

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; directing the Department  
6           of Health and the Department of Environmental  
7           Protection to enter into a specified memorandum of  
8           agreement regarding the transfer of the Onsite Sewage  
9           Program; amending ss. 153.54, 153.73, 163.3180, and  
10          180.03, F.S.; conforming provisions to changes made by  
11          the act; amending s. 373.036, F.S.; directing water  
12          management districts to submit consolidated annual  
13          reports to the Office of Economic and Demographic  
14          Research; requiring such reports to include septic-to-  
15          sewer conversion and septic tank remediation projects;  
16          amending ss. 373.807, 381.006, 381.0061, and 381.0064,  
17          F.S.; conforming provisions to changes made by the act  
18          and conforming a cross-reference; amending s.  
19          381.0065, F.S.; conforming provisions to changes made  
20          by the act; removing provisions requiring certain  
21          onsite sewage treatment and disposal system research  
22          projects to be approved by a Department of Health  
23          technical review and advisory panel; removing  
24          provisions prohibiting the award of research projects  
25          to certain entities; removing provisions establishing

26 | a Department of Health onsite sewage treatment and  
27 | disposal system research review and advisory  
28 | committee; providing criteria for calculating lot size  
29 | within priority focus areas for Outstanding Florida  
30 | Springs; allowing the use of specified nutrient  
31 | removing onsite sewage treatment and disposal systems  
32 | to meet water quality protection and restoration  
33 | requirements; amending s. 381.00651, F.S.; directing  
34 | county health departments to coordinate with the  
35 | department to administer onsite sewage treatment and  
36 | disposal system evaluation programs; conforming  
37 | provisions to changes made by the act; creating s.  
38 | 381.00652, F.S.; authorizing the Department of  
39 | Environmental Protection, in consultation with the  
40 | Department of Health, to appoint an onsite sewage  
41 | treatment and disposal systems technical advisory  
42 | committee; providing for committee purpose,  
43 | membership, and expiration; directing the department  
44 | to initiate rulemaking by a specified date and to  
45 | adopt specified rules; repealing s. 381.0068, F.S.,  
46 | relating to the Department of Health onsite sewage  
47 | treatment and disposal systems technical review and  
48 | advisory panel; amending s. 381.0101, F.S.; conforming  
49 | provisions to changes made by the act; amending s.  
50 | 403.067, F.S.; directing the department to submit

51 certain water quality project cost estimates to the  
52 Office of Economic and Demographic Research; amending  
53 s. 489.551, F.S.; conforming provisions to changes  
54 made by the act; providing effective dates.

55

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

57

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

67 Section 2. Before January 1, 2020, the Department of  
68 Health and the Department of Environmental Protection shall  
69 enter into a new memorandum of agreement regarding the type 2  
70 transfer of the Onsite Sewage Program in section 1. The  
71 agreement must address all aspects of the type two transfer and  
72 the respective administrative and regulatory roles of the county  
73 health departments and the Department of Environmental  
74 Protection. This section shall take effect July 1, 2019.

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

76 Statutes, is amended to read:

77       153.54 Preliminary report by county commissioners with  
78 respect to creation of proposed district.—Upon receipt of a  
79 petition duly signed by not less than 25 qualified electors who  
80 are also freeholders residing within an area proposed to be  
81 incorporated into a water and sewer district pursuant to this  
82 law and describing in general terms the proposed boundaries of  
83 such proposed district, the board of county commissioners if it  
84 shall deem it necessary and advisable to create and establish  
85 such proposed district for the purpose of constructing,  
86 establishing or acquiring a water system or a sewer system or  
87 both in and for such district (herein called "improvements"),  
88 shall first cause a preliminary report to be made which such  
89 report together with any other relevant or pertinent matters,  
90 shall include at least the following:

91       (5) For the construction of a new proposed central  
92 sewerage system or the extension of an existing central sewerage  
93 system that was not previously approved, the report shall  
94 include a study that includes the available information from the  
95 Department of Environmental Protection ~~Health~~ on the history of  
96 onsite sewage treatment and disposal systems currently in use in  
97 the area and a comparison of the projected costs to the owner of  
98 a typical lot or parcel of connecting to and using the proposed  
99 central sewerage system versus installing, operating, and  
100 properly maintaining an onsite sewage treatment and disposal

101 system that is approved by the Department of Environmental  
102 Protection ~~Health~~ and that provides for the comparable level of  
103 environmental and health protection as the proposed central  
104 sewerage system; consideration of the local authority's  
105 obligations or reasonably anticipated obligations for water body  
106 cleanup and protection under state or federal programs,  
107 including requirements for water bodies listed under s. 303(d)  
108 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251  
109 et seq.; and other factors deemed relevant by the local  
110 authority.

111  
112 Such report shall be filed in the office of the clerk of the  
113 circuit court and shall be open for the inspection of any  
114 taxpayer, property owner, qualified elector or any other  
115 interested or affected person.

116 Section 4. Paragraph (c) of subsection (2) of section  
117 153.73, Florida Statutes, is amended to read:

118 153.73 Assessable improvements; levy and payment of  
119 special assessments.—Any district may provide for the  
120 construction or reconstruction of assessable improvements as  
121 defined in s. 153.52, and for the levying of special assessments  
122 upon benefited property for the payment thereof, under the  
123 provisions of this section.

124 (2)

125 (c) For the construction of a new proposed central

126 sewerage system or the extension of an existing central sewerage  
 127 system that was not previously approved, the report shall  
 128 include a study that includes the available information from the  
 129 Department of Environmental Protection ~~Health~~ on the history of  
 130 onsite sewage treatment and disposal systems currently in use in  
 131 the area and a comparison of the projected costs to the owner of  
 132 a typical lot or parcel of connecting to and using the proposed  
 133 central sewerage system versus installing, operating, and  
 134 properly maintaining an onsite sewage treatment system that is  
 135 approved by the Department of Environmental Protection ~~Health~~  
 136 and that provides for the comparable level of environmental and  
 137 health protection as the proposed central sewerage system;  
 138 consideration of the local authority's obligations or reasonably  
 139 anticipated obligations for water body cleanup and protection  
 140 under state or federal programs, including requirements for  
 141 water bodies listed under s. 303(d) of the Clean Water Act, Pub.  
 142 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors  
 143 deemed relevant by the local authority.

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

146 163.3180 Concurrency.—

147 (2) Consistent with public health and safety, sanitary  
 148 sewer, solid waste, drainage, adequate water supplies, and  
 149 potable water facilities shall be in place and available to  
 150 serve new development no later than the issuance by the local

151 government of a certificate of occupancy or its functional  
152 equivalent. Before ~~Prior to~~ approval of a building permit or its  
153 functional equivalent, the local government shall consult with  
154 the applicable water supplier to determine whether adequate  
155 water supplies to serve the new development will be available no  
156 later than the anticipated date of issuance by the local  
157 government of a certificate of occupancy or its functional  
158 equivalent. A local government may meet the concurrency  
159 requirement for sanitary sewer through the use of onsite sewage  
160 treatment and disposal systems approved by the Department of  
161 Environmental Protection ~~Health~~ to serve new development.

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

164 180.03 Resolution or ordinance proposing construction or  
165 extension of utility; objections to same.—

166 (3) For the construction of a new proposed central  
167 sewerage system or the extension of an existing central sewerage  
168 system that was not previously approved, the report shall  
169 include a study that includes the available information from the  
170 Department of Environmental Protection ~~Health~~ on the history of  
171 onsite sewage treatment and disposal systems currently in use in  
172 the area and a comparison of the projected costs to the owner of  
173 a typical lot or parcel of connecting to and using the proposed  
174 central sewerage system versus installing, operating, and  
175 properly maintaining an onsite sewage treatment system that is

176 approved by the Department of Environmental Protection ~~Health~~  
177 and that provides for the comparable level of environmental and  
178 health protection as the proposed central sewerage system;  
179 consideration of the local authority's obligations or reasonably  
180 anticipated obligations for water body cleanup and protection  
181 under state or federal programs, including requirements for  
182 water bodies listed under s. 303(d) of the Clean Water Act, Pub.  
183 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors  
184 deemed relevant by the local authority. The results of the ~~such~~  
185 a study shall be included in the resolution or ordinance  
186 required under subsection (1).

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

189 373.036 Florida water plan; district water management  
190 plans.—

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

192 (a) By March 1, annually, each water management district  
193 shall prepare and submit to the Office of Economic and  
194 Demographic Research, the department, the Governor, the  
195 President of the Senate, and the Speaker of the House of  
196 Representatives a consolidated water management district annual  
197 report on the management of water resources. In addition, copies  
198 must be provided by the water management districts to the chairs  
199 of all legislative committees having substantive or fiscal  
200 jurisdiction over the districts and the governing board of each



201 county in the district having jurisdiction or deriving any funds  
202 for operations of the district. Copies of the consolidated  
203 annual report must be made available to the public, either in  
204 printed or electronic format.

205 (b) The consolidated annual report shall contain the  
206 following elements, as appropriate to that water management  
207 district:

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

210 2. The department-approved minimum flows and minimum water  
211 levels annual priority list and schedule required by s.  
212 373.042(3).

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

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

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

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

221 7. The mitigation donation annual report required by s.  
222 373.414(1)(b)2.

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

225 a. A list of all specific projects identified to implement

226 a basin management action plan, including any septic-to-sewer  
227 conversion and septic tank remediation projects, or a recovery  
228 or prevention strategy;

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

234 c. The estimated cost for each listed project;

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

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

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

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

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

250 373.807 Protection of water quality in Outstanding Florida

251 Springs.—By July 1, 2016, the department shall initiate  
252 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
253 Springs or spring systems for which an impairment determination  
254 has not been made under the numeric nutrient standards in effect  
255 for spring vents. Assessments must be completed by July 1, 2018.

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

273 (a) Collect and evaluate credible scientific information  
274 on the effect of nutrients, particularly forms of nitrogen, on  
275 springs and springs systems; and

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

279  
280 In addition to the requirements in s. 403.067, the plan shall  
281 include options for repair, upgrade, replacement, drainfield  
282 modification, addition of effective nitrogen reducing features,  
283 connection to a central sewerage system, or other action for an  
284 onsite sewage treatment and disposal system or group of systems  
285 within a priority focus area that contribute at least 20 percent  
286 of nonpoint source nitrogen pollution or if the department  
287 determines remediation is necessary to achieve a total maximum  
288 daily load. For these systems, the department shall include in  
289 the plan a priority ranking for each system or group of systems  
290 that requires remediation and shall award funds to implement the  
291 remediation projects contingent on an appropriation in the  
292 General Appropriations Act, which may include all or part of the  
293 costs necessary for repair, upgrade, replacement, drainfield  
294 modification, addition of effective nitrogen reducing features,  
295 initial connection to a central sewerage system, or other  
296 action. In awarding funds, the department may consider expected  
297 nutrient reduction benefit per unit cost, size and scope of  
298 project, relative local financial contribution to the project,  
299 and the financial impact on property owners and the community.  
300 The department may waive matching funding requirements for

301 proposed projects within an area designated as a rural area of  
 302 opportunity under s. 288.0656.

303 Section 9. Section 381.006, Florida Statutes, is amended  
 304 to read:

305 381.006 Environmental health.—The Department of Health  
 306 shall conduct an environmental health program as part of  
 307 fulfilling the state's public health mission. The purpose of  
 308 this program is to detect and prevent disease caused by natural  
 309 and manmade factors in the environment. The environmental health  
 310 program shall include, but not be limited to:

311 (1) A drinking water function.

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

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

324 (a) Supporting determinations by the State Health Officer  
 325 of safe levels of contaminants in water, air, or food if

326 applicable standards or criteria have not been adopted. These  
 327 determinations shall include issuance of health advisories to  
 328 protect the health and safety of the public at risk from  
 329 exposure to toxic agents.

330 (b) Provision of human toxicological health risk  
 331 assessments to the public and other governmental agencies to  
 332 characterize the risks to the public from exposure to  
 333 contaminants in air, water, or food.

334 (c) Consultation and technical assistance to the  
 335 Department of Environmental Protection and other governmental  
 336 agencies on actions necessary to ameliorate exposure to toxic  
 337 agents, including the emergency provision by the Department of  
 338 Environmental Protection of drinking water in cases of drinking  
 339 water contamination that present an imminent and substantial  
 340 threat to the public's health, as required by s.  
 341 376.30(3)(c)1.a.

342 (d) Monitoring and reporting the body burden of toxic  
 343 agents to estimate past exposure to these toxic agents, predict  
 344 future health effects, and decrease the incidence of poisoning  
 345 by identifying and eliminating exposure.

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

348 (5) A migrant labor function.

349 (6) A public facilities function, including sanitary  
 350 practices relating to state, county, municipal, and private

351 institutions serving the public; jointly with the Department of  
352 Education, publicly and privately owned schools; all places used  
353 for the incarceration of prisoners and inmates of state  
354 institutions for the mentally ill; toilets and washrooms in all  
355 public places and places of employment; any other condition,  
356 place, or establishment necessary for the control of disease or  
357 the protection and safety of public health.

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

359 (7)~~(8)~~ A biohazardous waste control function.

360 (8)~~(9)~~ A function to control diseases transmitted from  
361 animals to humans, including the segregation, quarantine, and  
362 destruction of domestic pets and wild animals having or  
363 suspected of having such diseases.

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

376        (10)~~(11)~~ Mosquito and pest control functions as provided  
377 in chapters 388 and 482.

378        (11)~~(12)~~ A radiation control function as provided in  
379 chapter 404 and part IV of chapter 468.

380        (12)~~(13)~~ A public swimming and bathing facilities function  
381 as provided in chapter 514.

382        (13)~~(14)~~ A mobile home park, lodging park, recreational  
383 vehicle park, and recreational camp function as provided in  
384 chapter 513.

385        (14)~~(15)~~ A sanitary facilities function, which shall  
386 include minimum standards for the maintenance and sanitation of  
387 sanitary facilities; public access to sanitary facilities; and  
388 fixture ratios for special or temporary events and for homeless  
389 shelters.

390        (15)~~(16)~~ A group-care-facilities function. As used in this  
391 subsection, the term "group care facility" means any public or  
392 private school, assisted living facility, adult family-care  
393 home, adult day care center, short-term residential treatment  
394 center, residential treatment facility, home for special  
395 services, transitional living facility, crisis stabilization  
396 unit, hospice, prescribed pediatric extended care center,  
397 intermediate care facility for persons with developmental  
398 disabilities, or boarding school. The department may adopt rules  
399 necessary to protect the health and safety of residents, staff,  
400 and patrons of group care facilities. Rules related to public



401 and private schools shall be developed by the Department of  
402 Education in consultation with the department. Rules adopted  
403 under this subsection may include definitions of terms;  
404 provisions relating to operation and maintenance of facilities,  
405 buildings, grounds, equipment, furnishings, and occupant-space  
406 requirements; lighting; heating, cooling, and ventilation; food  
407 service; water supply and plumbing; sewage; sanitary facilities;  
408 insect and rodent control; garbage; safety; personnel health,  
409 hygiene, and work practices; and other matters the department  
410 finds are appropriate or necessary to protect the safety and  
411 health of the residents, staff, students, faculty, or patrons.  
412 The department may not adopt rules that conflict with rules  
413 adopted by the licensing or certifying agency. The department  
414 may enter and inspect at reasonable hours to determine  
415 compliance with applicable statutes or rules. In addition to any  
416 sanctions that the department may impose for violations of rules  
417 adopted under this section, the department shall also report  
418 such violations to any agency responsible for licensing or  
419 certifying the group care facility. The licensing or certifying  
420 agency may also impose any sanction based solely on the findings  
421 of the department.

422 (16)~~(17)~~ A function for investigating elevated levels of  
423 lead in blood. Each participating county health department may  
424 expend funds for federally mandated certification or  
425 recertification fees related to conducting investigations of

426 elevated levels of lead in blood.

427 (17)~~(18)~~ A food service inspection function for domestic  
 428 violence centers that are certified by the Department of  
 429 Children and Families and monitored by the Florida Coalition  
 430 Against Domestic Violence under part XII of chapter 39 and group  
 431 care homes as described in subsection (16), which shall be  
 432 conducted annually and be limited to the requirements in  
 433 department rule applicable to community-based residential  
 434 facilities with five or fewer residents.

435

436 The department may adopt rules to carry out ~~the provisions of~~  
 437 this section.

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

440 381.0061 Administrative fines.—

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

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

453 381.0064 Continuing education courses for persons  
454 installing or servicing septic tanks.—

455 (1) The Department of Environmental Protection ~~Health~~  
456 shall establish a program for continuing education which meets  
457 the purposes of ss. 381.0101 and 489.554 regarding the public  
458 health and environmental effects of onsite sewage treatment and  
459 disposal systems and any other matters the department determines  
460 desirable for the safe installation and use of onsite sewage  
461 treatment and disposal systems. The department may charge a fee  
462 to cover the cost of such program.

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

470 381.0065 Onsite sewage treatment and disposal systems;  
471 regulation.—

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

474 (d) "Department" means the Department of Environmental  
475 Protection.

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

478 (j) Supervise research on, demonstration of, and training  
479 on the performance, environmental impact, and public health  
480 impact of onsite sewage treatment and disposal systems within  
481 this state. Research fees collected under s. 381.0066(2)(k) must  
482 be used to develop and fund hands-on training centers designed  
483 to provide practical information about onsite sewage treatment  
484 and disposal systems to septic tank contractors, master septic  
485 tank contractors, contractors, inspectors, engineers, and the  
486 public and must also be used to fund research projects which  
487 focus on improvements of onsite sewage treatment and disposal  
488 systems, including use of performance-based standards and  
489 reduction of environmental impact. Research projects shall be  
490 ~~initially approved by the technical review and advisory panel~~  
491 ~~and shall be~~ applicable to and reflect the soil conditions  
492 specific to Florida. Such projects shall be awarded through  
493 competitive negotiation, using the procedures provided in s.  
494 287.055, to public or private entities that have experience in  
495 onsite sewage treatment and disposal systems in Florida and that  
496 are principally located in Florida. ~~Research projects shall not~~  
497 ~~be awarded to firms or entities that employ or are associated~~  
498 ~~with persons who serve on either the technical review and~~  
499 ~~advisory panel or the research review and advisory committee.~~

500 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may

501 not construct, repair, modify, abandon, or operate an onsite  
502 sewage treatment and disposal system without first obtaining a  
503 permit approved by the department. The department may issue  
504 permits to carry out this section, but shall not make the  
505 issuance of such permits contingent upon prior approval by the  
506 department ~~of Environmental Protection~~, except that the issuance  
507 of a permit for work seaward of the coastal construction control  
508 line established under s. 161.053 shall be contingent upon  
509 receipt of any required coastal construction control line permit  
510 from the department ~~of Environmental Protection~~. A construction  
511 permit is valid for 18 months after ~~from~~ the date of issuance  
512 ~~date~~ and may be extended by the department for one 90-day period  
513 under rules adopted by the department. A repair permit is valid  
514 for 90 days from the date of issuance. An operating permit must  
515 be obtained before ~~prior to~~ the use of any aerobic treatment  
516 unit or if the establishment generates commercial waste.  
517 Buildings or establishments that use an aerobic treatment unit  
518 or generate commercial waste shall be inspected by the  
519 department at least annually to assure compliance with the terms  
520 of the operating permit. The operating permit for a commercial  
521 wastewater system is valid for 1 year after ~~from~~ the date of  
522 issuance and must be renewed annually. The operating permit for  
523 an aerobic treatment unit is valid for 2 years after ~~from~~ the  
524 date of issuance and must be renewed every 2 years. If all  
525 information pertaining to the siting, location, and installation

526 conditions or repair of an onsite sewage treatment and disposal  
527 system remains the same, a construction or repair permit for the  
528 onsite sewage treatment and disposal system may be transferred  
529 to another person, if the transferee files, within 60 days after  
530 the transfer of ownership, an amended application providing all  
531 corrected information and proof of ownership of the property. A  
532 ~~There is no fee~~ is not associated with the processing of this  
533 supplemental information. A person may not contract to  
534 construct, modify, alter, repair, service, abandon, or maintain  
535 any portion of an onsite sewage treatment and disposal system  
536 without being registered under part III of chapter 489. A  
537 property owner who personally performs construction,  
538 maintenance, or repairs to a system serving his or her own  
539 owner-occupied single-family residence is exempt from  
540 registration requirements for performing such construction,  
541 maintenance, or repairs on that residence, but is subject to all  
542 permitting requirements. A municipality or political subdivision  
543 of the state may not issue a building or plumbing permit for any  
544 building that requires the use of an onsite sewage treatment and  
545 disposal system unless the owner or builder has received a  
546 construction permit for such system from the department. A  
547 building or structure may not be occupied and a municipality,  
548 political subdivision, or any state or federal agency may not  
549 authorize occupancy until the department approves the final  
550 installation of the onsite sewage treatment and disposal system.

551 A municipality or political subdivision of the state may not  
552 approve any change in occupancy or tenancy of a building that  
553 uses an onsite sewage treatment and disposal system until the  
554 department has reviewed the use of the system with the proposed  
555 change, approved the change, and amended the operating permit.

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

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

576 the use of onsite sewage treatment and disposal systems are met.

577 (c) Notwithstanding paragraphs (a) and (b), for  
578 subdivisions platted of record on or before October 1, 1991,  
579 when a developer or other appropriate entity has previously made  
580 or makes provisions, including financial assurances or other  
581 commitments, acceptable to the department ~~of Health~~, that a  
582 central water system will be installed by a regulated public  
583 utility based on a density formula, private potable wells may be  
584 used with onsite sewage treatment and disposal systems until the  
585 agreed-upon densities are reached. In a subdivision regulated by  
586 this paragraph, the average daily sewage flow may not exceed  
587 2,500 gallons per acre per day. This section does not affect the  
588 validity of existing prior agreements. After October 1, 1991,  
589 the exception provided under this paragraph is not available to  
590 a developer or other appropriate entity.

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

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

600 1. Seventy-five feet from a private potable well.



601           2. Two hundred feet from a public potable well serving a  
602 residential or nonresidential establishment having a total  
603 sewage flow of greater than 2,000 gallons per day.

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

607           4. Fifty feet from any nonpotable well.

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

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

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

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

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

625           (g) ~~All provisions of~~ This section and rules adopted under

626 | this section relating to soil condition, water table elevation,  
627 | distance, and other setback requirements must be equally applied  
628 | to all lots, with the following exceptions:

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

651 lots were platted and recorded or approved.

652 2. Lots platted before 1972 are subject to a 50-foot  
653 minimum surface water setback and are not subject to lot size  
654 requirements. The projected daily flow for onsite sewage  
655 treatment and disposal systems for lots platted before 1972 may  
656 not exceed:

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

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

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

675 a. The hardship was not caused intentionally by the action

676 of the applicant;

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

680 c. The discharge from the onsite sewage treatment and  
681 disposal system will not adversely affect the health of the  
682 applicant or the public or significantly degrade the groundwater  
683 or surface waters.

684

685 Where soil conditions, water table elevation, and setback  
686 provisions are determined by the department to be satisfactory,  
687 special consideration must be given to those lots platted before  
688 1972.

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

701 a. The Secretary of Environmental Protection ~~State Surgeon~~  
 702 ~~General~~ or his or her designee.

703 b. A representative from the county health departments.

704 c. A representative from the home building industry  
 705 recommended by the Florida Home Builders Association.

706 d. A representative from the septic tank industry  
 707 recommended by the Florida Onsite Wastewater Association.

708 e. A representative from the Department of Health  
 709 ~~Environmental Protection~~.

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

714 g. A representative from the engineering profession  
 715 recommended by the Florida Engineering Society.

716

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

722 (i) A construction permit may not be issued for an onsite  
 723 sewage treatment and disposal system in any area zoned or used  
 724 for industrial or manufacturing purposes, or its equivalent,  
 725 where a publicly owned or investor-owned sewage treatment system

726 is available, or where a likelihood exists that the system will  
 727 receive toxic, hazardous, or industrial waste. An existing  
 728 onsite sewage treatment and disposal system may be repaired if a  
 729 publicly owned or investor-owned sewage treatment ~~sewerage~~  
 730 system is not available within 500 feet of the building sewer  
 731 stub-out and if system construction and operation standards can  
 732 be met. This paragraph does not require publicly owned or  
 733 investor-owned sewage ~~sewerage~~ treatment systems to accept  
 734 anything other than domestic wastewater.

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

743 2. Each person who owns or operates a business or facility  
 744 in an area zoned or used for industrial or manufacturing  
 745 purposes, or its equivalent, or who owns or operates a business  
 746 that has the potential to generate toxic, hazardous, or  
 747 industrial wastewater or toxic or hazardous chemicals, and uses  
 748 an onsite sewage treatment and disposal system that is installed  
 749 on or after July 5, 1989, must obtain an annual system operating  
 750 permit from the department. A person who owns or operates a

751 business that uses an onsite sewage treatment and disposal  
752 system that was installed and approved before July 5, 1989, does  
753 not need to ~~not~~ obtain a system operating permit. However, upon  
754 change of ownership or tenancy, the new owner or operator must  
755 notify the department of the change, and the new owner or  
756 operator must obtain an annual system operating permit,  
757 regardless of the date that the system was installed or  
758 approved.

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

770 (j) An onsite sewage treatment and disposal system  
771 designed by a professional engineer registered in the state and  
772 certified by such engineer as complying with performance  
773 criteria adopted by the department must be approved by the  
774 department subject to the following:

775 1. The performance criteria applicable to engineer-

776 | designed systems must be limited to those necessary to ensure  
777 | that such systems do not adversely affect the public health or  
778 | significantly degrade the groundwater or surface water. Such  
779 | performance criteria shall include consideration of the quality  
780 | of system effluent, the proposed total sewage flow per acre,  
781 | wastewater treatment capabilities of the natural or replaced  
782 | soil, water quality classification of the potential surface-  
783 | water-receiving body, and the structural and maintenance  
784 | viability of the system for the treatment of domestic  
785 | wastewater. However, performance criteria shall address only the  
786 | performance of a system and not a system's design.

787 |         2. A person electing to use ~~utilize~~ an engineer-designed  
788 | system shall, upon completion of the system design, submit such  
789 | design, certified by a registered professional engineer, to the  
790 | county health department. The county health department may use  
791 | ~~utilize~~ an outside consultant to review the engineer-designed  
792 | system, with the actual cost of such review to be borne by the  
793 | applicant. Within 5 working days after receiving an engineer-  
794 | designed system permit application, the county health department  
795 | shall request additional information if the application is not  
796 | complete. Within 15 working days after receiving a complete  
797 | application for an engineer-designed system, the county health  
798 | department ~~either~~ shall issue the permit or, if it determines  
799 | that the system does not comply with the performance criteria,  
800 | shall notify the applicant of that determination and refer the



801 application to the department for a determination as to whether  
802 the system should be approved, disapproved, or approved with  
803 modification. The department engineer's determination shall  
804 prevail over the action of the county health department. The  
805 applicant shall be notified in writing of the department's  
806 determination and of the applicant's rights to pursue a variance  
807 or seek review under the provisions of chapter 120.

808 3. The owner of an engineer-designed performance-based  
809 system must maintain a current maintenance service agreement  
810 with a maintenance entity permitted by the department. The  
811 maintenance entity shall inspect each system at least twice each  
812 year and shall report quarterly to the department on the number  
813 of systems inspected and serviced. The reports may be submitted  
814 electronically.

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

826 requirements.

827         5. The property owner shall obtain a biennial system  
828 operating permit from the department for each system. The  
829 department shall inspect the system at least annually, or on  
830 such periodic basis as the fee collected permits, and may  
831 collect system-effluent samples if appropriate to determine  
832 compliance with the performance criteria. The fee for the  
833 biennial operating permit shall be collected beginning with the  
834 second year of system operation.

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

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

843         (l) For the Florida Keys, the department shall adopt a  
844 special rule for the construction, installation, modification,  
845 operation, repair, maintenance, and performance of onsite sewage  
846 treatment and disposal systems which considers the unique soil  
847 conditions and water table elevations, densities, and setback  
848 requirements. On lots where a setback distance of 75 feet from  
849 surface waters, saltmarsh, and buttonwood association habitat  
850 areas cannot be met, an injection well, approved and permitted

851 by the department, may be used for disposal of effluent from  
852 onsite sewage treatment and disposal systems. The following  
853 additional requirements apply to onsite sewage treatment and  
854 disposal systems in Monroe County:

855 1. The county, each municipality, and those special  
856 districts established for the purpose of the collection,  
857 transmission, treatment, or disposal of sewage shall ensure, in  
858 accordance with the specific schedules adopted by the  
859 Administration Commission under s. 380.0552, the completion of  
860 onsite sewage treatment and disposal system upgrades to meet the  
861 requirements of this paragraph.

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

867 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
868 b. Suspended Solids of 10 mg/l.  
869 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
870 reduction in nitrogen of at least 70 percent. A system that has  
871 been tested and certified to reduce nitrogen concentrations by  
872 at least 70 percent shall be deemed to be in compliance with  
873 this standard.

874 d. Total Phosphorus, expressed as P, of 1 mg/l.  
875

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

879 3. In areas not scheduled to be served by a central  
880 sewerage system ~~sewer~~, onsite sewage treatment and disposal  
881 systems must, by December 31, 2015, comply with department rules  
882 and provide the level of treatment described in subparagraph 2.

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

890 a. The existing tanks must be pumped and inspected and  
891 certified as being watertight and free of defects in accordance  
892 with department rule; and

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

895 5. Onsite sewage treatment and disposal systems must be  
896 monitored for total nitrogen and total phosphorus concentrations  
897 as required by department rule.

898 6. The department shall enforce proper installation,  
899 operation, and maintenance of onsite sewage treatment and  
900 disposal systems pursuant to this chapter, including ensuring

901 that the appropriate level of treatment described in  
 902 subparagraph 2. is met.

903 7. The authority of a local government, including a  
 904 special district, to mandate connection of an onsite sewage  
 905 treatment and disposal system is governed by s. 4, chapter 99-  
 906 395, Laws of Florida.

907 8. Notwithstanding any other ~~provision of~~ law, an onsite  
 908 sewage treatment and disposal system installed after July 1,  
 909 2010, in unincorporated Monroe County, excluding special  
 910 wastewater districts, that complies with the standards in  
 911 subparagraph 2. is not required to connect to a central sewerage  
 912 ~~sewer~~ system until December 31, 2020.

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

924 (n) Evaluations for determining the seasonal high-water  
 925 table elevations or the suitability of soils for the use of a

926 new onsite sewage treatment and disposal system shall be  
927 performed by department personnel, professional engineers  
928 registered in the state, or such other persons with expertise,  
929 as defined by rule, in making such evaluations. Evaluations for  
930 determining mean annual flood lines shall be performed by those  
931 persons identified in paragraph (2)(j). The department shall  
932 accept evaluations submitted by professional engineers and such  
933 other persons as meet the expertise established by this section  
934 or by rule unless the department has a reasonable scientific  
935 basis for questioning the accuracy or completeness of the  
936 evaluation.

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

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

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

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

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

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

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

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

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

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

958 ~~10. A consumer.~~

959  
960 ~~Members shall be appointed for a term of 3 years, with the~~  
961 ~~appointments being staggered so that the terms of no more than~~  
962 ~~four members expire in any one year. Members shall serve without~~  
963 ~~remuneration, but are entitled to reimbursement for per diem and~~  
964 ~~travel expenses as provided in s. 112.061.~~

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

974 ~~(p)~~(q) The department may not require any form of  
975 subdivision analysis of property by an owner, developer, or

976 subdivider before ~~prior to~~ submission of an application for an  
977 onsite sewage treatment and disposal system.

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

981 ~~(r)-(s)~~ In the siting of onsite sewage treatment and  
982 disposal systems, including drainfields, shoulders, and slopes,  
983 guttering may ~~shall~~ not be required on single-family residential  
984 dwelling units for systems located greater than 5 feet from the  
985 roof drip line of the house. If guttering is used on residential  
986 dwelling units, the downspouts shall be directed away from the  
987 drainfield.

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

992 1. The absorption surface of the drainfield may ~~shall~~ not  
993 be subject to flooding based on 10-year flood elevations.  
994 Provided, however, for lots or parcels created by the  
995 subdivision of land in accordance with applicable local  
996 government regulations before ~~prior to~~ January 17, 1990, if an  
997 applicant cannot construct a drainfield system with the  
998 absorption surface of the drainfield at an elevation equal to or  
999 above 10-year flood elevation, the department shall issue a  
1000 permit for an onsite sewage treatment and disposal system within



1001 the 10-year floodplain of rivers, streams, and other bodies of  
 1002 flowing water if all of the following criteria are met:

- 1003 a. The lot is at least one-half acre in size;
- 1004 b. The bottom of the drainfield is at least 36 inches  
 1005 above the 2-year flood elevation; and
- 1006 c. The applicant installs ~~either:~~ a waterless,  
 1007 incinerating, or organic waste composting toilet and a graywater  
 1008 system and drainfield in accordance with department rules; an  
 1009 aerobic treatment unit and drainfield in accordance with  
 1010 department rules; a system ~~approved by the State Health Office~~  
 1011 that is capable of reducing effluent nitrate by at least 50  
 1012 percent in accordance with department rules; or a system other  
 1013 than a system using alternative drainfield materials in  
 1014 accordance with department rules ~~approved by the county health~~  
 1015 ~~department pursuant to department rule other than a system using~~  
 1016 ~~alternative drainfield materials~~. The United States Department  
 1017 of Agriculture Soil Conservation Service soil maps, State of  
 1018 Florida Water Management District data, and Federal Emergency  
 1019 Management Agency Flood Insurance maps are resources that shall  
 1020 be used to identify flood-prone areas.

1021 2. The use of fill or mounding to elevate a drainfield  
 1022 system out of the 10-year floodplain of rivers, streams, or  
 1023 other bodies of flowing water may ~~shall~~ not be permitted if such  
 1024 a system lies within a regulatory floodway of the Suwannee and  
 1025 Aucilla Rivers. In cases where the 10-year flood elevation does

1026 not coincide with the boundaries of the regulatory floodway, the  
1027 regulatory floodway will be considered for the purposes of this  
1028 subsection to extend at a minimum to the 10-year flood  
1029 elevation.

1030 (t)1.~~(u)1.~~ The owner of an aerobic treatment unit system  
1031 shall maintain a current maintenance service agreement with an  
1032 aerobic treatment unit maintenance entity permitted by the  
1033 department. The maintenance entity shall inspect each aerobic  
1034 treatment unit system at least twice each year and shall report  
1035 quarterly to the department on the number of aerobic treatment  
1036 unit systems inspected and serviced. The reports may be  
1037 submitted electronically.

1038 2. The property owner of an owner-occupied, single-family  
1039 residence may be approved and permitted by the department as a  
1040 maintenance entity for his or her own aerobic treatment unit  
1041 system upon written certification from the system manufacturer's  
1042 approved representative that the property owner has received  
1043 training on the proper installation and service of the system.  
1044 The maintenance entity service agreement must conspicuously  
1045 disclose that the property owner has the right to maintain his  
1046 or her own system and is exempt from contractor registration  
1047 requirements for performing construction, maintenance, or  
1048 repairs on the system but is subject to all permitting  
1049 requirements.

1050 3. A septic tank contractor licensed under part III of

1051 chapter 489, if approved by the manufacturer, may not be denied  
1052 access by the manufacturer to aerobic treatment unit system  
1053 training or spare parts for maintenance entities. After the  
1054 original warranty period, component parts for an aerobic  
1055 treatment unit system may be replaced with parts that meet  
1056 manufacturer's specifications but are manufactured by others.  
1057 The maintenance entity shall maintain documentation of the  
1058 substitute part's equivalency for 2 years and shall provide such  
1059 documentation to the department upon request.

1060 4. The owner of an aerobic treatment unit system shall  
1061 obtain a system operating permit from the department and allow  
1062 the department to inspect during reasonable hours each aerobic  
1063 treatment unit system at least annually, and such inspection may  
1064 include collection and analysis of system-effluent samples for  
1065 performance criteria established by rule of the department.

1066 (u)~~(v)~~ The department may require the submission of  
1067 detailed system construction plans that are prepared by a  
1068 professional engineer registered in this state. The department  
1069 shall establish by rule criteria for determining when such a  
1070 submission is required.

1071 (v)~~(w)~~ Any permit issued and approved by the department  
1072 for the installation, modification, or repair of an onsite  
1073 sewage treatment and disposal system shall transfer with the  
1074 title to the property in a real estate transaction. A title may  
1075 not be encumbered at the time of transfer by new permit

1076 requirements by a governmental entity for an onsite sewage  
1077 treatment and disposal system which differ from the permitting  
1078 requirements in effect at the time the system was permitted,  
1079 modified, or repaired. An inspection of a system may not be  
1080 mandated by a governmental entity at the point of sale in a real  
1081 estate transaction. This paragraph does not affect a septic tank  
1082 phase-out deferral program implemented by a consolidated  
1083 government as defined in s. 9, Art. VIII of the State  
1084 Constitution (1885).

1085 (w)~~(x)~~ A governmental entity, including a municipality,  
1086 county, or statutorily created commission, may not require an  
1087 engineer-designed performance-based treatment system, excluding  
1088 a passive engineer-designed performance-based treatment system,  
1089 before the completion of the Florida Onsite Sewage Nitrogen  
1090 Reduction Strategies Project. This paragraph does not apply to a  
1091 governmental entity, including a municipality, county, or  
1092 statutorily created commission, which adopted a local law,  
1093 ordinance, or regulation on or before January 31, 2012.  
1094 Notwithstanding this paragraph, an engineer-designed  
1095 performance-based treatment system may be used to meet the  
1096 requirements of the variance review and advisory committee  
1097 recommendations.

1098 (x)1.~~(y)1.~~ An onsite sewage treatment and disposal system  
1099 is not considered abandoned if the system is disconnected from a  
1100 structure that was made unusable or destroyed following a

1101 disaster and if the system was properly functioning at the time  
 1102 of disconnection and was not adversely affected by the disaster.  
 1103 The onsite sewage treatment and disposal system may be  
 1104 reconnected to a rebuilt structure if:

1105       a. The reconnection of the system is to the same type of  
 1106 structure which contains the same number of bedrooms or fewer,  
 1107 if the square footage of the structure is less than or equal to  
 1108 110 percent of the original square footage of the structure that  
 1109 existed before the disaster;

1110       b. The system is not a sanitary nuisance; and

1111       c. The system has not been altered without prior  
 1112 authorization.

1113       2. An onsite sewage treatment and disposal system that  
 1114 serves a property that is foreclosed upon is not considered  
 1115 abandoned.

1116       (y) ~~(z)~~ If an onsite sewage treatment and disposal system  
 1117 permittee receives, relies upon, and undertakes construction of  
 1118 a system based upon a validly issued construction permit under  
 1119 rules applicable at the time of construction but a change to a  
 1120 rule occurs within 5 years after the approval of the system for  
 1121 construction but before the final approval of the system, the  
 1122 rules applicable and in effect at the time of construction  
 1123 approval apply at the time of final approval if fundamental site  
 1124 conditions have not changed between the time of construction  
 1125 approval and final approval.

1126        (z) ~~(aa)~~ An existing-system inspection or evaluation and  
1127 assessment, or a modification, replacement, or upgrade of an  
1128 onsite sewage treatment and disposal system is not required for  
1129 a remodeling addition or modification to a single-family home if  
1130 a bedroom is not added. However, a remodeling addition or  
1131 modification to a single-family home may not cover any part of  
1132 the existing system or encroach upon a required setback or the  
1133 unobstructed area. To determine if a setback or the unobstructed  
1134 area is impacted, the local health department shall review and  
1135 verify a floor plan and site plan of the proposed remodeling  
1136 addition or modification to the home submitted by a remodeler  
1137 which shows the location of the system, including the distance  
1138 of the remodeling addition or modification to the home from the  
1139 onsite sewage treatment and disposal system. The local health  
1140 department may visit the site or otherwise determine the best  
1141 means of verifying the information submitted. A verification of  
1142 the location of a system is not an inspection or evaluation and  
1143 assessment of the system. The review and verification must be  
1144 completed within 7 business days after receipt by the local  
1145 health department of a floor plan and site plan. If the review  
1146 and verification is not completed within such time, the  
1147 remodeling addition or modification to the single-family home,  
1148 for the purposes of this paragraph, is approved.

1149        (7) LOT SIZE CALCULATION.—Effective July 1, 2019, when  
1150 applying the requirements of s. 373.811(2), the department must:

1151 (a) Include portions of a lot subject to an easement or  
1152 right of entry when determining the size of the lot.

1153 (b) Determine that a hardship exists in accordance with s.  
1154 403.201(1)(c) when an applicant for a variance demonstrates that  
1155 the lot subject to the request is at least 0.85 acres and that  
1156 other lots in the immediate proximity are at least 1 acre.

1157 (8) USE OF NUTRIENT REMOVING ONSITE SEWAGE TREATMENT AND  
1158 DISPOSAL SYSTEMS.-Effective July 1, 2019, in addition to  
1159 allowing the use of other department-approved nutrient removing  
1160 onsite sewage treatment and disposal systems to meet the  
1161 requirements of a total maximum daily load or basin management  
1162 action plan adopted pursuant to s. 403.067 or a reasonable  
1163 assurance plan or other water quality protection and restoration  
1164 requirements, the department shall allow the use of National  
1165 Sanitation Foundation International/American National Standards  
1166 Institute 245 systems approved by the Public Health and Safety  
1167 Organization before July 1, 2019.

1168 Section 13. Paragraph (d) of subsection (7) and  
1169 subsections (8) and (9) of section 381.00651, Florida Statutes,  
1170 are amended to read:

1171 381.00651 Periodic evaluation and assessment of onsite  
1172 sewage treatment and disposal systems.-

1173 (7) The following procedures shall be used for conducting  
1174 evaluations:

1175 (d) Assessment procedure.-All evaluation procedures used

1176 | by a qualified contractor shall be documented in the  
1177 | environmental health database of the department ~~of Health~~. The  
1178 | qualified contractor shall provide a copy of a written, signed  
1179 | evaluation report to the property owner upon completion of the  
1180 | evaluation and to the county health department within 30 days  
1181 | after the evaluation. The report shall contain the name and  
1182 | license number of the company providing the report. A copy of  
1183 | the evaluation report shall be retained by the local county  
1184 | health department for a minimum of 5 years and until a  
1185 | subsequent inspection report is filed. The front cover of the  
1186 | report must identify any system failure and include a clear and  
1187 | conspicuous notice to the owner that the owner has a right to  
1188 | have any remediation of the failure performed by a qualified  
1189 | contractor other than the contractor performing the evaluation.  
1190 | The report must further identify any crack, leak, improper fit,  
1191 | or other defect in the tank, manhole, or lid, and any other  
1192 | damaged or missing component; any sewage or effluent visible on  
1193 | the ground or discharging to a ditch or other surface water  
1194 | body; any downspout, stormwater, or other source of water  
1195 | directed onto or toward the system; and any other maintenance  
1196 | need or condition of the system at the time of the evaluation  
1197 | which, in the opinion of the qualified contractor, would  
1198 | possibly interfere with or restrict any future repair or  
1199 | modification to the existing system. The report shall conclude  
1200 | with an overall assessment of the fundamental operational



1201 condition of the system.

1202 (8) The county health department, in coordination with the  
1203 department, shall administer any evaluation program on behalf of  
1204 a county, or a municipality within the county, that has adopted  
1205 an evaluation program pursuant to this section. In order to  
1206 administer the evaluation program, the county or municipality,  
1207 in consultation with the county health department, may develop a  
1208 reasonable fee schedule to be used solely to pay for the costs  
1209 of administering the evaluation program. Such a fee schedule  
1210 shall be identified in the ordinance that adopts the evaluation  
1211 program. When arriving at a reasonable fee schedule, the  
1212 estimated annual revenues to be derived from fees may not exceed  
1213 reasonable estimated annual costs of the program. Fees shall be  
1214 assessed to the system owner during an inspection and separately  
1215 identified on the invoice of the qualified contractor. Fees  
1216 shall be remitted by the qualified contractor to the county  
1217 health department. The county health department's administrative  
1218 responsibilities include the following:

1219 (a) Providing a notice to the system owner at least 60  
1220 days before the system is due for an evaluation. The notice may  
1221 include information on the proper maintenance of onsite sewage  
1222 treatment and disposal systems.

1223 (b) In consultation with the department ~~of Health,~~  
1224 providing uniform disciplinary procedures and penalties for  
1225 qualified contractors who do not comply with the requirements of

1226 the adopted ordinance, including, but not limited to, failure to  
1227 provide the evaluation report as required in this subsection to  
1228 the system owner and the county health department. Only the  
1229 county health department may assess penalties against system  
1230 owners for failure to comply with the adopted ordinance,  
1231 consistent with existing requirements of law.

1232 (9) (a) A county or municipality that adopts an onsite  
1233 sewage treatment and disposal system evaluation and assessment  
1234 program pursuant to this section shall notify the Secretary of  
1235 Environmental Protection, the Department of Health, and the  
1236 applicable county health department upon the adoption of its  
1237 ordinance establishing the program.

1238 (b) Upon receipt of the notice under paragraph (a), the  
1239 department ~~of Environmental Protection~~ shall, within existing  
1240 resources, notify the county or municipality of the potential  
1241 use of, and access to, program funds under the Clean Water State  
1242 Revolving Fund or s. 319 of the Clean Water Act, provide  
1243 guidance in the application process to receive such moneys, and  
1244 provide advice and technical assistance to the county or  
1245 municipality on how to establish a low-interest revolving loan  
1246 program or how to model a revolving loan program after the low-  
1247 interest loan program of the Clean Water State Revolving Fund.  
1248 This paragraph does not obligate the department ~~of Environmental~~  
1249 ~~Protection~~ to provide any county or municipality with money to  
1250 fund such programs.

1251 (c) The department ~~of Health~~ may not adopt any rule that  
1252 alters the provisions of this section.

1253 (d) The department ~~of Health~~ must allow county health  
1254 departments and qualified contractors access to the  
1255 environmental health database to track relevant information and  
1256 assimilate data from assessment and evaluation reports of the  
1257 overall condition of onsite sewage treatment and disposal  
1258 systems. The environmental health database must be used by  
1259 contractors to report each service and evaluation event and by a  
1260 county health department to notify owners of onsite sewage  
1261 treatment and disposal systems when evaluations are due. Data  
1262 and information must be recorded and updated as service and  
1263 evaluations are conducted and reported.

1264 Section 14. Effective July 1, 2019, section 381.00652,  
1265 Florida Statutes, is created to read:

1266 381.00652 Onsite sewage treatment and disposal systems  
1267 technical advisory committee.-

1268 (1) (a) By August 1, 2019, the department, in consultation  
1269 with the Department of Health, shall appoint a technical  
1270 advisory committee to assist in developing rules that will  
1271 increase the availability of nutrient removing onsite sewage  
1272 treatment and disposal systems in the marketplace, including  
1273 such systems that are cost-effective, low maintenance, and  
1274 reliable. By July 1, 2020, the committee shall consider and  
1275 recommend regulatory options, such as fast-track approval,

1276 prequalification, or expedited permitting, to facilitate the  
1277 introduction and use of nutrient removing onsite sewage  
1278 treatment and disposal systems that have been reviewed and  
1279 approved by a national agency or organization, such as the  
1280 National Sanitation Foundation International/American National  
1281 Standards Institute 245 systems approved by the Public Health  
1282 and Safety Organization. The department shall use existing and  
1283 available resources to administer and support the activities of  
1284 the technical advisory committee.

1285 (b) The committee shall consist of at least five but not  
1286 more than nine members representing the home building industry,  
1287 the real estate industry, the onsite sewage treatment and  
1288 disposal system industry, septic tank contractors, engineers,  
1289 and local governments. Members shall serve without compensation  
1290 and are not entitled to reimbursement for per diem or travel  
1291 expenses.

1292 (c) This subsection expires July 1, 2020.

1293 (2) The department shall initiate rulemaking no later than  
1294 August 1, 2020, considering the recommendations of the technical  
1295 advisory committee, and adopt rules to increase the availability  
1296 of cost-effective, low maintenance, and reliable nutrient  
1297 removing onsite sewage treatment and disposal systems in the  
1298 marketplace.

1299 Section 15. Section 381.0068, Florida Statutes, is  
1300 repealed.

1301 Section 16. Paragraphs (g) of subsection (1) of section  
 1302 381.0101, Florida Statutes, is amended to read:

1303 381.0101 Environmental health professionals.—

1304 (1) DEFINITIONS.—As used in this section:

1305 (g) "Primary environmental health program" means those  
 1306 programs determined by the department to be essential for  
 1307 providing basic environmental and sanitary protection to the  
 1308 public. At a minimum, these programs shall include food  
 1309 protection program work ~~and onsite sewage treatment and disposal~~  
 1310 ~~system evaluations.~~

1311 Section 17. Paragraph (a) of subsection (7) of section  
 1312 403.067, Florida Statutes, is amended to read:

1313 403.067 Establishment and implementation of total maximum  
 1314 daily loads.—

1315 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
 1316 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1317 (a) Basin management action plans.—

1318 1. In developing and implementing the total maximum daily  
 1319 load for a water body, the department, or the department in  
 1320 conjunction with a water management district, may develop a  
 1321 basin management action plan that addresses some or all of the  
 1322 watersheds and basins tributary to the water body. Such plan  
 1323 must integrate the appropriate management strategies available  
 1324 to the state through existing water quality protection programs  
 1325 to achieve the total maximum daily loads and may provide for

1326 | phased implementation of these management strategies to promote  
1327 | timely, cost-effective actions as provided for in s. 403.151.  
1328 | The plan must establish a schedule implementing the management  
1329 | strategies, establish a basis for evaluating the plan's  
1330 | effectiveness, and identify feasible funding strategies for  
1331 | implementing the plan's management strategies. The management  
1332 | strategies may include regional treatment systems or other  
1333 | public works, where appropriate, and voluntary trading of water  
1334 | quality credits to achieve the needed pollutant load reductions.

1335 |       2. A basin management action plan must equitably allocate,  
1336 | pursuant to paragraph (6) (b), pollutant reductions to individual  
1337 | basins, as a whole to all basins, or to each identified point  
1338 | source or category of nonpoint sources, as appropriate. For  
1339 | nonpoint sources for which best management practices have been  
1340 | adopted, the initial requirement specified by the plan must be  
1341 | those practices developed pursuant to paragraph (c). When ~~Where~~  
1342 | appropriate, the plan may take into account the benefits of  
1343 | pollutant load reduction achieved by point or nonpoint sources  
1344 | that have implemented management strategies to reduce pollutant  
1345 | loads, including best management practices, before the  
1346 | development of the basin management action plan. The plan must  
1347 | also identify the mechanisms that will address potential future  
1348 | increases in pollutant loading.

1349 |       3. The basin management action planning process is  
1350 | intended to involve the broadest possible range of interested

1351 parties, with the objective of encouraging the greatest amount  
1352 of cooperation and consensus possible. In developing a basin  
1353 management action plan, the department shall assure that key  
1354 stakeholders, including, but not limited to, applicable local  
1355 governments, water management districts, the Department of  
1356 Agriculture and Consumer Services, other appropriate state  
1357 agencies, local soil and water conservation districts,  
1358 environmental groups, regulated interests, and affected  
1359 pollution sources, are invited to participate in the process.  
1360 The department shall hold at least one public meeting in the  
1361 vicinity of the watershed or basin to discuss and receive  
1362 comments during the planning process and shall otherwise  
1363 encourage public participation to the greatest practicable  
1364 extent. Notice of the public meeting must be published in a  
1365 newspaper of general circulation in each county in which the  
1366 watershed or basin lies at least ~~not less than~~ 5 days but not  
1367 ~~nor~~ more than 15 days before the public meeting. A basin  
1368 management action plan does not supplant or otherwise alter any  
1369 assessment made under subsection (3) or subsection (4) or any  
1370 calculation or initial allocation.

1371 4. Each new or revised basin management action plan shall  
1372 include:

1373 a. The appropriate management strategies available through  
1374 existing water quality protection programs to achieve total  
1375 maximum daily loads, which may provide for phased implementation

1376 to promote timely, cost-effective actions as provided ~~for~~ in s.  
1377 403.151;

1378 b. A description of best management practices adopted by  
1379 rule;

1380 c. A list of projects in priority ranking with a planning-  
1381 level cost estimate and estimated date of completion for each  
1382 listed project;

1383 d. The source and amount of financial assistance to be  
1384 made available by the department, a water management district,  
1385 or other entity for each listed project, if applicable; and

1386 e. A planning-level estimate of each listed project's  
1387 expected load reduction, if applicable.

1388 5. The department shall adopt all or any part of a basin  
1389 management action plan and any amendment to such plan by  
1390 secretarial order pursuant to chapter 120 to implement ~~the~~  
1391 ~~provisions of~~ this section.

1392 6. The basin management action plan must include  
1393 milestones for implementation and water quality improvement, and  
1394 an associated water quality monitoring component sufficient to  
1395 evaluate whether reasonable progress in pollutant load  
1396 reductions is being achieved over time. An assessment of  
1397 progress toward these milestones shall be conducted every 5  
1398 years, and revisions to the plan shall be made as appropriate.  
1399 Revisions to the basin management action plan shall be made by  
1400 the department in cooperation with basin stakeholders. Revisions



1401 to the management strategies required for nonpoint sources must  
1402 follow the procedures set forth in subparagraph (c)4. Revised  
1403 basin management action plans must be adopted pursuant to  
1404 subparagraph 5.

1405 7. In accordance with procedures adopted by rule under  
1406 paragraph (9)(c), basin management action plans, and other  
1407 pollution control programs under local, state, or federal  
1408 authority as provided in subsection (4), may allow point or  
1409 nonpoint sources that will achieve greater pollutant reductions  
1410 than required by an adopted total maximum daily load or  
1411 wasteload allocation to generate, register, and trade water  
1412 quality credits for the excess reductions to enable other  
1413 sources to achieve their allocation; however, the generation of  
1414 water quality credits does not remove the obligation of a source  
1415 or activity to meet applicable technology requirements or  
1416 adopted best management practices. Such plans must allow trading  
1417 between NPDES permittees, and trading that may or may not  
1418 involve NPDES permittees, where the generation or use of the  
1419 credits involve an entity or activity not subject to department  
1420 water discharge permits whose owner voluntarily elects to obtain  
1421 department authorization for the generation and sale of credits.

1422 8. The provisions of the department's rule relating to the  
1423 equitable abatement of pollutants into surface waters do not  
1424 apply to water bodies or water body segments for which a basin  
1425 management plan that takes into account future new or expanded

1426 | activities or discharges has been adopted under this section.

1427 |       9. The department shall submit to the Office of Economic  
 1428 | and Demographic Research the project cost estimates required in  
 1429 | sub-subparagraph 4.c., including any septic-to-sewer conversion  
 1430 | and septic tank remediation project costs.

1431 |       Section 18. Subsection (1) of section 489.551, Florida  
 1432 | Statutes, is amended to read:

1433 |             489.551 Definitions.—As used in this part:

1434 |             (1) "Department" means the Department of Environmental  
 1435 | Protection Health.

1436 |       Section 19. Except as otherwise expressly provided in this  
 1437 | act and except for this section, which shall take effect upon  
 1438 | this act becoming a law, this act shall take effect July 1,  
 1439 | 2020.