

1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; transferring the Onsite Sewage
4 Program in the Department of Health to the Department
5 of Environmental Protection; amending s. 381.006,
6 F.S.; conforming provisions to changes made by the
7 act; amending s. 381.0061, F.S.; conforming a cross-
8 reference; s. 381.0064, F.S.; conforming provisions to
9 changes made by the act; amending s. 381.0065, F.S.;
10 conforming provisions to changes made by the act;
11 removing provisions requiring certain onsite sewage
12 treatment and disposal system research projects to be
13 approved by a Department of Health technical review
14 and advisory panel; removing provisions prohibiting
15 the award of research projects to certain entities;
16 removing provisions establishing a Department of
17 Health onsite sewage treatment and disposal system
18 research review and advisory committee; authorizing
19 the Department of Environmental Protection to appoint
20 an onsite sewage treatment and disposal systems
21 technical advisory committee; providing for committee
22 purpose, membership, and expiration; directing the
23 department to initiate rulemaking by a specified date
24 and to adopt specified rules; amending s. 381.00651,
25 F.S.; directing county health departments to

26 coordinate with the department to administer onsite
27 sewage treatment and disposal system evaluation
28 programs; conforming provisions to changes made by the
29 act; repealing s. 381.0068, F.S., relating to the
30 Department of Health onsite sewage treatment and
31 disposal systems technical review and advisory panel;
32 amending s. 373.807, F.S.; conforming provisions to
33 changes made by the act; amending s. 373.036, F.S.;;
34 directing water management districts to submit
35 consolidated annual reports to the Office of Economic
36 and Demographic Research; requiring such reports to
37 include septic-to-sewer conversion and septic tank
38 remediation projects; amending s. 403.067, F.S.;;
39 directing the department to submit certain water
40 quality project cost estimates to the Office of
41 Economic and Demographic Research; providing an
42 effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. All powers, duties, functions, records,
47 offices, personnel, associated administrative support positions,
48 property, pending issues, existing contracts, administrative
49 authority, administrative rules, and unexpended balances of
50 appropriations, allocations, and other funds for the regulation

51 of onsite sewage treatment and disposal systems relating to the
52 Onsite Sewage Program in the Department of Health are
53 transferred by a type two transfer, as defined in s. 20.06(2),
54 Florida Statutes, to the Department of Environmental Protection.

55 Section 2. Section 381.006, Florida Statutes, is amended
56 to read:

57 381.006 Environmental health.—The Department of Health
58 shall conduct an environmental health program as part of
59 fulfilling the state's public health mission. The purpose of
60 this program is to detect and prevent disease caused by natural
61 and manmade factors in the environment. The environmental health
62 program shall include, but not be limited to:

63 (1) A drinking water function.

64 (2) An environmental health surveillance function which
65 shall collect, compile, and correlate information on public
66 health and exposure to hazardous substances through sampling and
67 testing of water, air, or foods. Environmental health
68 surveillance shall include a comprehensive assessment of
69 drinking water under the department's supervision and an indoor
70 air quality testing and monitoring program to assess health
71 risks from exposure to chemical, physical, and biological agents
72 in the indoor environment.

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

76 (a) Supporting determinations by the State Health Officer
77 of safe levels of contaminants in water, air, or food if
78 applicable standards or criteria have not been adopted. These
79 determinations shall include issuance of health advisories to
80 protect the health and safety of the public at risk from
81 exposure to toxic agents.

82 (b) Provision of human toxicological health risk
83 assessments to the public and other governmental agencies to
84 characterize the risks to the public from exposure to
85 contaminants in air, water, or food.

86 (c) Consultation and technical assistance to the
87 Department of Environmental Protection and other governmental
88 agencies on actions necessary to ameliorate exposure to toxic
89 agents, including the emergency provision by the Department of
90 Environmental Protection of drinking water in cases of drinking
91 water contamination that present an imminent and substantial
92 threat to the public's health, as required by s.
93 376.30(3)(c)1.a.

94 (d) Monitoring and reporting the body burden of toxic
95 agents to estimate past exposure to these toxic agents, predict
96 future health effects, and decrease the incidence of poisoning
97 by identifying and eliminating exposure.

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

100 (5) A migrant labor function.

101 (6) A public facilities function, including sanitary
102 practices relating to state, county, municipal, and private
103 institutions serving the public; jointly with the Department of
104 Education, publicly and privately owned schools; all places used
105 for the incarceration of prisoners and inmates of state
106 institutions for the mentally ill; toilets and washrooms in all
107 public places and places of employment; any other condition,
108 place, or establishment necessary for the control of disease or
109 the protection and safety of public health.

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

111 (7)~~(8)~~ A biohazardous waste control function.

112 (8)~~(9)~~ A function to control diseases transmitted from
113 animals to humans, including the segregation, quarantine, and
114 destruction of domestic pets and wild animals having or
115 suspected of having such diseases.

116 (9)~~(10)~~ An environmental epidemiology function which shall
117 investigate food-borne disease, waterborne disease, and other
118 diseases of environmental causation, whether of chemical,
119 radiological, or microbiological origin. A \$10 surcharge for
120 this function shall be assessed upon all persons permitted under
121 chapter 500. This function shall include an educational program
122 for physicians and health professionals designed to promote
123 surveillance and reporting of environmental diseases, and to
124 further the dissemination of knowledge about the relationship
125 between toxic substances and human health which will be useful

126 | in the formulation of public policy and will be a source of
127 | information for the public.

128 | (10)~~(11)~~ Mosquito and pest control functions as provided
129 | in chapters 388 and 482.

130 | (11)~~(12)~~ A radiation control function as provided in
131 | chapter 404 and part IV of chapter 468.

132 | (12)~~(13)~~ A public swimming and bathing facilities function
133 | as provided in chapter 514.

134 | (13)~~(14)~~ A mobile home park, lodging park, recreational
135 | vehicle park, and recreational camp function as provided in
136 | chapter 513.

137 | (14)~~(15)~~ A sanitary facilities function, which shall
138 | include minimum standards for the maintenance and sanitation of
139 | sanitary facilities; public access to sanitary facilities; and
140 | fixture ratios for special or temporary events and for homeless
141 | shelters.

142 | (15)~~(16)~~ A group-care-facilities function. As used in this
143 | subsection, the term "group care facility" means any public or
144 | private school, assisted living facility, adult family-care
145 | home, adult day care center, short-term residential treatment
146 | center, residential treatment facility, home for special
147 | services, transitional living facility, crisis stabilization
148 | unit, hospice, prescribed pediatric extended care center,
149 | intermediate care facility for persons with developmental
150 | disabilities, or boarding school. The department may adopt rules

151 necessary to protect the health and safety of residents, staff,
152 and patrons of group care facilities. Rules related to public
153 and private schools shall be developed by the Department of
154 Education in consultation with the department. Rules adopted
155 under this subsection may include definitions of terms;
156 provisions relating to operation and maintenance of facilities,
157 buildings, grounds, equipment, furnishings, and occupant-space
158 requirements; lighting; heating, cooling, and ventilation; food
159 service; water supply and plumbing; sewage; sanitary facilities;
160 insect and rodent control; garbage; safety; personnel health,
161 hygiene, and work practices; and other matters the department
162 finds are appropriate or necessary to protect the safety and
163 health of the residents, staff, students, faculty, or patrons.
164 The department may not adopt rules that conflict with rules
165 adopted by the licensing or certifying agency. The department
166 may enter and inspect at reasonable hours to determine
167 compliance with applicable statutes or rules. In addition to any
168 sanctions that the department may impose for violations of rules
169 adopted under this section, the department shall also report
170 such violations to any agency responsible for licensing or
171 certifying the group care facility. The licensing or certifying
172 agency may also impose any sanction based solely on the findings
173 of the department.

174 (16)~~(17)~~ A function for investigating elevated levels of
175 lead in blood. Each participating county health department may

176 | expend funds for federally mandated certification or
 177 | recertification fees related to conducting investigations of
 178 | elevated levels of lead in blood.

179 | (17)~~(18)~~ A food service inspection function for domestic
 180 | violence centers that are certified by the Department of
 181 | Children and Families and monitored by the Florida Coalition
 182 | Against Domestic Violence under part XII of chapter 39 and group
 183 | care homes as described in subsection (16), which shall be
 184 | conducted annually and be limited to the requirements in
 185 | department rule applicable to community-based residential
 186 | facilities with five or fewer residents.

187 |
 188 | The department may adopt rules to carry out ~~the provisions of~~
 189 | this section.

190 | Section 3. Subsection (1) of section 381.0061, Florida
 191 | Statutes, is amended to read:

192 | 381.0061 Administrative fines.—

193 | (1) In addition to any administrative action authorized by
 194 | chapter 120 or by other law, the department may impose a fine,
 195 | which shall not exceed \$500 for each violation, for a violation
 196 | of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.
 197 | 381.0072, or part III of chapter 489, for a violation of any
 198 | rule adopted under this chapter, or for a violation of any of
 199 | the provisions of chapter 386. Notice of intent to impose such
 200 | fine shall be given by the department to the alleged violator.

201 Each day that a violation continues may constitute a separate
 202 violation.

203 Section 4. Subsection (1) of section 381.0064, Florida
 204 Statutes, is amended to read:

205 381.0064 Continuing education courses for persons
 206 installing or servicing septic tanks.—

207 (1) The Department of Environmental Protection ~~Health~~
 208 shall establish a program for continuing education which meets
 209 the purposes of ss. 381.0101 and 489.554 regarding the public
 210 health and environmental effects of onsite sewage treatment and
 211 disposal systems and any other matters the department determines
 212 desirable for the safe installation and use of onsite sewage
 213 treatment and disposal systems. The department may charge a fee
 214 to cover the cost of such program.

215 Section 5. Paragraphs (d) and (e) and paragraphs (g)
 216 through (q) of subsection (2) of section 381.0065, Florida
 217 Statutes, are redesignated as paragraphs (e) and (g),
 218 respectively, and paragraphs (h) through (r), respectively,
 219 paragraph (j) of subsection (3) and subsection (4) are amended,
 220 a new paragraph (d) is added to subsection (2), and subsections
 221 (7) and (8) are added to that section, to read:

222 381.0065 Onsite sewage treatment and disposal systems;
 223 regulation.—

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

226 (d) "Department" means the Department of Environmental
 227 Protection.

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

230 (j) Supervise research on, demonstration of, and training
 231 on the performance, environmental impact, and public health
 232 impact of onsite sewage treatment and disposal systems within
 233 this state. Research fees collected under s. 381.0066(2)(k) must
 234 be used to develop and fund hands-on training centers designed
 235 to provide practical information about onsite sewage treatment
 236 and disposal systems to septic tank contractors, master septic
 237 tank contractors, contractors, inspectors, engineers, and the
 238 public and must also be used to fund research projects which
 239 focus on improvements of onsite sewage treatment and disposal
 240 systems, including use of performance-based standards and
 241 reduction of environmental impact. Research projects shall be
 242 ~~initially approved by the technical review and advisory panel~~
 243 ~~and shall be~~ applicable to and reflect the soil conditions
 244 specific to Florida. Such projects shall be awarded through
 245 competitive negotiation, using the procedures provided in s.
 246 287.055, to public or private entities that have experience in
 247 onsite sewage treatment and disposal systems in Florida and that
 248 are principally located in Florida. ~~Research projects shall not~~
 249 ~~be awarded to firms or entities that employ or are associated~~
 250 ~~with persons who serve on either the technical review and~~

251 ~~advisory panel or the research review and advisory committee.~~
252 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
253 not construct, repair, modify, abandon, or operate an onsite
254 sewage treatment and disposal system without first obtaining a
255 permit approved by the department. The department may issue
256 permits to carry out this section, but shall not make the
257 issuance of such permits contingent upon prior approval by the
258 department ~~of Environmental Protection~~, except that the issuance
259 of a permit for work seaward of the coastal construction control
260 line established under s. 161.053 shall be contingent upon
261 receipt of any required coastal construction control line permit
262 from the department ~~of Environmental Protection~~. A construction
263 permit is valid for 18 months from the issuance date and may be
264 extended by the department for one 90-day period under rules
265 adopted by the department. A repair permit is valid for 90 days
266 from the date of issuance. An operating permit must be obtained
267 before ~~prior to~~ the use of any aerobic treatment unit or if the
268 establishment generates commercial waste. Buildings or
269 establishments that use an aerobic treatment unit or generate
270 commercial waste shall be inspected by the department at least
271 annually to assure compliance with the terms of the operating
272 permit. The operating permit for a commercial wastewater system
273 is valid for 1 year from the date of issuance and must be
274 renewed annually. The operating permit for an aerobic treatment
275 unit is valid for 2 years from the date of issuance and must be

276 renewed every 2 years. If all information pertaining to the
277 siting, location, and installation conditions or repair of an
278 onsite sewage treatment and disposal system remains the same, a
279 construction or repair permit for the onsite sewage treatment
280 and disposal system may be transferred to another person, if the
281 transferee files, within 60 days after the transfer of
282 ownership, an amended application providing all corrected
283 information and proof of ownership of the property. A ~~There is~~
284 ~~no~~ fee is not associated with the processing of this
285 supplemental information. A person may not contract to
286 construct, modify, alter, repair, service, abandon, or maintain
287 any portion of an onsite sewage treatment and disposal system
288 without being registered under part III of chapter 489. A
289 property owner who personally performs construction,
290 maintenance, or repairs to a system serving his or her own
291 owner-occupied single-family residence is exempt from
292 registration requirements for performing such construction,
293 maintenance, or repairs on that residence, but is subject to all
294 permitting requirements. A municipality or political subdivision
295 of the state may not issue a building or plumbing permit for any
296 building that requires the use of an onsite sewage treatment and
297 disposal system unless the owner or builder has received a
298 construction permit for such system from the department. A
299 building or structure may not be occupied and a municipality,
300 political subdivision, or any state or federal agency may not

301 authorize occupancy until the department approves the final
302 installation of the onsite sewage treatment and disposal system.
303 A municipality or political subdivision of the state may not
304 approve any change in occupancy or tenancy of a building that
305 uses an onsite sewage treatment and disposal system until the
306 department has reviewed the use of the system with the proposed
307 change, approved the change, and amended the operating permit.

308 (a) Subdivisions and lots in which each lot has a minimum
309 area of at least one-half acre and either a minimum dimension of
310 100 feet or a mean of at least 100 feet of the side bordering
311 the street and the distance formed by a line parallel to the
312 side bordering the street drawn between the two most distant
313 points of the remainder of the lot may be developed with a water
314 system regulated under s. 381.0062 and onsite sewage treatment
315 and disposal systems, provided the projected daily sewage flow
316 does not exceed an average of 1,500 gallons per acre per day,
317 and provided satisfactory drinking water can be obtained and all
318 distance and setback, soil condition, water table elevation, and
319 other related requirements of this section and rules adopted
320 under this section can be met.

321 (b) Subdivisions and lots using a public water system as
322 defined in s. 403.852 may use onsite sewage treatment and
323 disposal systems, provided there are no more than four lots per
324 acre, provided the projected daily sewage flow does not exceed
325 an average of 2,500 gallons per acre per day, and provided that

326 all distance and setback, soil condition, water table elevation,
327 and other related requirements that are generally applicable to
328 the use of onsite sewage treatment and disposal systems are met.

329 (c) Notwithstanding paragraphs (a) and (b), for
330 subdivisions platted of record on or before October 1, 1991,
331 when a developer or other appropriate entity has previously made
332 or makes provisions, including financial assurances or other
333 commitments, acceptable to the Department of Health, that a
334 central water system will be installed by a regulated public
335 utility based on a density formula, private potable wells may be
336 used with onsite sewage treatment and disposal systems until the
337 agreed-upon densities are reached. In a subdivision regulated by
338 this paragraph, the average daily sewage flow may not exceed
339 2,500 gallons per acre per day. This section does not affect the
340 validity of existing prior agreements. After October 1, 1991,
341 the exception provided under this paragraph is not available to
342 a developer or other appropriate entity.

343 (d) Paragraphs (a) and (b) do not apply to any proposed
344 residential subdivision with more than 50 lots or to any
345 proposed commercial subdivision with more than 5 lots where a
346 publicly owned or investor-owned sewerage system is available.
347 ~~It is the intent of~~ This paragraph does not ~~to~~ allow development
348 of additional proposed subdivisions in order to evade the
349 requirements of this paragraph.

350 (e) Onsite sewage treatment and disposal systems must not

351 | be placed closer than:

352 | 1. Seventy-five feet from a private potable well.

353 | 2. Two hundred feet from a public potable well serving a
354 | residential or nonresidential establishment having a total
355 | sewage flow of greater than 2,000 gallons per day.

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

359 | 4. Fifty feet from any nonpotable well.

360 | 5. Ten feet from any storm sewer pipe, to the maximum
361 | extent possible, but in no instance shall the setback be less
362 | than 5 feet.

363 | 6. Seventy-five feet from the mean high-water line of a
364 | tidally influenced surface water body.

365 | 7. Seventy-five feet from the mean annual flood line of a
366 | permanent nontidal surface water body.

367 | 8. Fifteen feet from the design high-water line of
368 | retention areas, detention areas, or swales designed to contain
369 | standing or flowing water for less than 72 hours after a
370 | rainfall or the design high-water level of normally dry drainage
371 | ditches or normally dry individual lot stormwater retention
372 | areas.

373 | (f) Except as provided under paragraphs (e) and (t), ~~no~~
374 | limitations may not ~~shall~~ be imposed by rule, relating to the
375 | distance between an onsite disposal system and any area that

376 ~~either~~ permanently or temporarily has visible surface water.

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

381 1. Any residential lot that was platted and recorded on or
382 after January 1, 1972, or that is part of a residential
383 subdivision that was approved by the appropriate permitting
384 agency on or after January 1, 1972, and that was eligible for an
385 onsite sewage treatment and disposal system construction permit
386 on the date of such platting and recording or approval shall be
387 eligible for an onsite sewage treatment and disposal system
388 construction permit, regardless of when the application for a
389 permit is made. If rules in effect at the time the permit
390 application is filed cannot be met, residential lots platted and
391 recorded or approved on or after January 1, 1972, shall, to the
392 maximum extent possible, comply with the rules in effect at the
393 time the permit application is filed. At a minimum, however,
394 those residential lots platted and recorded or approved on or
395 after January 1, 1972, but before January 1, 1983, shall comply
396 with those rules in effect on January 1, 1983, and those
397 residential lots platted and recorded or approved on or after
398 January 1, 1983, shall comply with those rules in effect at the
399 time of such platting and recording or approval. In determining
400 the maximum extent of compliance with current rules that is

401 possible, the department shall allow structures and
402 appurtenances thereto which were authorized at the time such
403 lots were platted and recorded or approved.

404 2. Lots platted before 1972 are subject to a 50-foot
405 minimum surface water setback and are not subject to lot size
406 requirements. The projected daily flow for onsite sewage
407 treatment and disposal systems for lots platted before 1972 may
408 not exceed:

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

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

413 (h)1. The department may grant variances in hardship cases
414 which may be less restrictive than ~~the provisions~~ specified in
415 this section. If a variance is granted and the onsite sewage
416 treatment and disposal system construction permit has been
417 issued, the variance may be transferred with the system
418 construction permit, if the transferee files, within 60 days
419 after the transfer of ownership, an amended construction permit
420 application providing all corrected information and proof of
421 ownership of the property and if the same variance would have
422 been required for the new owner of the property as was
423 originally granted to the original applicant for the variance. A
424 ~~There is no fee~~ is not associated with the processing of this
425 supplemental information. A variance may not be granted under

426 | this section until the department is satisfied that:

427 | a. The hardship was not caused intentionally by the action
428 | of the applicant;

429 | b. A ~~No~~ reasonable alternative, taking into consideration
430 | factors such as cost, does not exist ~~exists~~ for the treatment of
431 | the sewage; and

432 | c. The discharge from the onsite sewage treatment and
433 | disposal system will not adversely affect the health of the
434 | applicant or the public or significantly degrade the groundwater
435 | or surface waters.

436 |
437 | Where soil conditions, water table elevation, and setback
438 | provisions are determined by the department to be satisfactory,
439 | special consideration must be given to those lots platted before
440 | 1972.

441 | 2. The department shall appoint and staff a variance
442 | review and advisory committee, which shall meet monthly to
443 | recommend agency action on variance requests. The committee
444 | shall make its recommendations on variance requests at the
445 | meeting in which the application is scheduled for consideration,
446 | except for an extraordinary change in circumstances, the receipt
447 | of new information that raises new issues, or when the applicant
448 | requests an extension. The committee shall consider the criteria
449 | in subparagraph 1. in its recommended agency action on variance
450 | requests and shall also strive to allow property owners the full

451 use of their land where possible. The committee consists of the
452 following:

- 453 a. The State Surgeon General or his or her designee.
454 b. A representative from the county health departments.
455 c. A representative from the home building industry
456 recommended by the Florida Home Builders Association.
457 d. A representative from the septic tank industry
458 recommended by the Florida Onsite Wastewater Association.
459 e. A representative from the Department of Environmental
460 Protection.
461 f. A representative from the real estate industry who is
462 also a developer in this state who develops lots using onsite
463 sewage treatment and disposal systems, recommended by the
464 Florida Association of Realtors.
465 g. A representative from the engineering profession
466 recommended by the Florida Engineering Society.

467
468 Members shall be appointed for a term of 3 years, with such
469 appointments being staggered so that the terms of no more than
470 two members expire in any one year. Members shall serve without
471 remuneration, but if requested, shall be reimbursed for per diem
472 and travel expenses as provided in s. 112.061.

473 (i) A construction permit may not be issued for an onsite
474 sewage treatment and disposal system in any area zoned or used
475 for industrial or manufacturing purposes, or its equivalent,

476 where a publicly owned or investor-owned sewage treatment system
477 is available, or where a likelihood exists that the system will
478 receive toxic, hazardous, or industrial waste. An existing
479 onsite sewage treatment and disposal system may be repaired if a
480 publicly owned or investor-owned sewage treatment ~~sewerage~~
481 system is not available within 500 feet of the building sewer
482 stub-out and if system construction and operation standards can
483 be met. This paragraph does not require publicly owned or
484 investor-owned sewage ~~sewerage~~ treatment systems to accept
485 anything other than domestic wastewater.

486 1. A building located in an area zoned or used for
487 industrial or manufacturing purposes, or its equivalent, when
488 such building is served by an onsite sewage treatment and
489 disposal system, must not be occupied until the owner or tenant
490 has obtained written approval from the department. The
491 department may ~~shall~~ not grant approval when the proposed use of
492 the system is to dispose of toxic, hazardous, or industrial
493 wastewater or toxic or hazardous chemicals.

494 2. Each person who owns or operates a business or facility
495 in an area zoned or used for industrial or manufacturing
496 purposes, or its equivalent, or who owns or operates a business
497 that has the potential to generate toxic, hazardous, or
498 industrial wastewater or toxic or hazardous chemicals, and uses
499 an onsite sewage treatment and disposal system that is installed
500 on or after July 5, 1989, must obtain an annual system operating

501 permit from the department. A person who owns or operates a
502 business that uses an onsite sewage treatment and disposal
503 system that was installed and approved before July 5, 1989, does
504 not need to ~~not~~ obtain a system operating permit. However, upon
505 change of ownership or tenancy, the new owner or operator must
506 notify the department of the change, and the new owner or
507 operator must obtain an annual system operating permit,
508 regardless of the date that the system was installed or
509 approved.

510 3. The department shall periodically review and evaluate
511 the continued use of onsite sewage treatment and disposal
512 systems in areas zoned or used for industrial or manufacturing
513 purposes, or its equivalent, and may require the collection and
514 analyses of samples from within and around such systems. If the
515 department finds that toxic or hazardous chemicals or toxic,
516 hazardous, or industrial wastewater have been or are being
517 disposed of through an onsite sewage treatment and disposal
518 system, the department shall initiate enforcement actions
519 against the owner or tenant to ensure adequate cleanup,
520 treatment, and disposal.

521 (j) An onsite sewage treatment and disposal system
522 designed by a professional engineer registered in the state and
523 certified by such engineer as complying with performance
524 criteria adopted by the department must be approved by the
525 department subject to the following:

526 1. The performance criteria applicable to engineer-
527 designed systems must be limited to those necessary to ensure
528 that such systems do not adversely affect the public health or
529 significantly degrade the groundwater or surface water. Such
530 performance criteria shall include consideration of the quality
531 of system effluent, the proposed total sewage flow per acre,
532 wastewater treatment capabilities of the natural or replaced
533 soil, water quality classification of the potential surface-
534 water-receiving body, and the structural and maintenance
535 viability of the system for the treatment of domestic
536 wastewater. However, performance criteria shall address only the
537 performance of a system and not a system's design.

538 2. A person electing to use ~~utilize~~ an engineer-designed
539 system shall, upon completion of the system design, submit such
540 design, certified by a registered professional engineer, to the
541 county health department. The county health department may use
542 ~~utilize~~ an outside consultant to review the engineer-designed
543 system, with the actual cost of such review to be borne by the
544 applicant. Within 5 working days after receiving an engineer-
545 designed system permit application, the county health department
546 shall request additional information if the application is not
547 complete. Within 15 working days after receiving a complete
548 application for an engineer-designed system, the county health
549 department either shall issue the permit or, if it determines
550 that the system does not comply with the performance criteria,

551 shall notify the applicant of that determination and refer the
552 application to the department for a determination as to whether
553 the system should be approved, disapproved, or approved with
554 modification. The department engineer's determination shall
555 prevail over the action of the county health department. The
556 applicant shall be notified in writing of the department's
557 determination and of the applicant's rights to pursue a variance
558 or seek review under the provisions of chapter 120.

559 3. The owner of an engineer-designed performance-based
560 system must maintain a current maintenance service agreement
561 with a maintenance entity permitted by the department. The
562 maintenance entity shall inspect each system at least twice each
563 year and shall report quarterly to the department on the number
564 of systems inspected and serviced. The reports may be submitted
565 electronically.

566 4. The property owner of an owner-occupied, single-family
567 residence may be approved and permitted by the department as a
568 maintenance entity for his or her own performance-based
569 treatment system upon written certification from the system
570 manufacturer's approved representative that the property owner
571 has received training on the proper installation and service of
572 the system. The maintenance service agreement must conspicuously
573 disclose that the property owner has the right to maintain his
574 or her own system and is exempt from contractor registration
575 requirements for performing construction, maintenance, or

576 repairs on the system but is subject to all permitting
577 requirements.

578 5. The property owner shall obtain a biennial system
579 operating permit from the department for each system. The
580 department shall inspect the system at least annually, or on
581 such periodic basis as the fee collected permits, and may
582 collect system-effluent samples if appropriate to determine
583 compliance with the performance criteria. The fee for the
584 biennial operating permit shall be collected beginning with the
585 second year of system operation.

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

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

594 (l) For the Florida Keys, the department shall adopt a
595 special rule for the construction, installation, modification,
596 operation, repair, maintenance, and performance of onsite sewage
597 treatment and disposal systems which considers the unique soil
598 conditions and water table elevations, densities, and setback
599 requirements. On lots where a setback distance of 75 feet from
600 surface waters, saltmarsh, and buttonwood association habitat

601 areas cannot be met, an injection well, approved and permitted
602 by the department, may be used for disposal of effluent from
603 onsite sewage treatment and disposal systems. The following
604 additional requirements apply to onsite sewage treatment and
605 disposal systems in Monroe County:

606 1. The county, each municipality, and those special
607 districts established for the purpose of the collection,
608 transmission, treatment, or disposal of sewage shall ensure, in
609 accordance with the specific schedules adopted by the
610 Administration Commission under s. 380.0552, the completion of
611 onsite sewage treatment and disposal system upgrades to meet the
612 requirements of this paragraph.

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

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

619 b. Suspended Solids of 10 mg/l.

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

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

626
627 In addition, onsite sewage treatment and disposal systems
628 discharging to an injection well must provide basic disinfection
629 as defined by department rule.

630 3. In areas not scheduled to be served by a central sewer,
631 onsite sewage treatment and disposal systems must, by December
632 31, 2015, comply with department rules and provide the level of
633 treatment described in subparagraph 2.

634 4. In areas scheduled to be served by a central sewerage
635 system ~~sewer~~ by December 31, 2015, if the property owner has
636 paid a connection fee or assessment for connection to the
637 central sewerage ~~sewer~~ system, the property owner may install a
638 holding tank with a high water alarm or an onsite sewage
639 treatment and disposal system that meets the following minimum
640 standards:

641 a. The existing tanks must be pumped and inspected and
642 certified as being watertight and free of defects in accordance
643 with department rule; and

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

646 5. Onsite sewage treatment and disposal systems must be
647 monitored for total nitrogen and total phosphorus concentrations
648 as required by department rule.

649 6. The department shall enforce proper installation,
650 operation, and maintenance of onsite sewage treatment and

651 disposal systems pursuant to this chapter, including ensuring
652 that the appropriate level of treatment described in
653 subparagraph 2. is met.

654 7. The authority of a local government, including a
655 special district, to mandate connection of an onsite sewage
656 treatment and disposal system is governed by s. 4, chapter 99-
657 395, Laws of Florida.

658 8. Notwithstanding any other ~~provision of~~ law, an onsite
659 sewage treatment and disposal system installed after July 1,
660 2010, in unincorporated Monroe County, excluding special
661 wastewater districts, that complies with the standards in
662 subparagraph 2. is not required to connect to a central sewer
663 system until December 31, 2020.

664 (m) Any ~~no~~ product sold in the state for use in onsite
665 sewage treatment and disposal systems may not contain any
666 substance in concentrations or amounts that would interfere with
667 or prevent the successful operation of such system, or that
668 would cause discharges from such systems to violate applicable
669 water quality standards. The department shall publish criteria
670 for products known or expected to meet the conditions of this
671 paragraph. If ~~In the event~~ a product does not meet such
672 criteria, such product may be sold if the manufacturer
673 satisfactorily demonstrates to the department that the
674 conditions of this paragraph are met.

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

676 table elevations or the suitability of soils for the use of a
677 new onsite sewage treatment and disposal system shall be
678 performed by department personnel, professional engineers
679 registered in the state, or such other persons with expertise,
680 as defined by rule, in making such evaluations. Evaluations for
681 determining mean annual flood lines shall be performed by those
682 persons identified in paragraph (2) (j). The department shall
683 accept evaluations submitted by professional engineers and such
684 other persons as meet the expertise established by this section
685 or by rule unless the department has a reasonable scientific
686 basis for questioning the accuracy or completeness of the
687 evaluation.

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

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

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

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

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

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

701 ~~disposal systems.~~

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

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

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

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

709 ~~10. A consumer.~~

710

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

716 ~~(o)~~ (p) An application for an onsite sewage treatment and
717 disposal system permit shall be completed in full, signed by the
718 owner or the owner's authorized representative, or by a
719 contractor licensed under chapter 489, and shall be accompanied
720 by all required exhibits and fees. ~~No~~ Specific documentation of
721 property ownership is not ~~shall be~~ required as a prerequisite to
722 the review of an application or the issuance of a permit. The
723 issuance of a permit does not constitute determination by the
724 department of property ownership.

725 (p) ~~(q)~~ The department may not require any form of

726 subdivision analysis of property by an owner, developer, or
727 subdivider before ~~prior to~~ submission of an application for an
728 onsite sewage treatment and disposal system.

729 (g) ~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the
730 power of a municipality or county to enforce other laws for the
731 protection of the public health and safety.

732 (r) ~~(s)~~ In the siting of onsite sewage treatment and
733 disposal systems, including drainfields, shoulders, and slopes,
734 guttering may ~~shall~~ not be required on single-family residential
735 dwelling units for systems located greater than 5 feet from the
736 roof drip line of the house. If guttering is used on residential
737 dwelling units, the downspouts shall be directed away from the
738 drainfield.

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

743 1. The absorption surface of the drainfield may ~~shall~~ not
744 be subject to flooding based on 10-year flood elevations.
745 Provided, however, for lots or parcels created by the
746 subdivision of land in accordance with applicable local
747 government regulations before ~~prior to~~ January 17, 1990, if an
748 applicant cannot construct a drainfield system with the
749 absorption surface of the drainfield at an elevation equal to or
750 above 10-year flood elevation, the department shall issue a

751 permit for an onsite sewage treatment and disposal system within
752 the 10-year floodplain of rivers, streams, and other bodies of
753 flowing water if all of the following criteria are met:

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

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

757 c. The applicant installs either: a waterless,
758 incinerating, or organic waste composting toilet and a graywater
759 system and drainfield in accordance with department rules; an
760 aerobic treatment unit and drainfield in accordance with
761 department rules; a system approved by the State Health Office
762 that is capable of reducing effluent nitrate by at least 50
763 percent; or a system approved by the county health department
764 pursuant to department rule other than a system using
765 alternative drainfield materials. The United States Department
766 of Agriculture Soil Conservation Service soil maps, State of
767 Florida Water Management District data, and Federal Emergency
768 Management Agency Flood Insurance maps are resources that shall
769 be used to identify flood-prone areas.

770 2. The use of fill or mounding to elevate a drainfield
771 system out of the 10-year floodplain of rivers, streams, or
772 other bodies of flowing water may ~~shall~~ not be permitted if such
773 a system lies within a regulatory floodway of the Suwannee and
774 Aucilla Rivers. In cases where the 10-year flood elevation does
775 not coincide with the boundaries of the regulatory floodway, the

776 regulatory floodway will be considered for the purposes of this
777 subsection to extend at a minimum to the 10-year flood
778 elevation.

779 (t)1.~~(u)1.~~ The owner of an aerobic treatment unit system
780 shall maintain a current maintenance service agreement with an
781 aerobic treatment unit maintenance entity permitted by the
782 department. The maintenance entity shall inspect each aerobic
783 treatment unit system at least twice each year and shall report
784 quarterly to the department on the number of aerobic treatment
785 unit systems inspected and serviced. The reports may be
786 submitted electronically.

787 2. The property owner of an owner-occupied, single-family
788 residence may be approved and permitted by the department as a
789 maintenance entity for his or her own aerobic treatment unit
790 system upon written certification from the system manufacturer's
791 approved representative that the property owner has received
792 training on the proper installation and service of the system.
793 The maintenance entity service agreement must conspicuously
794 disclose that the property owner has the right to maintain his
795 or her own system and is exempt from contractor registration
796 requirements for performing construction, maintenance, or
797 repairs on the system but is subject to all permitting
798 requirements.

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

801 access by the manufacturer to aerobic treatment unit system
802 training or spare parts for maintenance entities. After the
803 original warranty period, component parts for an aerobic
804 treatment unit system may be replaced with parts that meet
805 manufacturer's specifications but are manufactured by others.
806 The maintenance entity shall maintain documentation of the
807 substitute part's equivalency for 2 years and shall provide such
808 documentation to the department upon request.

809 4. The owner of an aerobic treatment unit system shall
810 obtain a system operating permit from the department and allow
811 the department to inspect during reasonable hours each aerobic
812 treatment unit system at least annually, and such inspection may
813 include collection and analysis of system-effluent samples for
814 performance criteria established by rule of the department.

815 (u)~~(w)~~ The department may require the submission of
816 detailed system construction plans that are prepared by a
817 professional engineer registered in this state. The department
818 shall establish by rule criteria for determining when such a
819 submission is required.

820 (v)~~(w)~~ Any permit issued and approved by the department
821 for the installation, modification, or repair of an onsite
822 sewage treatment and disposal system shall transfer with the
823 title to the property in a real estate transaction. A title may
824 not be encumbered at the time of transfer by new permit
825 requirements by a governmental entity for an onsite sewage

826 treatment and disposal system which differ from the permitting
827 requirements in effect at the time the system was permitted,
828 modified, or repaired. An inspection of a system may not be
829 mandated by a governmental entity at the point of sale in a real
830 estate transaction. This paragraph does not affect a septic tank
831 phase-out deferral program implemented by a consolidated
832 government as defined in s. 9, Art. VIII of the State
833 Constitution (1885).

834 (w)~~(*)~~ A governmental entity, including a municipality,
835 county, or statutorily created commission, may not require an
836 engineer-designed performance-based treatment system, excluding
837 a passive engineer-designed performance-based treatment system,
838 before the completion of the Florida Onsite Sewage Nitrogen
839 Reduction Strategies Project. This paragraph does not apply to a
840 governmental entity, including a municipality, county, or
841 statutorily created commission, which adopted a local law,
842 ordinance, or regulation on or before January 31, 2012.
843 Notwithstanding this paragraph, an engineer-designed
844 performance-based treatment system may be used to meet the
845 requirements of the variance review and advisory committee
846 recommendations.

847 (x)1.~~(y)1.~~ An onsite sewage treatment and disposal system
848 is not considered abandoned if the system is disconnected from a
849 structure that was made unusable or destroyed following a
850 disaster and if the system was properly functioning at the time

851 of disconnection and was not adversely affected by the disaster.
852 The onsite sewage treatment and disposal system may be
853 reconnected to a rebuilt structure if:

854 a. The reconnection of the system is to the same type of
855 structure which contains the same number of bedrooms or fewer,
856 if the square footage of the structure is less than or equal to
857 110 percent of the original square footage of the structure that
858 existed before the disaster;

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

860 c. The system has not been altered without prior
861 authorization.

862 2. An onsite sewage treatment and disposal system that
863 serves a property that is foreclosed upon is not considered
864 abandoned.

865 (y)~~(z)~~ If an onsite sewage treatment and disposal system
866 permittee receives, relies upon, and undertakes construction of
867 a system based upon a validly issued construction permit under
868 rules applicable at the time of construction but a change to a
869 rule occurs within 5 years after the approval of the system for
870 construction but before the final approval of the system, the
871 rules applicable and in effect at the time of construction
872 approval apply at the time of final approval if fundamental site
873 conditions have not changed between the time of construction
874 approval and final approval.

875 (z)~~(aa)~~ An existing-system inspection or evaluation and

876 assessment, or a modification, replacement, or upgrade of an
877 onsite sewage treatment and disposal system is not required for
878 a remodeling addition or modification to a single-family home if
879 a bedroom is not added. However, a remodeling addition or
880 modification to a single-family home may not cover any part of
881 the existing system or encroach upon a required setback or the
882 unobstructed area. To determine if a setback or the unobstructed
883 area is impacted, the local health department shall review and
884 verify a floor plan and site plan of the proposed remodeling
885 addition or modification to the home submitted by a remodeler
886 which shows the location of the system, including the distance
887 of the remodeling addition or modification to the home from the
888 onsite sewage treatment and disposal system. The local health
889 department may visit the site or otherwise determine the best
890 means of verifying the information submitted. A verification of
891 the location of a system is not an inspection or evaluation and
892 assessment of the system. The review and verification must be
893 completed within 7 business days after receipt by the local
894 health department of a floor plan and site plan. If the review
895 and verification is not completed within such time, the
896 remodeling addition or modification to the single-family home,
897 for the purposes of this paragraph, is approved.

898 (7) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS TECHNICAL
899 ADVISORY COMMITTEE.-

900 (a) By September 1, 2019, the department shall appoint a

901 technical advisory committee to assist in developing rules that
902 will increase the availability of nitrogen removing onsite
903 sewage treatment and disposal systems in the marketplace,
904 including such systems that are cost-effective, low maintenance,
905 and reliable. By December 1, 2019, the committee shall consider
906 and recommend regulatory options, such as fast-track approval,
907 prequalification, or expedited permitting, to facilitate the
908 introduction and use of nitrogen removing onsite sewage
909 treatment and disposal systems that have been reviewed and
910 approved by a national agency or organization, such as the
911 National Sanitation Foundation International/American National
912 Standards Institute 245 systems approved by the Public Health
913 and Safety Organization. The department shall use existing and
914 available resources to administer and support the activities of
915 the technical advisory committee.

916 (b) The committee shall consist of at least five but not
917 more than nine members representing the home building industry,
918 the real estate industry, the onsite sewage treatment and
919 disposal system industry, septic tank contractors, engineers,
920 and local governments. Members shall serve without compensation
921 and are not entitled to reimbursement for per diem or travel
922 expenses.

923 (c) This subsection expires on July 1, 2020.

924 (8) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS
925 RULEMAKING.-The department shall initiate rulemaking no later

926 than January 1, 2020, and adopt rules, taking into account the
927 recommendations of the technical advisory committee, that are
928 intended to increase the availability of cost-effective, low
929 maintenance, and reliable nitrogen removing onsite sewage
930 treatment and disposal systems in the marketplace.

931 Section 6. Paragraph (d) of subsection (7) and subsections
932 (8) and (9) of section 381.00651, Florida Statutes, are amended
933 to read:

934 381.00651 Periodic evaluation and assessment of onsite
935 sewage treatment and disposal systems.—

936 (7) The following procedures shall be used for conducting
937 evaluations:

938 (d) Assessment procedure.—All evaluation procedures used
939 by a qualified contractor shall be documented in the
940 environmental health database of the department ~~of Health~~. The
941 qualified contractor shall provide a copy of a written, signed
942 evaluation report to the property owner upon completion of the
943 evaluation and to the county health department within 30 days
944 after the evaluation. The report shall contain the name and
945 license number of the company providing the report. A copy of
946 the evaluation report shall be retained by the local county
947 health department for a minimum of 5 years and until a
948 subsequent inspection report is filed. The front cover of the
949 report must identify any system failure and include a clear and
950 conspicuous notice to the owner that the owner has a right to

951 have any remediation of the failure performed by a qualified
952 contractor other than the contractor performing the evaluation.
953 The report must further identify any crack, leak, improper fit,
954 or other defect in the tank, manhole, or lid, and any other
955 damaged or missing component; any sewage or effluent visible on
956 the ground or discharging to a ditch or other surface water
957 body; any downspout, stormwater, or other source of water
958 directed onto or toward the system; and any other maintenance
959 need or condition of the system at the time of the evaluation
960 which, in the opinion of the qualified contractor, would
961 possibly interfere with or restrict any future repair or
962 modification to the existing system. The report shall conclude
963 with an overall assessment of the fundamental operational
964 condition of the system.

965 (8) The county health department, in coordination with the
966 department, shall administer any evaluation program on behalf of
967 a county, or a municipality within the county, that has adopted
968 an evaluation program pursuant to this section. In order to
969 administer the evaluation program, the county or municipality,
970 in consultation with the county health department, may develop a
971 reasonable fee schedule to be used solely to pay for the costs
972 of administering the evaluation program. Such a fee schedule
973 shall be identified in the ordinance that adopts the evaluation
974 program. When arriving at a reasonable fee schedule, the
975 estimated annual revenues to be derived from fees may not exceed

976 reasonable estimated annual costs of the program. Fees shall be
977 assessed to the system owner during an inspection and separately
978 identified on the invoice of the qualified contractor. Fees
979 shall be remitted by the qualified contractor to the county
980 health department. The county health department's administrative
981 responsibilities include the following:

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

986 (b) In consultation with the department ~~of Health,~~
987 providing uniform disciplinary procedures and penalties for
988 qualified contractors who do not comply with the requirements of
989 the adopted ordinance, including, but not limited to, failure to
990 provide the evaluation report as required in this subsection to
991 the system owner and the county health department. Only the
992 county health department may assess penalties against system
993 owners for failure to comply with the adopted ordinance,
994 consistent with existing requirements of law.

995 (9) (a) A county or municipality that adopts an onsite
996 sewage treatment and disposal system evaluation and assessment
997 program pursuant to this section shall notify the Secretary of
998 Environmental Protection, the Department of Health, and the
999 applicable county health department upon the adoption of its
1000 ordinance establishing the program.

1001 (b) Upon receipt of the notice under paragraph (a), the
1002 department ~~of Environmental Protection~~ shall, within existing
1003 resources, notify the county or municipality of the potential
1004 use of, and access to, program funds under the Clean Water State
1005 Revolving Fund or s. 319 of the Clean Water Act, provide
1006 guidance in the application process to receive such moneys, and
1007 provide advice and technical assistance to the county or
1008 municipality on how to establish a low-interest revolving loan
1009 program or how to model a revolving loan program after the low-
1010 interest loan program of the Clean Water State Revolving Fund.
1011 This paragraph does not obligate the department ~~of Environmental~~
1012 ~~Protection~~ to provide any county or municipality with money to
1013 fund such programs.

1014 (c) The department ~~of Health~~ may not adopt any rule that
1015 alters the provisions of this section.

1016 (d) The department ~~of Health~~ must allow county health
1017 departments and qualified contractors access to the
1018 environmental health database to track relevant information and
1019 assimilate data from assessment and evaluation reports of the
1020 overall condition of onsite sewage treatment and disposal
1021 systems. The environmental health database must be used by
1022 contractors to report each service and evaluation event and by a
1023 county health department to notify owners of onsite sewage
1024 treatment and disposal systems when evaluations are due. Data
1025 and information must be recorded and updated as service and

HB 973

2019

1026 | evaluations are conducted and reported.

1027 | Section 7. Section 381.0068, Florida Statutes, is
1028 | repealed.

1029 | Section 8. Subsection (3) of section 373.807, Florida
1030 | Statutes, is amended to read:

1031 | 373.807 Protection of water quality in Outstanding Florida
1032 | Springs.—By July 1, 2016, the department shall initiate
1033 | assessment, pursuant to s. 403.067(3), of Outstanding Florida
1034 | Springs or spring systems for which an impairment determination
1035 | has not been made under the numeric nutrient standards in effect
1036 | for spring vents. Assessments must be completed by July 1, 2018.

1037 | (3) As part of a basin management action plan that
1038 | includes an Outstanding Florida Spring, the department, ~~the~~
1039 | ~~Department of Health,~~ relevant local governments, and relevant
1040 | local public and private wastewater utilities shall develop an
1041 | onsite sewage treatment and disposal system remediation plan for
1042 | a spring if the department determines onsite sewage treatment
1043 | and disposal systems within a priority focus area contribute at
1044 | least 20 percent of nonpoint source nitrogen pollution or if the
1045 | department determines remediation is necessary to achieve the
1046 | total maximum daily load. The plan shall identify cost-effective
1047 | and financially feasible projects necessary to reduce the
1048 | nutrient impacts from onsite sewage treatment and disposal
1049 | systems and shall be completed and adopted as part of the basin
1050 | management action plan no later than the first 5-year milestone

1051 required by subparagraph (1)(b)8. The department is the lead
1052 agency in coordinating the preparation of and the adoption of
1053 the plan. The department shall:

1054 (a) Collect and evaluate credible scientific information
1055 on the effect of nutrients, particularly forms of nitrogen, on
1056 springs and springs systems; and

1057 (b) Develop a public education plan to provide area
1058 residents with reliable, understandable information about onsite
1059 sewage treatment and disposal systems and springs.

1060

1061 In addition to the requirements in s. 403.067, the plan shall
1062 include options for repair, upgrade, replacement, drainfield
1063 modification, addition of effective nitrogen reducing features,
1064 connection to a central sewerage system, or other action for an
1065 onsite sewage treatment and disposal system or group of systems
1066 within a priority focus area that contribute at least 20 percent
1067 of nonpoint source nitrogen pollution or if the department
1068 determines remediation is necessary to achieve a total maximum
1069 daily load. For these systems, the department shall include in
1070 the plan a priority ranking for each system or group of systems
1071 that requires remediation and shall award funds to implement the
1072 remediation projects contingent on an appropriation in the
1073 General Appropriations Act, which may include all or part of the
1074 costs necessary for repair, upgrade, replacement, drainfield
1075 modification, addition of effective nitrogen reducing features,

HB 973

2019

1076 initial connection to a central sewerage system, or other
1077 action. In awarding funds, the department may consider expected
1078 nutrient reduction benefit per unit cost, size and scope of
1079 project, relative local financial contribution to the project,
1080 and the financial impact on property owners and the community.
1081 The department may waive matching funding requirements for
1082 proposed projects within an area designated as a rural area of
1083 opportunity under s. 288.0656.

1084 Section 9. Paragraphs (a) and (b) of subsection (7) of
1085 section 373.036, Florida Statutes, are amended to read:

1086 373.036 Florida water plan; district water management
1087 plans.—

1088 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1089 (a) By March 1, annually, each water management district
1090 shall prepare and submit to the Office of Economic and
1091 Demographic Research, the department, the Governor, the
1092 President of the Senate, and the Speaker of the House of
1093 Representatives a consolidated water management district annual
1094 report on the management of water resources. In addition, copies
1095 must be provided by the water management districts to the chairs
1096 of all legislative committees having substantive or fiscal
1097 jurisdiction over the districts and the governing board of each
1098 county in the district having jurisdiction or deriving any funds
1099 for operations of the district. Copies of the consolidated
1100 annual report must be made available to the public, either in

1101 | printed or electronic format.

1102 | (b) The consolidated annual report shall contain the
1103 | following elements, as appropriate to that water management
1104 | district:

1105 | 1. A district water management plan annual report or the
1106 | annual work plan report allowed in subparagraph (2)(e)4.

1107 | 2. The department-approved minimum flows and minimum water
1108 | levels annual priority list and schedule required by s.
1109 | 373.042(3).

1110 | 3. The annual 5-year capital improvements plan required by
1111 | s. 373.536(6)(a)3.

1112 | 4. The alternative water supplies annual report required
1113 | by s. 373.707(8)(n).

1114 | 5. The final annual 5-year water resource development work
1115 | program required by s. 373.536(6)(a)4.

1116 | 6. The Florida Forever Water Management District Work Plan
1117 | annual report required by s. 373.199(7).

1118 | 7. The mitigation donation annual report required by s.
1119 | 373.414(1)(b)2.

1120 | 8. Information on all projects related to water quality or
1121 | water quantity as part of a 5-year work program, including:

1122 | a. A list of all specific projects identified to implement
1123 | a basin management action plan, including any septic-to-sewer
1124 | conversion and septic tank remediation projects, or a recovery
1125 | or prevention strategy;

1126 b. A priority ranking for each listed project for which
 1127 state funding through the water resources development work
 1128 program is requested, which must be made available to the public
 1129 for comment at least 30 days before submission of the
 1130 consolidated annual report;

1131 c. The estimated cost for each listed project;

1132 d. The estimated completion date for each listed project;

1133 e. The source and amount of financial assistance to be
 1134 made available by the department, a water management district,
 1135 or other entity for each listed project; and

1136 f. A quantitative estimate of each listed project's
 1137 benefit to the watershed, water body, or water segment in which
 1138 it is located.

1139 9. A grade for each watershed, water body, or water
 1140 segment in which a project listed under subparagraph 8. is
 1141 located representing the level of impairment and violations of
 1142 adopted minimum flow or minimum water levels. The grading system
 1143 must reflect the severity of the impairment of the watershed,
 1144 water body, or water segment.

1145 Section 10. Paragraph (a) of subsection (7) of section
 1146 403.067, Florida Statutes, is amended to read:

1147 403.067 Establishment and implementation of total maximum
 1148 daily loads.—

1149 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 1150 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1151 (a) Basin management action plans.—
1152 1. In developing and implementing the total maximum daily
1153 load for a water body, the department, or the department in
1154 conjunction with a water management district, may develop a
1155 basin management action plan that addresses some or all of the
1156 watersheds and basins tributary to the water body. Such plan
1157 must integrate the appropriate management strategies available
1158 to the state through existing water quality protection programs
1159 to achieve the total maximum daily loads and may provide for
1160 phased implementation of these management strategies to promote
1161 timely, cost-effective actions as provided for in s. 403.151.
1162 The plan must establish a schedule implementing the management
1163 strategies, establish a basis for evaluating the plan's
1164 effectiveness, and identify feasible funding strategies for
1165 implementing the plan's management strategies. The management
1166 strategies may include regional treatment systems or other
1167 public works, where appropriate, and voluntary trading of water
1168 quality credits to achieve the needed pollutant load reductions.
1169 2. A basin management action plan must equitably allocate,
1170 pursuant to paragraph (6) (b), pollutant reductions to individual
1171 basins, as a whole to all basins, or to each identified point
1172 source or category of nonpoint sources, as appropriate. For
1173 nonpoint sources for which best management practices have been
1174 adopted, the initial requirement specified by the plan must be
1175 those practices developed pursuant to paragraph (c). Where

1176 appropriate, the plan may take into account the benefits of
1177 pollutant load reduction achieved by point or nonpoint sources
1178 that have implemented management strategies to reduce pollutant
1179 loads, including best management practices, before the
1180 development of the basin management action plan. The plan must
1181 also identify the mechanisms that will address potential future
1182 increases in pollutant loading.

1183 3. The basin management action planning process is
1184 intended to involve the broadest possible range of interested
1185 parties, with the objective of encouraging the greatest amount
1186 of cooperation and consensus possible. In developing a basin
1187 management action plan, the department shall assure that key
1188 stakeholders, including, but not limited to, applicable local
1189 governments, water management districts, the Department of
1190 Agriculture and Consumer Services, other appropriate state
1191 agencies, local soil and water conservation districts,
1192 environmental groups, regulated interests, and affected
1193 pollution sources, are invited to participate in the process.
1194 The department shall hold at least one public meeting in the
1195 vicinity of the watershed or basin to discuss and receive
1196 comments during the planning process and shall otherwise
1197 encourage public participation to the greatest practicable
1198 extent. Notice of the public meeting must be published in a
1199 newspaper of general circulation in each county in which the
1200 watershed or basin lies at least ~~not less than~~ 5 days but not

1201 ~~not~~ more than 15 days before the public meeting. A basin
1202 management action plan does not supplant or otherwise alter any
1203 assessment made under subsection (3) or subsection (4) or any
1204 calculation or initial allocation.

1205 4. Each new or revised basin management action plan shall
1206 include:

1207 a. The appropriate management strategies available through
1208 existing water quality protection programs to achieve total
1209 maximum daily loads, which may provide for phased implementation
1210 to promote timely, cost-effective actions as provided ~~for~~ in s.
1211 403.151;

1212 b. A description of best management practices adopted by
1213 rule;

1214 c. A list of projects in priority ranking with a planning-
1215 level cost estimate and estimated date of completion for each
1216 listed project;

1217 d. The source and amount of financial assistance to be
1218 made available by the department, a water management district,
1219 or other entity for each listed project, if applicable; and

1220 e. A planning-level estimate of each listed project's
1221 expected load reduction, if applicable.

1222 5. The department shall adopt all or any part of a basin
1223 management action plan and any amendment to such plan by
1224 secretarial order pursuant to chapter 120 to implement the
1225 provisions of this section.

1226 6. The basin management action plan must include
1227 milestones for implementation and water quality improvement, and
1228 an associated water quality monitoring component sufficient to
1229 evaluate whether reasonable progress in pollutant load
1230 reductions is being achieved over time. An assessment of
1231 progress toward these milestones shall be conducted every 5
1232 years, and revisions to the plan shall be made as appropriate.
1233 Revisions to the basin management action plan shall be made by
1234 the department in cooperation with basin stakeholders. Revisions
1235 to the management strategies required for nonpoint sources must
1236 follow the procedures set forth in subparagraph (c)4. Revised
1237 basin management action plans must be adopted pursuant to
1238 subparagraph 5.

1239 7. In accordance with procedures adopted by rule under
1240 paragraph (9)(c), basin management action plans, and other
1241 pollution control programs under local, state, or federal
1242 authority as provided in subsection (4), may allow point or
1243 nonpoint sources that will achieve greater pollutant reductions
1244 than required by an adopted total maximum daily load or
1245 wasteload allocation to generate, register, and trade water
1246 quality credits for the excess reductions to enable other
1247 sources to achieve their allocation; however, the generation of
1248 water quality credits does not remove the obligation of a source
1249 or activity to meet applicable technology requirements or
1250 adopted best management practices. Such plans must allow trading

HB 973

2019

1251 between NPDES permittees, and trading that may or may not
1252 involve NPDES permittees, where the generation or use of the
1253 credits involve an entity or activity not subject to department
1254 water discharge permits whose owner voluntarily elects to obtain
1255 department authorization for the generation and sale of credits.

1256 8. The provisions of the department's rule relating to the
1257 equitable abatement of pollutants into surface waters do not
1258 apply to water bodies or water body segments for which a basin
1259 management plan that takes into account future new or expanded
1260 activities or discharges has been adopted under this section.

1261 9. The department shall submit to the Office of Economic
1262 and Demographic Research the project cost estimates required in
1263 sub-subparagraph 4.c., including any septic-to-sewer conversion
1264 and septic tank remediation project costs.

1265 Section 11. This act shall take effect July 1, 2019.