

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; providing that any
6 binding contract or interagency agreement existing
7 before a specified date between the Department of
8 Health or any entity or agent of the agency, and any
9 other agency, entity, or person remains binding for
10 the remainder of the term; amending ss. 153.54,
11 153.73, 163.3180, and 180.03, F.S.; conforming
12 provisions to changes made by the act; amending s.
13 373.036, F.S.; directing water management districts to
14 submit consolidated annual reports to the Office of
15 Economic and Demographic Research; requiring such
16 reports to include septic-to-sewer conversion and
17 septic tank remediation projects; amending ss.
18 373.807, 381.006, 381.0061, and 381.0064, F.S.;
19 conforming provisions to changes made by the act and
20 conforming a cross-reference; amending s. 381.0065,
21 F.S.; conforming provisions to changes made by the
22 act; removing provisions requiring certain onsite
23 sewage treatment and disposal system research projects
24 to be approved by a Department of Health technical
25 review and advisory panel; removing provisions

26 | prohibiting the award of research projects to certain
27 | entities; removing provisions establishing a
28 | Department of Health onsite sewage treatment and
29 | disposal system research review and advisory
30 | committee; authorizing the Department of Environmental
31 | Protection to appoint an onsite sewage treatment and
32 | disposal systems technical advisory committee;
33 | providing for committee purpose, membership, and
34 | expiration; directing the department to initiate
35 | rulemaking by a specified date and to adopt specified
36 | rules; amending s. 381.00651, F.S.; directing county
37 | health departments to coordinate with the department
38 | to administer onsite sewage treatment and disposal
39 | system evaluation programs; conforming provisions to
40 | changes made by the act; repealing s. 381.0068, F.S.,
41 | relating to the Department of Health onsite sewage
42 | treatment and disposal systems technical review and
43 | advisory panel; amending s. 381.0101, F.S.; conforming
44 | provisions to changes made by the act; amending s.
45 | 403.067, F.S.; directing the department to submit
46 | certain water quality project cost estimates to the
47 | Office of Economic and Demographic Research; amending
48 | s. 489.551, F.S.; conforming provisions to changes
49 | made by the act; providing an effective date.
50 |

51 Be It Enacted by the Legislature of the State of Florida:

52

53 Section 1. All powers, duties, functions, records,
54 offices, personnel, associated administrative support positions,
55 property, pending issues, existing contracts, administrative
56 authority, administrative rules, and unexpended balances of
57 appropriations, allocations, and other funds for the regulation
58 of onsite sewage treatment and disposal systems relating to the
59 Onsite Sewage Program in the Department of Health are
60 transferred by a type two transfer, as defined in s. 20.06(2),
61 Florida Statutes, to the Department of Environmental Protection.

62 Section 2. Any binding contract or interagency agreement
63 existing before July 1, 2019, between the Department of Health
64 or any entity or agent of the agency, and any other agency,
65 entity, or person shall continue as a binding contract or
66 agreement for the remainder of the term of such contract or
67 agreement on the successor department or entity responsible for
68 the program, activity, or function relative to the contract or
69 agreement.

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

72 153.54 Preliminary report by county commissioners with
73 respect to creation of proposed district.—Upon receipt of a
74 petition duly signed by not less than 25 qualified electors who
75 are also freeholders residing within an area proposed to be

76 incorporated into a water and sewer district pursuant to this
77 law and describing in general terms the proposed boundaries of
78 such proposed district, the board of county commissioners if it
79 shall deem it necessary and advisable to create and establish
80 such proposed district for the purpose of constructing,
81 establishing or acquiring a water system or a sewer system or
82 both in and for such district (herein called "improvements"),
83 shall first cause a preliminary report to be made which such
84 report together with any other relevant or pertinent matters,
85 shall include at least the following:

86 (5) For the construction of a new proposed central
87 sewerage system or the extension of an existing central sewerage
88 system that was not previously approved, the report shall
89 include a study that includes the available information from the
90 Department of Environmental Protection ~~Health~~ on the history of
91 onsite sewage treatment and disposal systems currently in use in
92 the area and a comparison of the projected costs to the owner of
93 a typical lot or parcel of connecting to and using the proposed
94 central sewerage system versus installing, operating, and
95 properly maintaining an onsite sewage treatment and disposal
96 system that is approved by the Department of Environmental
97 Protection ~~Health~~ and that provides for the comparable level of
98 environmental and health protection as the proposed central
99 sewerage system; consideration of the local authority's
100 obligations or reasonably anticipated obligations for water body

101 cleanup and protection under state or federal programs,
102 including requirements for water bodies listed under s. 303(d)
103 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
104 et seq.; and other factors deemed relevant by the local
105 authority.

106
107 Such report shall be filed in the office of the clerk of the
108 circuit court and shall be open for the inspection of any
109 taxpayer, property owner, qualified elector or any other
110 interested or affected person.

111 Section 4. Paragraph (c) of subsection (2) of section
112 153.73, Florida Statutes, is amended to read:

113 153.73 Assessable improvements; levy and payment of
114 special assessments.—Any district may provide for the
115 construction or reconstruction of assessable improvements as
116 defined in s. 153.52, and for the levying of special assessments
117 upon benefited property for the payment thereof, under the
118 provisions of this section.

119 (2)

120 (c) For the construction of a new proposed central
121 sewerage system or the extension of an existing central sewerage
122 system that was not previously approved, the report shall
123 include a study that includes the available information from the
124 Department of Environmental Protection ~~Health~~ on the history of
125 onsite sewage treatment and disposal systems currently in use in

126 | the area and a comparison of the projected costs to the owner of
 127 | a typical lot or parcel of connecting to and using the proposed
 128 | central sewerage system versus installing, operating, and
 129 | properly maintaining an onsite sewage treatment system that is
 130 | approved by the Department of Environmental Protection ~~Health~~
 131 | and that provides for the comparable level of environmental and
 132 | health protection as the proposed central sewerage system;
 133 | consideration of the local authority's obligations or reasonably
 134 | anticipated obligations for water body cleanup and protection
 135 | under state or federal programs, including requirements for
 136 | water bodies listed under s. 303(d) of the Clean Water Act, Pub.
 137 | L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
 138 | deemed relevant by the local authority.

139 | Section 5. Subsection (2) of section 163.3180, Florida
 140 | Statutes, is amended to read:

141 | 163.3180 Concurrency.—

142 | (2) Consistent with public health and safety, sanitary
 143 | sewer, solid waste, drainage, adequate water supplies, and
 144 | potable water facilities shall be in place and available to
 145 | serve new development no later than the issuance by the local
 146 | government of a certificate of occupancy or its functional
 147 | equivalent. Before ~~Prior to~~ approval of a building permit or its
 148 | functional equivalent, the local government shall consult with
 149 | the applicable water supplier to determine whether adequate
 150 | water supplies to serve the new development will be available no

151 later than the anticipated date of issuance by the local
152 government of a certificate of occupancy or its functional
153 equivalent. A local government may meet the concurrency
154 requirement for sanitary sewer through the use of onsite sewage
155 treatment and disposal systems approved by the Department of
156 Environmental Protection ~~Health~~ to serve new development.

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

159 180.03 Resolution or ordinance proposing construction or
160 extension of utility; objections to same.—

161 (3) For the construction of a new proposed central
162 sewerage system or the extension of an existing central sewerage
163 system that was not previously approved, the report shall
164 include a study that includes the available information from the
165 Department of Environmental Protection ~~Health~~ on the history of
166 onsite sewage treatment and disposal systems currently in use in
167 the area and a comparison of the projected costs to the owner of
168 a typical lot or parcel of connecting to and using the proposed
169 central sewerage system versus installing, operating, and
170 properly maintaining an onsite sewage treatment system that is
171 approved by the Department of Environmental Protection ~~Health~~
172 and that provides for the comparable level of environmental and
173 health protection as the proposed central sewerage system;
174 consideration of the local authority's obligations or reasonably
175 anticipated obligations for water body cleanup and protection

176 | under state or federal programs, including requirements for
177 | water bodies listed under s. 303(d) of the Clean Water Act, Pub.
178 | L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
179 | deemed relevant by the local authority. The results of the ~~such~~
180 | a study shall be included in the resolution or ordinance
181 | required under subsection (1).

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

184 | 373.036 Florida water plan; district water management
185 | plans.—

186 | (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

187 | (a) By March 1, annually, each water management district
188 | shall prepare and submit to the Office of Economic and
189 | Demographic Research, the department, the Governor, the
190 | President of the Senate, and the Speaker of the House of
191 | Representatives a consolidated water management district annual
192 | report on the management of water resources. In addition, copies
193 | must be provided by the water management districts to the chairs
194 | of all legislative committees having substantive or fiscal
195 | jurisdiction over the districts and the governing board of each
196 | county in the district having jurisdiction or deriving any funds
197 | for operations of the district. Copies of the consolidated
198 | annual report must be made available to the public, either in
199 | printed or electronic format.

200 | (b) The consolidated annual report shall contain the

201 following elements, as appropriate to that water management
202 district:

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

205 2. The department-approved minimum flows and minimum water
206 levels annual priority list and schedule required by s.
207 373.042(3).

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

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

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

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

216 7. The mitigation donation annual report required by s.
217 373.414(1)(b)2.

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

220 a. A list of all specific projects identified to implement
221 a basin management action plan, including any septic-to-sewer
222 conversion and septic tank remediation projects, or a recovery
223 or prevention strategy;

224 b. A priority ranking for each listed project for which
225 state funding through the water resources development work

226 program is requested, which must be made available to the public
227 for comment at least 30 days before submission of the
228 consolidated annual report;

229 c. The estimated cost for each listed project;

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

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

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

237 9. A grade for each watershed, water body, or water
238 segment in which a project listed under subparagraph 8. is
239 located representing the level of impairment and violations of
240 adopted minimum flow or minimum water levels. The grading system
241 must reflect the severity of the impairment of the watershed,
242 water body, or water segment.

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

245 373.807 Protection of water quality in Outstanding Florida
246 Springs.—By July 1, 2016, the department shall initiate
247 assessment, pursuant to s. 403.067(3), of Outstanding Florida
248 Springs or spring systems for which an impairment determination
249 has not been made under the numeric nutrient standards in effect
250 for spring vents. Assessments must be completed by July 1, 2018.

251 (3) As part of a basin management action plan that
252 includes an Outstanding Florida Spring, the department, ~~the~~
253 ~~Department of Health,~~ relevant local governments, and relevant
254 local public and private wastewater utilities shall develop an
255 onsite sewage treatment and disposal system remediation plan for
256 a spring if the department determines onsite sewage treatment
257 and disposal systems within a priority focus area contribute at
258 least 20 percent of nonpoint source nitrogen pollution or if the
259 department determines remediation is necessary to achieve the
260 total maximum daily load. The plan shall identify cost-effective
261 and financially feasible projects necessary to reduce the
262 nutrient impacts from onsite sewage treatment and disposal
263 systems and shall be completed and adopted as part of the basin
264 management action plan no later than the first 5-year milestone
265 required by subparagraph (1)(b)8. The department is the lead
266 agency in coordinating the preparation of and the adoption of
267 the plan. The department shall:

268 (a) Collect and evaluate credible scientific information
269 on the effect of nutrients, particularly forms of nitrogen, on
270 springs and springs systems; and

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

274
275 In addition to the requirements in s. 403.067, the plan shall

276 include options for repair, upgrade, replacement, drainfield
277 modification, addition of effective nitrogen reducing features,
278 connection to a central sewerage system, or other action for an
279 onsite sewage treatment and disposal system or group of systems
280 within a priority focus area that contribute at least 20 percent
281 of nonpoint source nitrogen pollution or if the department
282 determines remediation is necessary to achieve a total maximum
283 daily load. For these systems, the department shall include in
284 the plan a priority ranking for each system or group of systems
285 that requires remediation and shall award funds to implement the
286 remediation projects contingent on an appropriation in the
287 General Appropriations Act, which may include all or part of the
288 costs necessary for repair, upgrade, replacement, drainfield
289 modification, addition of effective nitrogen reducing features,
290 initial connection to a central sewerage system, or other
291 action. In awarding funds, the department may consider expected
292 nutrient reduction benefit per unit cost, size and scope of
293 project, relative local financial contribution to the project,
294 and the financial impact on property owners and the community.
295 The department may waive matching funding requirements for
296 proposed projects within an area designated as a rural area of
297 opportunity under s. 288.0656.

298 Section 9. Section 381.006, Florida Statutes, is amended
299 to read:

300 381.006 Environmental health.—The Department of Health

301 shall conduct an environmental health program as part of
302 fulfilling the state's public health mission. The purpose of
303 this program is to detect and prevent disease caused by natural
304 and manmade factors in the environment. The environmental health
305 program shall include, but not be limited to:

306 (1) A drinking water function.

307 (2) An environmental health surveillance function which
308 shall collect, compile, and correlate information on public
309 health and exposure to hazardous substances through sampling and
310 testing of water, air, or foods. Environmental health
311 surveillance shall include a comprehensive assessment of
312 drinking water under the department's supervision and an indoor
313 air quality testing and monitoring program to assess health
314 risks from exposure to chemical, physical, and biological agents
315 in the indoor environment.

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

319 (a) Supporting determinations by the State Health Officer
320 of safe levels of contaminants in water, air, or food if
321 applicable standards or criteria have not been adopted. These
322 determinations shall include issuance of health advisories to
323 protect the health and safety of the public at risk from
324 exposure to toxic agents.

325 (b) Provision of human toxicological health risk

326 assessments to the public and other governmental agencies to
327 characterize the risks to the public from exposure to
328 contaminants in air, water, or food.

329 (c) Consultation and technical assistance to the
330 Department of Environmental Protection and other governmental
331 agencies on actions necessary to ameliorate exposure to toxic
332 agents, including the emergency provision by the Department of
333 Environmental Protection of drinking water in cases of drinking
334 water contamination that present an imminent and substantial
335 threat to the public's health, as required by s.
336 376.30(3)(c)1.a.

337 (d) Monitoring and reporting the body burden of toxic
338 agents to estimate past exposure to these toxic agents, predict
339 future health effects, and decrease the incidence of poisoning
340 by identifying and eliminating exposure.

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

343 (5) A migrant labor function.

344 (6) A public facilities function, including sanitary
345 practices relating to state, county, municipal, and private
346 institutions serving the public; jointly with the Department of
347 Education, publicly and privately owned schools; all places used
348 for the incarceration of prisoners and inmates of state
349 institutions for the mentally ill; toilets and washrooms in all
350 public places and places of employment; any other condition,

351 place, or establishment necessary for the control of disease or
352 the protection and safety of public health.

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

354 (7)~~(8)~~ A biohazardous waste control function.

355 (8)~~(9)~~ A function to control diseases transmitted from
356 animals to humans, including the segregation, quarantine, and
357 destruction of domestic pets and wild animals having or
358 suspected of having such diseases.

359 (9)~~(10)~~ An environmental epidemiology function which shall
360 investigate food-borne disease, waterborne disease, and other
361 diseases of environmental causation, whether of chemical,
362 radiological, or microbiological origin. A \$10 surcharge for
363 this function shall be assessed upon all persons permitted under
364 chapter 500. This function shall include an educational program
365 for physicians and health professionals designed to promote
366 surveillance and reporting of environmental diseases, and to
367 further the dissemination of knowledge about the relationship
368 between toxic substances and human health which will be useful
369 in the formulation of public policy and will be a source of
370 information for the public.

371 (10)~~(11)~~ Mosquito and pest control functions as provided
372 in chapters 388 and 482.

373 (11)~~(12)~~ A radiation control function as provided in
374 chapter 404 and part IV of chapter 468.

375 (12)~~(13)~~ A public swimming and bathing facilities function

376 as provided in chapter 514.

377 ~~(13)-(14)~~ A mobile home park, lodging park, recreational
378 vehicle park, and recreational camp function as provided in
379 chapter 513.

380 ~~(14)-(15)~~ A sanitary facilities function, which shall
381 include minimum standards for the maintenance and sanitation of
382 sanitary facilities; public access to sanitary facilities; and
383 fixture ratios for special or temporary events and for homeless
384 shelters.

385 ~~(15)-(16)~~ A group-care-facilities function. As used in this
386 subsection, the term "group care facility" means any public or
387 private school, assisted living facility, adult family-care
388 home, adult day care center, short-term residential treatment
389 center, residential treatment facility, home for special
390 services, transitional living facility, crisis stabilization
391 unit, hospice, prescribed pediatric extended care center,
392 intermediate care facility for persons with developmental
393 disabilities, or boarding school. The department may adopt rules
394 necessary to protect the health and safety of residents, staff,
395 and patrons of group care facilities. Rules related to public
396 and private schools shall be developed by the Department of
397 Education in consultation with the department. Rules adopted
398 under this subsection may include definitions of terms;
399 provisions relating to operation and maintenance of facilities,
400 buildings, grounds, equipment, furnishings, and occupant-space

401 requirements; lighting; heating, cooling, and ventilation; food
402 service; water supply and plumbing; sewage; sanitary facilities;
403 insect and rodent control; garbage; safety; personnel health,
404 hygiene, and work practices; and other matters the department
405 finds are appropriate or necessary to protect the safety and
406 health of the residents, staff, students, faculty, or patrons.
407 The department may not adopt rules that conflict with rules
408 adopted by the licensing or certifying agency. The department
409 may enter and inspect at reasonable hours to determine
410 compliance with applicable statutes or rules. In addition to any
411 sanctions that the department may impose for violations of rules
412 adopted under this section, the department shall also report
413 such violations to any agency responsible for licensing or
414 certifying the group care facility. The licensing or certifying
415 agency may also impose any sanction based solely on the findings
416 of the department.

417 (16)~~(17)~~ A function for investigating elevated levels of
418 lead in blood. Each participating county health department may
419 expend funds for federally mandated certification or
420 recertification fees related to conducting investigations of
421 elevated levels of lead in blood.

422 (17)~~(18)~~ A food service inspection function for domestic
423 violence centers that are certified by the Department of
424 Children and Families and monitored by the Florida Coalition
425 Against Domestic Violence under part XII of chapter 39 and group

426 care homes as described in subsection (16), which shall be
427 conducted annually and be limited to the requirements in
428 department rule applicable to community-based residential
429 facilities with five or fewer residents.

430

431 The department may adopt rules to carry out ~~the provisions of~~
432 this section.

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

435 381.0061 Administrative fines.—

436 (1) In addition to any administrative action authorized by
437 chapter 120 or by other law, the department may impose a fine,
438 which shall not exceed \$500 for each violation, for a violation
439 of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.
440 381.0072, or part III of chapter 489, for a violation of any
441 rule adopted under this chapter, or for a violation of any of
442 the provisions of chapter 386. Notice of intent to impose such
443 fine shall be given by the department to the alleged violator.
444 Each day that a violation continues may constitute a separate
445 violation.

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

448 381.0064 Continuing education courses for persons
449 installing or servicing septic tanks.—

450 (1) The Department of Environmental Protection ~~Health~~

451 shall establish a program for continuing education which meets
 452 the purposes of ss. 381.0101 and 489.554 regarding the public
 453 health and environmental effects of onsite sewage treatment and
 454 disposal systems and any other matters the department determines
 455 desirable for the safe installation and use of onsite sewage
 456 treatment and disposal systems. The department may charge a fee
 457 to cover the cost of such program.

458 Section 12. Paragraphs (d) and (e) and paragraphs (g)
 459 through (q) of subsection (2) of section 381.0065, Florida
 460 Statutes, are redesignated as paragraphs (e) and (g),
 461 respectively, and paragraphs (h) through (r), respectively,
 462 paragraph (j) of subsection (3) and subsection (4) are amended,
 463 a new paragraph (d) is added to subsection (2), and subsections
 464 (7) and (8) are added to that section, to read:

465 381.0065 Onsite sewage treatment and disposal systems;
 466 regulation.—

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

469 (d) "Department" means the Department of Environmental
 470 Protection.

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

473 (j) Supervise research on, demonstration of, and training
 474 on the performance, environmental impact, and public health
 475 impact of onsite sewage treatment and disposal systems within

476 | this state. Research fees collected under s. 381.0066(2)(k) must
477 | be used to develop and fund hands-on training centers designed
478 | to provide practical information about onsite sewage treatment
479 | and disposal systems to septic tank contractors, master septic
480 | tank contractors, contractors, inspectors, engineers, and the
481 | public and must also be used to fund research projects which
482 | focus on improvements of onsite sewage treatment and disposal
483 | systems, including use of performance-based standards and
484 | reduction of environmental impact. Research projects shall be
485 | ~~initially approved by the technical review and advisory panel~~
486 | ~~and shall be~~ applicable to and reflect the soil conditions
487 | specific to Florida. Such projects shall be awarded through
488 | competitive negotiation, using the procedures provided in s.
489 | 287.055, to public or private entities that have experience in
490 | onsite sewage treatment and disposal systems in Florida and that
491 | are principally located in Florida. ~~Research projects shall not~~
492 | ~~be awarded to firms or entities that employ or are associated~~
493 | ~~with persons who serve on either the technical review and~~
494 | ~~advisory panel or the research review and advisory committee.~~
495 | (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
496 | not construct, repair, modify, abandon, or operate an onsite
497 | sewage treatment and disposal system without first obtaining a
498 | permit approved by the department. The department may issue
499 | permits to carry out this section, but shall not make the
500 | issuance of such permits contingent upon prior approval by the

501 department ~~of Environmental Protection~~, except that the issuance
502 of a permit for work seaward of the coastal construction control
503 line established under s. 161.053 shall be contingent upon
504 receipt of any required coastal construction control line permit
505 from the department ~~of Environmental Protection~~. A construction
506 permit is valid for 18 months after ~~from~~ the date of issuance
507 ~~date~~ and may be extended by the department for one 90-day period
508 under rules adopted by the department. A repair permit is valid
509 for 90 days from the date of issuance. An operating permit must
510 be obtained before ~~prior to~~ the use of any aerobic treatment
511 unit or if the establishment generates commercial waste.
512 Buildings or establishments that use an aerobic treatment unit
513 or generate commercial waste shall be inspected by the
514 department at least annually to assure compliance with the terms
515 of the operating permit. The operating permit for a commercial
516 wastewater system is valid for 1 year after ~~from~~ the date of
517 issuance and must be renewed annually. The operating permit for
518 an aerobic treatment unit is valid for 2 years after ~~from~~ the
519 date of issuance and must be renewed every 2 years. If all
520 information pertaining to the siting, location, and installation
521 conditions or repair of an onsite sewage treatment and disposal
522 system remains the same, a construction or repair permit for the
523 onsite sewage treatment and disposal system may be transferred
524 to another person, if the transferee files, within 60 days after
525 the transfer of ownership, an amended application providing all

526 corrected information and proof of ownership of the property. A
527 ~~There is no fee~~ is not associated with the processing of this
528 supplemental information. A person may not contract to
529 construct, modify, alter, repair, service, abandon, or maintain
530 any portion of an onsite sewage treatment and disposal system
531 without being registered under part III of chapter 489. A
532 property owner who personally performs construction,
533 maintenance, or repairs to a system serving his or her own
534 owner-occupied single-family residence is exempt from
535 registration requirements for performing such construction,
536 maintenance, or repairs on that residence, but is subject to all
537 permitting requirements. A municipality or political subdivision
538 of the state may not issue a building or plumbing permit for any
539 building that requires the use of an onsite sewage treatment and
540 disposal system unless the owner or builder has received a
541 construction permit for such system from the department. A
542 building or structure may not be occupied and a municipality,
543 political subdivision, or any state or federal agency may not
544 authorize occupancy until the department approves the final
545 installation of the onsite sewage treatment and disposal system.
546 A municipality or political subdivision of the state may not
547 approve any change in occupancy or tenancy of a building that
548 uses an onsite sewage treatment and disposal system until the
549 department has reviewed the use of the system with the proposed
550 change, approved the change, and amended the operating permit.

551 (a) Subdivisions and lots in which each lot has a minimum
552 area of at least one-half acre and either a minimum dimension of
553 100 feet or a mean of at least 100 feet of the side bordering
554 the street and the distance formed by a line parallel to the
555 side bordering the street drawn between the two most distant
556 points of the remainder of the lot may be developed with a water
557 system regulated under s. 381.0062 and onsite sewage treatment
558 and disposal systems, provided the projected daily sewage flow
559 does not exceed an average of 1,500 gallons per acre per day,
560 and provided satisfactory drinking water can be obtained and all
561 distance and setback, soil condition, water table elevation, and
562 other related requirements of this section and rules adopted
563 under this section can be met.

564 (b) Subdivisions and lots using a public water system as
565 defined in s. 403.852 may use onsite sewage treatment and
566 disposal systems, provided there are no more than four lots per
567 acre, provided the projected daily sewage flow does not exceed
568 an average of 2,500 gallons per acre per day, and provided that
569 all distance and setback, soil condition, water table elevation,
570 and other related requirements that are generally applicable to
571 the use of onsite sewage treatment and disposal systems are met.

572 (c) Notwithstanding paragraphs (a) and (b), for
573 subdivisions platted of record on or before October 1, 1991,
574 when a developer or other appropriate entity has previously made
575 or makes provisions, including financial assurances or other

576 commitments, acceptable to the department ~~of Health~~, that a
577 central water system will be installed by a regulated public
578 utility based on a density formula, private potable wells may be
579 used with onsite sewage treatment and disposal systems until the
580 agreed-upon densities are reached. In a subdivision regulated by
581 this paragraph, the average daily sewage flow may not exceed
582 2,500 gallons per acre per day. This section does not affect the
583 validity of existing prior agreements. After October 1, 1991,
584 the exception provided under this paragraph is not available to
585 a developer or other appropriate entity.

586 (d) Paragraphs (a) and (b) do not apply to any proposed
587 residential subdivision with more than 50 lots or to any
588 proposed commercial subdivision with more than 5 lots where a
589 publicly owned or investor-owned sewage treatment ~~sewerage~~
590 system is available. ~~It is the intent of~~ This paragraph does not
591 ~~to~~ allow development of additional proposed subdivisions in
592 order to evade the requirements of this paragraph.

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

- 595 1. Seventy-five feet from a private potable well.
- 596 2. Two hundred feet from a public potable well serving a
597 residential or nonresidential establishment having a total
598 sewage flow of greater than 2,000 gallons per day.
- 599 3. One hundred feet from a public potable well serving a
600 residential or nonresidential establishment having a total

601 sewage flow of less than or equal to 2,000 gallons per day.

602 4. Fifty feet from any nonpotable well.

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

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

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

610 8. Fifteen feet from the design high-water line of
611 retention areas, detention areas, or swales designed to contain
612 standing or flowing water for less than 72 hours after a
613 rainfall or the design high-water level of normally dry drainage
614 ditches or normally dry individual lot stormwater retention
615 areas.

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

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

624 1. Any residential lot that was platted and recorded on or
625 after January 1, 1972, or that is part of a residential

626 subdivision that was approved by the appropriate permitting
627 agency on or after January 1, 1972, and that was eligible for an
628 onsite sewage treatment and disposal system construction permit
629 on the date of such platting and recording or approval shall be
630 eligible for an onsite sewage treatment and disposal system
631 construction permit, regardless of when the application for a
632 permit is made. If rules in effect at the time the permit
633 application is filed cannot be met, residential lots platted and
634 recorded or approved on or after January 1, 1972, shall, to the
635 maximum extent possible, comply with the rules in effect at the
636 time the permit application is filed. At a minimum, however,
637 those residential lots platted and recorded or approved on or
638 after January 1, 1972, but before January 1, 1983, shall comply
639 with those rules in effect on January 1, 1983, and those
640 residential lots platted and recorded or approved on or after
641 January 1, 1983, shall comply with those rules in effect at the
642 time of such platting and recording or approval. In determining
643 the maximum extent of compliance with current rules that is
644 possible, the department shall allow structures and
645 appurtenances thereto which were authorized at the time such
646 lots were platted and recorded or approved.

647 2. Lots platted before 1972 are subject to a 50-foot
648 minimum surface water setback and are not subject to lot size
649 requirements. The projected daily flow for onsite sewage
650 treatment and disposal systems for lots platted before 1972 may

651 not exceed:

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

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

656 (h)1. The department may grant variances in hardship cases
657 which may be less restrictive than ~~the provisions~~ specified in
658 this section. If a variance is granted and the onsite sewage
659 treatment and disposal system construction permit has been
660 issued, the variance may be transferred with the system
661 construction permit, if the transferee files, within 60 days
662 after the transfer of ownership, an amended construction permit
663 application providing all corrected information and proof of
664 ownership of the property and if the same variance would have
665 been required for the new owner of the property as was
666 originally granted to the original applicant for the variance. A
667 ~~There is no fee~~ is not associated with the processing of this
668 supplemental information. A variance may not be granted under
669 this section until the department is satisfied that:

670 a. The hardship was not caused intentionally by the action
671 of the applicant;

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

675 c. The discharge from the onsite sewage treatment and

676 disposal system will not adversely affect the health of the
677 applicant or the public or significantly degrade the groundwater
678 or surface waters.

679

680 Where soil conditions, water table elevation, and setback
681 provisions are determined by the department to be satisfactory,
682 special consideration must be given to those lots platted before
683 1972.

684 2. The department shall appoint and staff a variance
685 review and advisory committee, which shall meet monthly to
686 recommend agency action on variance requests. The committee
687 shall make its recommendations on variance requests at the
688 meeting in which the application is scheduled for consideration,
689 except for an extraordinary change in circumstances, the receipt
690 of new information that raises new issues, or when the applicant
691 requests an extension. The committee shall consider the criteria
692 in subparagraph 1. in its recommended agency action on variance
693 requests and shall also strive to allow property owners the full
694 use of their land where possible. The committee consists of the
695 following:

- 696 a. The State Surgeon General or his or her designee.
697 b. A representative from the county health departments.
698 c. A representative from the home building industry
699 recommended by the Florida Home Builders Association.
700 d. A representative from the septic tank industry

701 recommended by the Florida Onsite Wastewater Association.

702 e. A representative from the Department of Environmental
703 Protection.

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

708 g. A representative from the engineering profession
709 recommended by the Florida Engineering Society.

710

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

716 (i) A construction permit may not be issued for an onsite
717 sewage treatment and disposal system in any area zoned or used
718 for industrial or manufacturing purposes, or its equivalent,
719 where a publicly owned or investor-owned sewage treatment system
720 is available, or where a likelihood exists that the system will
721 receive toxic, hazardous, or industrial waste. An existing
722 onsite sewage treatment and disposal system may be repaired if a
723 publicly owned or investor-owned sewage treatment ~~sewerage~~
724 system is not available within 500 feet of the building sewer
725 stub-out and if system construction and operation standards can

726 be met. This paragraph does not require publicly owned or
727 investor-owned sewage ~~sewerage~~ treatment systems to accept
728 anything other than domestic wastewater.

729 1. A building located in an area zoned or used for
730 industrial or manufacturing purposes, or its equivalent, when
731 such building is served by an onsite sewage treatment and
732 disposal system, must not be occupied until the owner or tenant
733 has obtained written approval from the department. The
734 department may ~~shall~~ not grant approval when the proposed use of
735 the system is to dispose of toxic, hazardous, or industrial
736 wastewater or toxic or hazardous chemicals.

737 2. Each person who owns or operates a business or facility
738 in an area zoned or used for industrial or manufacturing
739 purposes, or its equivalent, or who owns or operates a business
740 that has the potential to generate toxic, hazardous, or
741 industrial wastewater or toxic or hazardous chemicals, and uses
742 an onsite sewage treatment and disposal system that is installed
743 on or after July 5, 1989, must obtain an annual system operating
744 permit from the department. A person who owns or operates a
745 business that uses an onsite sewage treatment and disposal
746 system that was installed and approved before July 5, 1989, does
747 not need to ~~not~~ obtain a system operating permit. However, upon
748 change of ownership or tenancy, the new owner or operator must
749 notify the department of the change, and the new owner or
750 operator must obtain an annual system operating permit,

751 regardless of the date that the system was installed or
752 approved.

753 3. The department shall periodically review and evaluate
754 the continued use of onsite sewage treatment and disposal
755 systems in areas zoned or used for industrial or manufacturing
756 purposes, or its equivalent, and may require the collection and
757 analyses of samples from within and around such systems. If the
758 department finds that toxic or hazardous chemicals or toxic,
759 hazardous, or industrial wastewater have been or are being
760 disposed of through an onsite sewage treatment and disposal
761 system, the department shall initiate enforcement actions
762 against the owner or tenant to ensure adequate cleanup,
763 treatment, and disposal.

764 (j) An onsite sewage treatment and disposal system
765 designed by a professional engineer registered in the state and
766 certified by such engineer as complying with performance
767 criteria adopted by the department must be approved by the
768 department subject to the following:

769 1. The performance criteria applicable to engineer-
770 designed systems must be limited to those necessary to ensure
771 that such systems do not adversely affect the public health or
772 significantly degrade the groundwater or surface water. Such
773 performance criteria shall include consideration of the quality
774 of system effluent, the proposed total sewage flow per acre,
775 wastewater treatment capabilities of the natural or replaced

776 soil, water quality classification of the potential surface-
777 water-receiving body, and the structural and maintenance
778 viability of the system for the treatment of domestic
779 wastewater. However, performance criteria shall address only the
780 performance of a system and not a system's design.

781 2. A person electing to use ~~utilize~~ an engineer-designed
782 system shall, upon completion of the system design, submit such
783 design, certified by a registered professional engineer, to the
784 county health department. The county health department may use
785 ~~utilize~~ an outside consultant to review the engineer-designed
786 system, with the actual cost of such review to be borne by the
787 applicant. Within 5 working days after receiving an engineer-
788 designed system permit application, the county health department
789 shall request additional information if the application is not
790 complete. Within 15 working days after receiving a complete
791 application for an engineer-designed system, the county health
792 department ~~either~~ shall issue the permit or, if it determines
793 that the system does not comply with the performance criteria,
794 shall notify the applicant of that determination and refer the
795 application to the department for a determination as to whether
796 the system should be approved, disapproved, or approved with
797 modification. The department engineer's determination shall
798 prevail over the action of the county health department. The
799 applicant shall be notified in writing of the department's
800 determination and of the applicant's rights to pursue a variance

801 or seek review under the provisions of chapter 120.

802 3. The owner of an engineer-designed performance-based
803 system must maintain a current maintenance service agreement
804 with a maintenance entity permitted by the department. The
805 maintenance entity shall inspect each system at least twice each
806 year and shall report quarterly to the department on the number
807 of systems inspected and serviced. The reports may be submitted
808 electronically.

809 4. The property owner of an owner-occupied, single-family
810 residence may be approved and permitted by the department as a
811 maintenance entity for his or her own performance-based
812 treatment system upon written certification from the system
813 manufacturer's approved representative that the property owner
814 has received training on the proper installation and service of
815 the system. The maintenance service agreement must conspicuously
816 disclose that the property owner has the right to maintain his
817 or her own system and is exempt from contractor registration
818 requirements for performing construction, maintenance, or
819 repairs on the system but is subject to all permitting
820 requirements.

821 5. The property owner shall obtain a biennial system
822 operating permit from the department for each system. The
823 department shall inspect the system at least annually, or on
824 such periodic basis as the fee collected permits, and may
825 collect system-effluent samples if appropriate to determine

826 compliance with the performance criteria. The fee for the
827 biennial operating permit shall be collected beginning with the
828 second year of system operation.

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

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

837 (l) For the Florida Keys, the department shall adopt a
838 special rule for the construction, installation, modification,
839 operation, repair, maintenance, and performance of onsite sewage
840 treatment and disposal systems which considers the unique soil
841 conditions and water table elevations, densities, and setback
842 requirements. On lots where a setback distance of 75 feet from
843 surface waters, saltmarsh, and buttonwood association habitat
844 areas cannot be met, an injection well, approved and permitted
845 by the department, may be used for disposal of effluent from
846 onsite sewage treatment and disposal systems. The following
847 additional requirements apply to onsite sewage treatment and
848 disposal systems in Monroe County:

849 1. The county, each municipality, and those special
850 districts established for the purpose of the collection,

851 transmission, treatment, or disposal of sewage shall ensure, in
852 accordance with the specific schedules adopted by the
853 Administration Commission under s. 380.0552, the completion of
854 onsite sewage treatment and disposal system upgrades to meet the
855 requirements of this paragraph.

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

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

862 b. Suspended Solids of 10 mg/l.

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

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

869

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

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

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

877 4. In areas scheduled to be served by a central sewerage
878 system ~~sewer~~ by December 31, 2015, if the property owner has
879 paid a connection fee or assessment for connection to the
880 central sewerage ~~sewer~~ system, the property owner may install a
881 holding tank with a high water alarm or an onsite sewage
882 treatment and disposal system that meets the following minimum
883 standards:

884 a. The existing tanks must be pumped and inspected and
885 certified as being watertight and free of defects in accordance
886 with department rule; and

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

889 5. Onsite sewage treatment and disposal systems must be
890 monitored for total nitrogen and total phosphorus concentrations
891 as required by department rule.

892 6. The department shall enforce proper installation,
893 operation, and maintenance of onsite sewage treatment and
894 disposal systems pursuant to this chapter, including ensuring
895 that the appropriate level of treatment described in
896 subparagraph 2. is met.

897 7. The authority of a local government, including a
898 special district, to mandate connection of an onsite sewage
899 treatment and disposal system is governed by s. 4, chapter 99-
900 395, Laws of Florida.

901 8. Notwithstanding any other ~~provision of~~ law, an onsite
902 sewage treatment and disposal system installed after July 1,
903 2010, in unincorporated Monroe County, excluding special
904 wastewater districts, that complies with the standards in
905 subparagraph 2. is not required to connect to a central sewerage
906 ~~sewer~~ system until December 31, 2020.

907 (m) Any ~~No~~ product sold in the state for use in onsite
908 sewage treatment and disposal systems may not contain any
909 substance in concentrations or amounts that would interfere with
910 or prevent the successful operation of such system, or that
911 would cause discharges from such systems to violate applicable
912 water quality standards. The department shall publish criteria
913 for products known or expected to meet the conditions of this
914 paragraph. If ~~In the event~~ a product does not meet such
915 criteria, such product may be sold if the manufacturer
916 satisfactorily demonstrates to the department that the
917 conditions of this paragraph are met.

918 (n) Evaluations for determining the seasonal high-water
919 table elevations or the suitability of soils for the use of a
920 new onsite sewage treatment and disposal system shall be
921 performed by department personnel, professional engineers
922 registered in the state, or such other persons with expertise,
923 as defined by rule, in making such evaluations. Evaluations for
924 determining mean annual flood lines shall be performed by those
925 persons identified in paragraph (2) (j). The department shall

926 accept evaluations submitted by professional engineers and such
927 other persons as meet the expertise established by this section
928 or by rule unless the department has a reasonable scientific
929 basis for questioning the accuracy or completeness of the
930 evaluation.

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

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

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

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

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

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

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

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

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

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

952 ~~10. A consumer.~~

953
954 ~~Members shall be appointed for a term of 3 years, with the~~
955 ~~appointments being staggered so that the terms of no more than~~
956 ~~four members expire in any one year. Members shall serve without~~
957 ~~remuneration, but are entitled to reimbursement for per diem and~~
958 ~~travel expenses as provided in s. 112.061.~~

959 (o) ~~(p)~~ An application for an onsite sewage treatment and
960 disposal system permit shall be completed in full, signed by the
961 owner or the owner's authorized representative, or by a
962 contractor licensed under chapter 489, and shall be accompanied
963 by all required exhibits and fees. ~~No~~ Specific documentation of
964 property ownership is not ~~shall be~~ required as a prerequisite to
965 the review of an application or the issuance of a permit. The
966 issuance of a permit does not constitute determination by the
967 department of property ownership.

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

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

975 (r) ~~(s)~~ In the siting of onsite sewage treatment and

976 disposal systems, including drainfields, shoulders, and slopes,
 977 guttering may ~~shall~~ not be required on single-family residential
 978 dwelling units for systems located greater than 5 feet from the
 979 roof drip line of the house. If guttering is used on residential
 980 dwelling units, the downspouts shall be directed away from the
 981 drainfield.

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

986 1. The absorption surface of the drainfield may ~~shall~~ not
 987 be subject to flooding based on 10-year flood elevations.
 988 Provided, however, for lots or parcels created by the
 989 subdivision of land in accordance with applicable local
 990 government regulations before ~~prior to~~ January 17, 1990, if an
 991 applicant cannot construct a drainfield system with the
 992 absorption surface of the drainfield at an elevation equal to or
 993 above 10-year flood elevation, the department shall issue a
 994 permit for an onsite sewage treatment and disposal system within
 995 the 10-year floodplain of rivers, streams, and other bodies of
 996 flowing water if all of the following criteria are met:

- 997 a. The lot is at least one-half acre in size;
- 998 b. The bottom of the drainfield is at least 36 inches
- 999 above the 2-year flood elevation; and
- 1000 c. The applicant installs ~~either:~~ a waterless,

1001 incinerating, or organic waste composting toilet and a graywater
1002 system and drainfield in accordance with department rules; an
1003 aerobic treatment unit and drainfield in accordance with
1004 department rules; a system approved by the State Health Office
1005 that is capable of reducing effluent nitrate by at least 50
1006 percent; or a system approved by the county health department
1007 pursuant to department rule other than a system using
1008 alternative drainfield materials. The United States Department
1009 of Agriculture Soil Conservation Service soil maps, State of
1010 Florida Water Management District data, and Federal Emergency
1011 Management Agency Flood Insurance maps are resources that shall
1012 be used to identify flood-prone areas.

1013 2. The use of fill or mounding to elevate a drainfield
1014 system out of the 10-year floodplain of rivers, streams, or
1015 other bodies of flowing water may ~~shall~~ not be permitted if such
1016 a system lies within a regulatory floodway of the Suwannee and
1017 Aucilla Rivers. In cases where the 10-year flood elevation does
1018 not coincide with the boundaries of the regulatory floodway, the
1019 regulatory floodway will be considered for the purposes of this
1020 subsection to extend at a minimum to the 10-year flood
1021 elevation.

1022 (t)1. ~~(u)1.~~ The owner of an aerobic treatment unit system
1023 shall maintain a current maintenance service agreement with an
1024 aerobic treatment unit maintenance entity permitted by the
1025 department. The maintenance entity shall inspect each aerobic

1026 treatment unit system at least twice each year and shall report
1027 quarterly to the department on the number of aerobic treatment
1028 unit systems inspected and serviced. The reports may be
1029 submitted electronically.

1030 2. The property owner of an owner-occupied, single-family
1031 residence may be approved and permitted by the department as a
1032 maintenance entity for his or her own aerobic treatment unit
1033 system upon written certification from the system manufacturer's
1034 approved representative that the property owner has received
1035 training on the proper installation and service of the system.
1036 The maintenance entity service agreement must conspicuously
1037 disclose that the property owner has the right to maintain his
1038 or her own system and is exempt from contractor registration
1039 requirements for performing construction, maintenance, or
1040 repairs on the system but is subject to all permitting
1041 requirements.

1042 3. A septic tank contractor licensed under part III of
1043 chapter 489, if approved by the manufacturer, may not be denied
1044 access by the manufacturer to aerobic treatment unit system
1045 training or spare parts for maintenance entities. After the
1046 original warranty period, component parts for an aerobic
1047 treatment unit system may be replaced with parts that meet
1048 manufacturer's specifications but are manufactured by others.
1049 The maintenance entity shall maintain documentation of the
1050 substitute part's equivalency for 2 years and shall provide such

1051 | documentation to the department upon request.

1052 | 4. The owner of an aerobic treatment unit system shall
 1053 | obtain a system operating permit from the department and allow
 1054 | the department to inspect during reasonable hours each aerobic
 1055 | treatment unit system at least annually, and such inspection may
 1056 | include collection and analysis of system-effluent samples for
 1057 | performance criteria established by rule of the department.

1058 | (u)~~(v)~~ The department may require the submission of
 1059 | detailed system construction plans that are prepared by a
 1060 | professional engineer registered in this state. The department
 1061 | shall establish by rule criteria for determining when such a
 1062 | submission is required.

1063 | (v)~~(w)~~ Any permit issued and approved by the department
 1064 | for the installation, modification, or repair of an onsite
 1065 | sewage treatment and disposal system shall transfer with the
 1066 | title to the property in a real estate transaction. A title may
 1067 | not be encumbered at the time of transfer by new permit
 1068 | requirements by a governmental entity for an onsite sewage
 1069 | treatment and disposal system which differ from the permitting
 1070 | requirements in effect at the time the system was permitted,
 1071 | modified, or repaired. An inspection of a system may not be
 1072 | mandated by a governmental entity at the point of sale in a real
 1073 | estate transaction. This paragraph does not affect a septic tank
 1074 | phase-out deferral program implemented by a consolidated
 1075 | government as defined in s. 9, Art. VIII of the State

1076 Constitution (1885).

1077 (w)~~(x)~~ A governmental entity, including a municipality,
 1078 county, or statutorily created commission, may not require an
 1079 engineer-designed performance-based treatment system, excluding
 1080 a passive engineer-designed performance-based treatment system,
 1081 before the completion of the Florida Onsite Sewage Nitrogen
 1082 Reduction Strategies Project. This paragraph does not apply to a
 1083 governmental entity, including a municipality, county, or
 1084 statutorily created commission, which adopted a local law,
 1085 ordinance, or regulation on or before January 31, 2012.

1086 Notwithstanding this paragraph, an engineer-designed
 1087 performance-based treatment system may be used to meet the
 1088 requirements of the variance review and advisory committee
 1089 recommendations.

1090 (x)~~1.~~~~(y)~~~~1.~~ An onsite sewage treatment and disposal system
 1091 is not considered abandoned if the system is disconnected from a
 1092 structure that was made unusable or destroyed following a
 1093 disaster and if the system was properly functioning at the time
 1094 of disconnection and was not adversely affected by the disaster.
 1095 The onsite sewage treatment and disposal system may be
 1096 reconnected to a rebuilt structure if:

1097 a. The reconnection of the system is to the same type of
 1098 structure which contains the same number of bedrooms or fewer,
 1099 if the square footage of the structure is less than or equal to
 1100 110 percent of the original square footage of the structure that

1101 existed before the disaster;

1102 b. The system is not a sanitary nuisance; and

1103 c. The system has not been altered without prior
1104 authorization.

1105 2. An onsite sewage treatment and disposal system that
1106 serves a property that is foreclosed upon is not considered
1107 abandoned.

1108 (y)~~(z)~~ If an onsite sewage treatment and disposal system
1109 permittee receives, relies upon, and undertakes construction of
1110 a system based upon a validly issued construction permit under
1111 rules applicable at the time of construction but a change to a
1112 rule occurs within 5 years after the approval of the system for
1113 construction but before the final approval of the system, the
1114 rules applicable and in effect at the time of construction
1115 approval apply at the time of final approval if fundamental site
1116 conditions have not changed between the time of construction
1117 approval and final approval.

1118 (z)~~(aa)~~ An existing-system inspection or evaluation and
1119 assessment, or a modification, replacement, or upgrade of an
1120 onsite sewage treatment and disposal system is not required for
1121 a remodeling addition or modification to a single-family home if
1122 a bedroom is not added. However, a remodeling addition or
1123 modification to a single-family home may not cover any part of
1124 the existing system or encroach upon a required setback or the
1125 unobstructed area. To determine if a setback or the unobstructed

1126 area is impacted, the local health department shall review and
1127 verify a floor plan and site plan of the proposed remodeling
1128 addition or modification to the home submitted by a remodeler
1129 which shows the location of the system, including the distance
1130 of the remodeling addition or modification to the home from the
1131 onsite sewage treatment and disposal system. The local health
1132 department may visit the site or otherwise determine the best
1133 means of verifying the information submitted. A verification of
1134 the location of a system is not an inspection or evaluation and
1135 assessment of the system. The review and verification must be
1136 completed within 7 business days after receipt by the local
1137 health department of a floor plan and site plan. If the review
1138 and verification is not completed within such time, the
1139 remodeling addition or modification to the single-family home,
1140 for the purposes of this paragraph, is approved.

1141 (7) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS TECHNICAL
1142 ADVISORY COMMITTEE.-

1143 (a) By August 1, 2019, the department shall appoint a
1144 technical advisory committee to assist in developing rules that
1145 will increase the availability of nutrient removing onsite
1146 sewage treatment and disposal systems in the marketplace,
1147 including such systems that are cost-effective, low maintenance,
1148 and reliable. By December 1, 2019, the committee shall consider
1149 and recommend regulatory options, such as fast-track approval,
1150 prequalification, or expedited permitting, to facilitate the

1151 introduction and use of nutrient removing onsite sewage
1152 treatment and disposal systems that have been reviewed and
1153 approved by a national agency or organization, such as the
1154 National Sanitation Foundation International/American National
1155 Standards Institute 245 systems approved by the Public Health
1156 and Safety Organization. The department shall use existing and
1157 available resources to administer and support the activities of
1158 the technical advisory committee.

1159 (b) The committee shall consist of at least five but not
1160 more than nine members representing the home building industry,
1161 the real estate industry, the onsite sewage treatment and
1162 disposal system industry, septic tank contractors, engineers,
1163 and local governments. Members shall serve without compensation
1164 and are not entitled to reimbursement for per diem or travel
1165 expenses.

1166 (c) This subsection expires on July 1, 2020.

1167 (8) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS
1168 RULEMAKING.-

1169 (a) The department shall initiate rulemaking no later than
1170 August 1, 2019, and adopt rules that meet the following
1171 requirements:

1172 1. In addition to authorizing the use of other department
1173 approved nutrient removing onsite sewage treatment and disposal
1174 systems to meet the requirements of a total maximum daily load
1175 or basin management action plan adopted pursuant to s. 403.067

1176 or a reasonable assurance plan or other water quality protection
1177 and restoration requirements, the department shall authorize the
1178 use of National Sanitation Foundation International/American
1179 National Standards Institute 245 systems approved by the Public
1180 Health and Safety Organization before July 1, 2019.

1181 2. When determining the size of a lot and length of a
1182 setback, the department shall include portions of the lot
1183 subject to an easement or right of entry.

1184 (b) The department shall initiate rulemaking no later than
1185 January 1, 2020, and adopt rules, giving consideration to the
1186 recommendations of the technical advisory committee, that are
1187 intended to increase the availability of cost-effective, low
1188 maintenance, and reliable nutrient removing onsite sewage
1189 treatment and disposal systems in the marketplace.

1190 Section 13. Paragraph (d) of subsection (7) and
1191 subsections (8) and (9) of section 381.00651, Florida Statutes,
1192 are amended to read:

1193 381.00651 Periodic evaluation and assessment of onsite
1194 sewage treatment and disposal systems.—

1195 (7) The following procedures shall be used for conducting
1196 evaluations:

1197 (d) Assessment procedure.—All evaluation procedures used
1198 by a qualified contractor shall be documented in the
1199 environmental health database of the department ~~of Health~~. The
1200 qualified contractor shall provide a copy of a written, signed

1201 evaluation report to the property owner upon completion of the
1202 evaluation and to the county health department within 30 days
1203 after the evaluation. The report shall contain the name and
1204 license number of the company providing the report. A copy of
1205 the evaluation report shall be retained by the local county
1206 health department for a minimum of 5 years and until a
1207 subsequent inspection report is filed. The front cover of the
1208 report must identify any system failure and include a clear and
1209 conspicuous notice to the owner that the owner has a right to
1210 have any remediation of the failure performed by a qualified
1211 contractor other than the contractor performing the evaluation.
1212 The report must further identify any crack, leak, improper fit,
1213 or other defect in the tank, manhole, or lid, and any other
1214 damaged or missing component; any sewage or effluent visible on
1215 the ground or discharging to a ditch or other surface water
1216 body; any downspout, stormwater, or other source of water
1217 directed onto or toward the system; and any other maintenance
1218 need or condition of the system at the time of the evaluation
1219 which, in the opinion of the qualified contractor, would
1220 possibly interfere with or restrict any future repair or
1221 modification to the existing system. The report shall conclude
1222 with an overall assessment of the fundamental operational
1223 condition of the system.

1224 (8) The county health department, in coordination with the
1225 department, shall administer any evaluation program on behalf of

1226 a county, or a municipality within the county, that has adopted
1227 an evaluation program pursuant to this section. In order to
1228 administer the evaluation program, the county or municipality,
1229 in consultation with the county health department, may develop a
1230 reasonable fee schedule to be used solely to pay for the costs
1231 of administering the evaluation program. Such a fee schedule
1232 shall be identified in the ordinance that adopts the evaluation
1233 program. When arriving at a reasonable fee schedule, the
1234 estimated annual revenues to be derived from fees may not exceed
1235 reasonable estimated annual costs of the program. Fees shall be
1236 assessed to the system owner during an inspection and separately
1237 identified on the invoice of the qualified contractor. Fees
1238 shall be remitted by the qualified contractor to the county
1239 health department. The county health department's administrative
1240 responsibilities include the following:

1241 (a) Providing a notice to the system owner at least 60
1242 days before the system is due for an evaluation. The notice may
1243 include information on the proper maintenance of onsite sewage
1244 treatment and disposal systems.

1245 (b) In consultation with the department ~~of Health,~~
1246 providing uniform disciplinary procedures and penalties for
1247 qualified contractors who do not comply with the requirements of
1248 the adopted ordinance, including, but not limited to, failure to
1249 provide the evaluation report as required in this subsection to
1250 the system owner and the county health department. Only the

1251 county health department may assess penalties against system
1252 owners for failure to comply with the adopted ordinance,
1253 consistent with existing requirements of law.

1254 (9) (a) A county or municipality that adopts an onsite
1255 sewage treatment and disposal system evaluation and assessment
1256 program pursuant to this section shall notify the Secretary of
1257 Environmental Protection, the Department of Health, and the
1258 applicable county health department upon the adoption of its
1259 ordinance establishing the program.

1260 (b) Upon receipt of the notice under paragraph (a), the
1261 department ~~of Environmental Protection~~ shall, within existing
1262 resources, notify the county or municipality of the potential
1263 use of, and access to, program funds under the Clean Water State
1264 Revolving Fund or s. 319 of the Clean Water Act, provide
1265 guidance in the application process to receive such moneys, and
1266 provide advice and technical assistance to the county or
1267 municipality on how to establish a low-interest revolving loan
1268 program or how to model a revolving loan program after the low-
1269 interest loan program of the Clean Water State Revolving Fund.
1270 This paragraph does not obligate the department ~~of Environmental~~
1271 ~~Protection~~ to provide any county or municipality with money to
1272 fund such programs.

1273 (c) The department ~~of Health~~ may not adopt any rule that
1274 alters the provisions of this section.

1275 (d) The department ~~of Health~~ must allow county health

1276 departments and qualified contractors access to the
1277 environmental health database to track relevant information and
1278 assimilate data from assessment and evaluation reports of the
1279 overall condition of onsite sewage treatment and disposal
1280 systems. The environmental health database must be used by
1281 contractors to report each service and evaluation event and by a
1282 county health department to notify owners of onsite sewage
1283 treatment and disposal systems when evaluations are due. Data
1284 and information must be recorded and updated as service and
1285 evaluations are conducted and reported.

1286 Section 14. Section 381.0068, Florida Statutes, is
1287 repealed.

1288 Section 15. Paragraphs (b) and (g) of subsection (1) of
1289 section 381.0101, Florida Statutes, are amended to read:

1290 381.0101 Environmental health professionals.—

1291 (1) DEFINITIONS.—As used in this section:

1292 (b) "Department" means the Department of Environmental
1293 Protection Health.

1294 (g) "Primary environmental health program" means those
1295 programs determined by the department to be essential for
1296 providing basic environmental and sanitary protection to the
1297 public. At a minimum, these programs shall include ~~food~~
1298 ~~protection program work~~ and onsite sewage treatment and disposal
1299 system evaluations.

1300 Section 16. Paragraph (a) of subsection (7) of section

1301 403.067, Florida Statutes, is amended to read:
 1302 403.067 Establishment and implementation of total maximum
 1303 daily loads.—
 1304 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 1305 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—
 1306 (a) Basin management action plans.—
 1307 1. In developing and implementing the total maximum daily
 1308 load for a water body, the department, or the department in
 1309 conjunction with a water management district, may develop a
 1310 basin management action plan that addresses some or all of the
 1311 watersheds and basins tributary to the water body. Such plan
 1312 must integrate the appropriate management strategies available
 1313 to the state through existing water quality protection programs
 1314 to achieve the total maximum daily loads and may provide for
 1315 phased implementation of these management strategies to promote
 1316 timely, cost-effective actions as provided for in s. 403.151.
 1317 The plan must establish a schedule implementing the management
 1318 strategies, establish a basis for evaluating the plan's
 1319 effectiveness, and identify feasible funding strategies for
 1320 implementing the plan's management strategies. The management
 1321 strategies may include regional treatment systems or other
 1322 public works, where appropriate, and voluntary trading of water
 1323 quality credits to achieve the needed pollutant load reductions.
 1324 2. A basin management action plan must equitably allocate,
 1325 pursuant to paragraph (6) (b), pollutant reductions to individual

1326 basins, as a whole to all basins, or to each identified point
1327 source or category of nonpoint sources, as appropriate. For
1328 nonpoint sources for which best management practices have been
1329 adopted, the initial requirement specified by the plan must be
1330 those practices developed pursuant to paragraph (c). When ~~Where~~
1331 appropriate, the plan may take into account the benefits of
1332 pollutant load reduction achieved by point or nonpoint sources
1333 that have implemented management strategies to reduce pollutant
1334 loads, including best management practices, before the
1335 development of the basin management action plan. The plan must
1336 also identify the mechanisms that will address potential future
1337 increases in pollutant loading.

1338 3. The basin management action planning process is
1339 intended to involve the broadest possible range of interested
1340 parties, with the objective of encouraging the greatest amount
1341 of cooperation and consensus possible. In developing a basin
1342 management action plan, the department shall assure that key
1343 stakeholders, including, but not limited to, applicable local
1344 governments, water management districts, the Department of
1345 Agriculture and Consumer Services, other appropriate state
1346 agencies, local soil and water conservation districts,
1347 environmental groups, regulated interests, and affected
1348 pollution sources, are invited to participate in the process.
1349 The department shall hold at least one public meeting in the
1350 vicinity of the watershed or basin to discuss and receive

1351 comments during the planning process and shall otherwise
1352 encourage public participation to the greatest practicable
1353 extent. Notice of the public meeting must be published in a
1354 newspaper of general circulation in each county in which the
1355 watershed or basin lies at least ~~not less than~~ 5 days but not
1356 ~~nor~~ more than 15 days before the public meeting. A basin
1357 management action plan does not supplant or otherwise alter any
1358 assessment made under subsection (3) or subsection (4) or any
1359 calculation or initial allocation.

1360 4. Each new or revised basin management action plan shall
1361 include:

1362 a. The appropriate management strategies available through
1363 existing water quality protection programs to achieve total
1364 maximum daily loads, which may provide for phased implementation
1365 to promote timely, cost-effective actions as provided ~~for~~ in s.
1366 403.151;

1367 b. A description of best management practices adopted by
1368 rule;

1369 c. A list of projects in priority ranking with a planning-
1370 level cost estimate and estimated date of completion for each
1371 listed project;

1372 d. The source and amount of financial assistance to be
1373 made available by the department, a water management district,
1374 or other entity for each listed project, if applicable; and

1375 e. A planning-level estimate of each listed project's

1376 expected load reduction, if applicable.

1377 5. The department shall adopt all or any part of a basin
1378 management action plan and any amendment to such plan by
1379 secretarial order pursuant to chapter 120 to implement ~~the~~
1380 ~~provisions of~~ this section.

1381 6. The basin management action plan must include
1382 milestones for implementation and water quality improvement, and
1383 an associated water quality monitoring component sufficient to
1384 evaluate whether reasonable progress in pollutant load
1385 reductions is being achieved over time. An assessment of
1386 progress toward these milestones shall be conducted every 5
1387 years, and revisions to the plan shall be made as appropriate.
1388 Revisions to the basin management action plan shall be made by
1389 the department in cooperation with basin stakeholders. Revisions
1390 to the management strategies required for nonpoint sources must
1391 follow the procedures set forth in subparagraph (c)4. Revised
1392 basin management action plans must be adopted pursuant to
1393 subparagraph 5.

1394 7. In accordance with procedures adopted by rule under
1395 paragraph (9)(c), basin management action plans, and other
1396 pollution control programs under local, state, or federal
1397 authority as provided in subsection (4), may allow point or
1398 nonpoint sources that will achieve greater pollutant reductions
1399 than required by an adopted total maximum daily load or
1400 wasteload allocation to generate, register, and trade water

1401 quality credits for the excess reductions to enable other
1402 sources to achieve their allocation; however, the generation of
1403 water quality credits does not remove the obligation of a source
1404 or activity to meet applicable technology requirements or
1405 adopted best management practices. Such plans must allow trading
1406 between NPDES permittees, and trading that may or may not
1407 involve NPDES permittees, where the generation or use of the
1408 credits involve an entity or activity not subject to department
1409 water discharge permits whose owner voluntarily elects to obtain
1410 department authorization for the generation and sale of credits.

1411 8. The provisions of the department's rule relating to the
1412 equitable abatement of pollutants into surface waters do not
1413 apply to water bodies or water body segments for which a basin
1414 management plan that takes into account future new or expanded
1415 activities or discharges has been adopted under this section.

1416 9. The department shall submit to the Office of Economic
1417 and Demographic Research the project cost estimates required in
1418 sub-subparagraph 4.c., including any septic-to-sewer conversion
1419 and septic tank remediation project costs.

1420 Section 17. Subsection (1) of section 489.551, Florida
1421 Statutes, are amended to read:

1422 489.551 Definitions.—As used in this part:

1423 (1) "Department" means the Department of Environmental
1424 Protection Health.

1425 Section 18. This act shall take effect July 1, 2019.