
1102 introduction and use of nutrient removing onsite sewage
1103 treatment and disposal systems that have been reviewed and
1104 approved by a national agency or organization, such as the
1105 National Sanitation Foundation International/American National

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1106 Standards Institute 245 systems approved by the Public Health
1107 and Safety Organization. The department shall use existing and
1108 available resources to administer and support the activities of
1109 the technical advisory committee.

1110 (b) The committee shall consist of at least five but not
1111 more than nine members representing the home building industry,
1112 the real estate industry, the onsite sewage treatment and
1113 disposal system industry, septic tank contractors, engineers,
1114 and local governments. Members shall serve without compensation
1115 and are not entitled to reimbursement for per diem or travel
1116 expenses.

1117 (c) The committee shall automatically dissolve and this
1118 subsection shall expire on July 1, 2020.

1119 (8) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS
1120 RULEMAKING.-

1121 (a) The department shall initiate rulemaking no later than
1122 August 1, 2019, and adopt rules that meet the following
1123 requirements:

1124 1. In addition to allowing the use of other department
1125 approved nutrient removing onsite sewage treatment and disposal
1126 systems to meet the requirements of a total maximum daily load
1127 or basin management action plan adopted pursuant to 403.067, a
1128 reasonable assurance plan or other water quality protection and
1129 restoration requirements, the department shall also allow the
1130 use of National Sanitation Foundation International/American

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1131 National Standards Institute 245 systems approved by the Public
1132 Health and Safety Organization before July 1, 2019.

1133 2. When determining the size of a lot and length of a
1134 setback, the department shall include portions of the lot
1135 subject to an easement or right of entry.

1136 (b) The department shall initiate rulemaking no later than
1137 January 1, 2020, and adopt rules, considering the
1138 recommendations of the technical advisory committee, that are
1139 intended to increase the availability of cost-effective, low
1140 maintenance, and reliable nutrient removing onsite sewage
1141 treatment and disposal systems in the marketplace.

1142 Section 13. Paragraph (d) of subsection (7) and
1143 subsections (8) and (9) of section 381.00651, Florida Statutes,
1144 are amended to read:

1145 381.00651 Periodic evaluation and assessment of onsite
1146 sewage treatment and disposal systems.—

1147 (7) The following procedures shall be used for conducting
1148 evaluations:

1149 (d) Assessment procedure.—All evaluation procedures used
1150 by a qualified contractor shall be documented in the
1151 environmental health database of the department ~~of Health~~. The
1152 qualified contractor shall provide a copy of a written, signed
1153 evaluation report to the property owner upon completion of the
1154 evaluation and to the county health department within 30 days
1155 after the evaluation. The report shall contain the name and

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1156 license number of the company providing the report. A copy of
1157 the evaluation report shall be retained by the local county
1158 health department for a minimum of 5 years and until a
1159 subsequent inspection report is filed. The front cover of the
1160 report must identify any system failure and include a clear and
1161 conspicuous notice to the owner that the owner has a right to
1162 have any remediation of the failure performed by a qualified
1163 contractor other than the contractor performing the evaluation.
1164 The report must further identify any crack, leak, improper fit,
1165 or other defect in the tank, manhole, or lid, and any other
1166 damaged or missing component; any sewage or effluent visible on
1167 the ground or discharging to a ditch or other surface water
1168 body; any downspout, stormwater, or other source of water
1169 directed onto or toward the system; and any other maintenance
1170 need or condition of the system at the time of the evaluation
1171 which, in the opinion of the qualified contractor, would
1172 possibly interfere with or restrict any future repair or
1173 modification to the existing system. The report shall conclude
1174 with an overall assessment of the fundamental operational
1175 condition of the system.

1176 (8) The county health department, in coordination with the
1177 department, shall administer any evaluation program on behalf of
1178 a county, or a municipality within the county, that has adopted
1179 an evaluation program pursuant to this section. In order to
1180 administer the evaluation program, the county or municipality,

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1181 in consultation with the county health department, may develop a
1182 reasonable fee schedule to be used solely to pay for the costs
1183 of administering the evaluation program. Such a fee schedule
1184 shall be identified in the ordinance that adopts the evaluation
1185 program. When arriving at a reasonable fee schedule, the
1186 estimated annual revenues to be derived from fees may not exceed
1187 reasonable estimated annual costs of the program. Fees shall be
1188 assessed to the system owner during an inspection and separately
1189 identified on the invoice of the qualified contractor. Fees
1190 shall be remitted by the qualified contractor to the county
1191 health department. The county health department's administrative
1192 responsibilities include the following:

1193 (a) Providing a notice to the system owner at least 60
1194 days before the system is due for an evaluation. The notice may
1195 include information on the proper maintenance of onsite sewage
1196 treatment and disposal systems.

1197 (b) In consultation with the department ~~of Health,~~
1198 providing uniform disciplinary procedures and penalties for
1199 qualified contractors who do not comply with the requirements of
1200 the adopted ordinance, including, but not limited to, failure to
1201 provide the evaluation report as required in this subsection to
1202 the system owner and the county health department. Only the
1203 county health department may assess penalties against system
1204 owners for failure to comply with the adopted ordinance,
1205 consistent with existing requirements of law.

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1206 (9) (a) A county or municipality that adopts an onsite
1207 sewage treatment and disposal system evaluation and assessment
1208 program pursuant to this section shall notify the Secretary of
1209 Environmental Protection, the Department of Health, and the
1210 applicable county health department upon the adoption of its
1211 ordinance establishing the program.

1212 (b) Upon receipt of the notice under paragraph (a), the
1213 department ~~of Environmental Protection~~ shall, within existing
1214 resources, notify the county or municipality of the potential
1215 use of, and access to, program funds under the Clean Water State
1216 Revolving Fund or s. 319 of the Clean Water Act, provide
1217 guidance in the application process to receive such moneys, and
1218 provide advice and technical assistance to the county or
1219 municipality on how to establish a low-interest revolving loan
1220 program or how to model a revolving loan program after the low-
1221 interest loan program of the Clean Water State Revolving Fund.
1222 This paragraph does not obligate the department ~~of Environmental~~
1223 ~~Protection~~ to provide any county or municipality with money to
1224 fund such programs.

1225 (c) The department ~~of Health~~ may not adopt any rule that
1226 alters the provisions of this section.

1227 (d) The department ~~of Health~~ must allow county health
1228 departments and qualified contractors access to the
1229 environmental health database to track relevant information and
1230 assimilate data from assessment and evaluation reports of the

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1231 overall condition of onsite sewage treatment and disposal
1232 systems. The environmental health database must be used by
1233 contractors to report each service and evaluation event and by a
1234 county health department to notify owners of onsite sewage
1235 treatment and disposal systems when evaluations are due. Data
1236 and information must be recorded and updated as service and
1237 evaluations are conducted and reported.

1238 Section 14. Section 381.0068, Florida Statutes, is
1239 repealed.

1240 Section 15. Paragraphs (b) and (g) of subsection (1) of
1241 section 381.0101, Florida Statutes, are amended to read:

1242 381.0101 Environmental health professionals.—

1243 (1) DEFINITIONS.—As used in this section:

1244 (b) "Department" means the Department of Environmental
1245 ProtectionHealth.

1246 (g) "Primary environmental health program" means those
1247 programs determined by the department to be essential for
1248 providing basic environmental and sanitary protection to the
1249 public. At a minimum, these programs shall include ~~feed~~
1250 ~~protection program work and~~ onsite sewage treatment and disposal
1251 system evaluations.

1252 Section 16. Paragraph (a) of subsection (7) of section
1253 403.067, Florida Statutes, is amended to read:

1254 403.067 Establishment and implementation of total maximum
1255 daily loads.—

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1256 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1257 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1258 (a) Basin management action plans.—

1259 1. In developing and implementing the total maximum daily
1260 load for a water body, the department, or the department in
1261 conjunction with a water management district, may develop a
1262 basin management action plan that addresses some or all of the
1263 watersheds and basins tributary to the water body. Such plan
1264 must integrate the appropriate management strategies available
1265 to the state through existing water quality protection programs
1266 to achieve the total maximum daily loads and may provide for
1267 phased implementation of these management strategies to promote
1268 timely, cost-effective actions as provided for in s. 403.151.
1269 The plan must establish a schedule implementing the management
1270 strategies, establish a basis for evaluating the plan's
1271 effectiveness, and identify feasible funding strategies for
1272 implementing the plan's management strategies. The management
1273 strategies may include regional treatment systems or other
1274 public works, where appropriate, and voluntary trading of water
1275 quality credits to achieve the needed pollutant load reductions.

1276 2. A basin management action plan must equitably allocate,
1277 pursuant to paragraph (6) (b), pollutant reductions to individual
1278 basins, as a whole to all basins, or to each identified point
1279 source or category of nonpoint sources, as appropriate. For
1280 nonpoint sources for which best management practices have been

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1281 adopted, the initial requirement specified by the plan must be
1282 those practices developed pursuant to paragraph (c). Where
1283 appropriate, the plan may take into account the benefits of
1284 pollutant load reduction achieved by point or nonpoint sources
1285 that have implemented management strategies to reduce pollutant
1286 loads, including best management practices, before the
1287 development of the basin management action plan. The plan must
1288 also identify the mechanisms that will address potential future
1289 increases in pollutant loading.

1290 3. The basin management action planning process is
1291 intended to involve the broadest possible range of interested
1292 parties, with the objective of encouraging the greatest amount
1293 of cooperation and consensus possible. In developing a basin
1294 management action plan, the department shall assure that key
1295 stakeholders, including, but not limited to, applicable local
1296 governments, water management districts, the Department of
1297 Agriculture and Consumer Services, other appropriate state
1298 agencies, local soil and water conservation districts,
1299 environmental groups, regulated interests, and affected
1300 pollution sources, are invited to participate in the process.
1301 The department shall hold at least one public meeting in the
1302 vicinity of the watershed or basin to discuss and receive
1303 comments during the planning process and shall otherwise
1304 encourage public participation to the greatest practicable
1305 extent. Notice of the public meeting must be published in a

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1306 newspaper of general circulation in each county in which the
1307 watershed or basin lies at least ~~not less than~~ 5 days but not
1308 ~~no~~ more than 15 days before the public meeting. A basin
1309 management action plan does not supplant or otherwise alter any
1310 assessment made under subsection (3) or subsection (4) or any
1311 calculation or initial allocation.

1312 4. Each new or revised basin management action plan shall
1313 include:

1314 a. The appropriate management strategies available through
1315 existing water quality protection programs to achieve total
1316 maximum daily loads, which may provide for phased implementation
1317 to promote timely, cost-effective actions as provided ~~for~~ in s.
1318 403.151;

1319 b. A description of best management practices adopted by
1320 rule;

1321 c. A list of projects in priority ranking with a planning-
1322 level cost estimate and estimated date of completion for each
1323 listed project;

1324 d. The source and amount of financial assistance to be
1325 made available by the department, a water management district,
1326 or other entity for each listed project, if applicable; and

1327 e. A planning-level estimate of each listed project's
1328 expected load reduction, if applicable.

1329 5. The department shall adopt all or any part of a basin
1330 management action plan and any amendment to such plan by

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1331 secretarial order pursuant to chapter 120 to implement the
1332 provisions of this section.

1333 6. The basin management action plan must include
1334 milestones for implementation and water quality improvement, and
1335 an associated water quality monitoring component sufficient to
1336 evaluate whether reasonable progress in pollutant load
1337 reductions is being achieved over time. An assessment of
1338 progress toward these milestones shall be conducted every 5
1339 years, and revisions to the plan shall be made as appropriate.
1340 Revisions to the basin management action plan shall be made by
1341 the department in cooperation with basin stakeholders. Revisions
1342 to the management strategies required for nonpoint sources must
1343 follow the procedures set forth in subparagraph (c)4. Revised
1344 basin management action plans must be adopted pursuant to
1345 subparagraph 5.

1346 7. In accordance with procedures adopted by rule under
1347 paragraph (9)(c), basin management action plans, and other
1348 pollution control programs under local, state, or federal
1349 authority as provided in subsection (4), may allow point or
1350 nonpoint sources that will achieve greater pollutant reductions
1351 than required by an adopted total maximum daily load or
1352 wasteload allocation to generate, register, and trade water
1353 quality credits for the excess reductions to enable other
1354 sources to achieve their allocation; however, the generation of
1355 water quality credits does not remove the obligation of a source

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1356 or activity to meet applicable technology requirements or
1357 adopted best management practices. Such plans must allow trading
1358 between NPDES permittees, and trading that may or may not
1359 involve NPDES permittees, where the generation or use of the
1360 credits involve an entity or activity not subject to department
1361 water discharge permits whose owner voluntarily elects to obtain
1362 department authorization for the generation and sale of credits.

1363 8. The provisions of the department's rule relating to the
1364 equitable abatement of pollutants into surface waters do not
1365 apply to water bodies or water body segments for which a basin
1366 management plan that takes into account future new or expanded
1367 activities or discharges has been adopted under this section.

1368 9. The department shall submit to the Office of Economic
1369 and Demographic Research the project cost estimates required in
1370 sub-subparagraph 4.c., including any septic-to-sewer conversion
1371 and septic tank remediation project costs.

1372 Section 17. Subsection (1) of section 489.551, Florida
1373 Statutes, is amended to read:

1374 489.551 Definitions.—As used in this part:

1375 (1) "Department" means the Department of Environmental
1376 Protection~~Health~~.

1377 Section 18. This act shall take effect July 1, 2019.
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1379
1380 -----

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

Remove everything before the enacting clause and insert:
An act relating to onsite sewage treatment and disposal systems;
transferring the Onsite Sewage Program in the Department of
Health to the Department of Environmental Protection; providing
that certain binding contracts and interagency agreements
continue for remainder of terms; amending s. 153.54, F.S.;
conforming provisions to changes made by the act; amending s.
153.73, F.S.; conforming provisions to changes made by the act;
amending s. 163.3180, F.S.; conforming provisions to changes
made by the act; amending s. 180.03, F.S.; conforming provisions
to changes made by the act; amending s. 373.036, F.S.; directing
water management districts to submit consolidated annual reports
to the Office of Economic and Demographic Research; requiring
such reports to include septic-to-sewer conversion and septic
tank remediation projects; amending s. 373.807, F.S.; conforming
provisions to changes made by the act; amending s. 381.006,
F.S.; conforming provisions to changes made by the act; amending
s. 381.0061, F.S.; conforming a cross-reference; s. 381.0064,
F.S.; conforming provisions to changes made by the act; amending
s. 381.0065, F.S.; conforming provisions to changes made by the
act; removing provisions requiring certain onsite sewage
treatment and disposal system research projects to be approved
by a Department of Health technical review and advisory panel;
removing provisions prohibiting the award of research projects

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1406 to certain entities; removing provisions establishing a
1407 Department of Health onsite sewage treatment and disposal system
1408 research review and advisory committee; authorizing the
1409 Department of Environmental Protection to appoint an onsite
1410 sewage treatment and disposal systems technical advisory
1411 committee; providing for committee purpose, membership, and
1412 expiration; directing the department to initiate rulemaking by a
1413 specified date and to adopt specified rules; amending s.
1414 381.00651, F.S.; directing county health departments to
1415 coordinate with the department to administer onsite sewage
1416 treatment and disposal system evaluation programs; conforming
1417 provisions to changes made by the act; repealing s. 381.0068,
1418 F.S., relating to the Department of Health onsite sewage
1419 treatment and disposal systems technical review and advisory
1420 panel; amending s. 381.0101, F.S.; conforming provisions to
1421 changes made by the act; amending s. 403.067, F.S.; directing
1422 the department to submit certain water quality project cost
1423 estimates to the Office of Economic and Demographic Research;
1424 amending s. 489.551, F.S.; conforming provisions to changes made
1425 by the act; providing an effective date.