

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee

3 Representative McClain offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 142-271 and insert:

7 Section 4. Paragraphs (e) and (h) of subsection (4) of
 8 section 381.0065, Florida Statutes, are amended to read:

9 381.0065 Onsite sewage treatment and disposal systems;
 10 regulation.—

11 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
 12 construct, repair, modify, abandon, or operate an onsite sewage
 13 treatment and disposal system without first obtaining a permit
 14 approved by the department. The department may issue permits to
 15 carry out this section, except that the issuance of a permit for
 16 work seaward of the coastal construction control line

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17 established under s. 161.053 shall be contingent upon receipt of
18 any required coastal construction control line permit from the
19 department. A construction permit is valid for 18 months after
20 the date of issuance and may be extended by the department for
21 one 90-day period under rules adopted by the department. A
22 repair permit is valid for 90 days after the date of issuance.
23 An operating permit must be obtained before the use of any
24 aerobic treatment unit or if the establishment generates
25 commercial waste. Buildings or establishments that use an
26 aerobic treatment unit or generate commercial waste shall be
27 inspected by the department at least annually to assure
28 compliance with the terms of the operating permit. The operating
29 permit for a commercial wastewater system is valid for 1 year
30 after the date of issuance and must be renewed annually. The
31 operating permit for an aerobic treatment unit is valid for 2
32 years after the date of issuance and must be renewed every 2
33 years. If all information pertaining to the siting, location,
34 and installation conditions or repair of an onsite sewage
35 treatment and disposal system remains the same, a construction
36 or repair permit for the onsite sewage treatment and disposal
37 system may be transferred to another person, if the transferee
38 files, within 60 days after the transfer of ownership, an
39 amended application providing all corrected information and
40 proof of ownership of the property. A fee is not associated with
41 the processing of this supplemental information. A person may

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42 not contract to construct, modify, alter, repair, service,
43 abandon, or maintain any portion of an onsite sewage treatment
44 and disposal system without being registered under part III of
45 chapter 489. A property owner who personally performs
46 construction, maintenance, or repairs to a system serving his or
47 her own owner-occupied single-family residence is exempt from
48 registration requirements for performing such construction,
49 maintenance, or repairs on that residence, but is subject to all
50 permitting requirements. A municipality or political subdivision
51 of the state may not issue a building or plumbing permit for any
52 building that requires the use of an onsite sewage treatment and
53 disposal system unless the owner or builder has received a
54 construction permit for such system from the department. A
55 building or structure may not be occupied and a municipality,
56 political subdivision, or any state or federal agency may not
57 authorize occupancy until the department approves the final
58 installation of the onsite sewage treatment and disposal system.
59 A municipality or political subdivision of the state may not
60 approve any change in occupancy or tenancy of a building that
61 uses an onsite sewage treatment and disposal system until the
62 department has reviewed the use of the system with the proposed
63 change, approved the change, and amended the operating permit.

64 (e) The department shall adopt rules relating to the
65 location of onsite sewage treatment and disposal systems,
66 including establishing setback distances, to prevent groundwater

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67 contamination and surface water contamination and to preserve
68 the public health. In adopting such rules, the department rules
69 must:

70 1. Consider conventional and enhanced nutrient-reducing
71 onsite sewage treatment and disposal system designs, impaired or
72 degraded water bodies, domestic wastewater and drinking water
73 infrastructure, potable water sources, nonpotable wells,
74 stormwater infrastructure, the onsite sewage treatment and
75 disposal system remediation plans developed pursuant to s.
76 403.067(7)(a)9.b., nutrient pollution, and the recommendations
77 of the onsite sewage treatment and disposal systems technical
78 advisory committee established pursuant to former s. 381.00652.

79 2. ~~The rules must also~~ Allow a person to apply for and
80 receive a variance from a rule requirement upon demonstration
81 that the requirement would cause an undue hardship and that
82 granting the variance would not cause or contribute to the
83 exceedance of a total maximum daily load.

84 3. In consultation with the water management districts,
85 allow a licensed water well contractor to apply for and receive
86 a variance for the installation of a private or public potable
87 water well from the applicable water management district within
88 the region of installation.

89 (h)1. The department may grant variances in hardship cases
90 which may be less restrictive than the provisions specified in
91 this section. If a variance is granted and the onsite sewage

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92 treatment and disposal system construction permit has been
93 issued, the variance may be transferred with the system
94 construction permit, if the transferee files, within 60 days
95 after the transfer of ownership, an amended construction permit
96 application providing all corrected information and proof of
97 ownership of the property and if the same variance would have
98 been required for the new owner of the property as was
99 originally granted to the original applicant for the variance. A
100 fee is not associated with the processing of this supplemental
101 information. A variance may not be granted under this section
102 until the department is satisfied that:

103 a. The hardship was not caused intentionally by the action
104 of the applicant;

105 b. A reasonable alternative, taking into consideration
106 factors such as cost, does not exist for the treatment of the
107 sewage; and

108 c. The discharge from the onsite sewage treatment and
109 disposal system will not adversely affect the health of the
110 applicant or the public or significantly degrade the groundwater
111 or surface waters.

112
113 Where soil conditions, water table elevation, and setback
114 provisions are determined by the department to be satisfactory,
115 special consideration must be given to those lots platted before
116 1972.

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117 2. The department shall appoint and staff a variance
118 review and advisory committee, which shall meet monthly to
119 recommend agency action on variance requests. The committee
120 shall make its recommendations on variance requests at the
121 meeting in which the application is scheduled for consideration,
122 except for an extraordinary change in circumstances, the receipt
123 of new information that raises new issues, or when the applicant
124 requests an extension. The committee shall consider the criteria
125 in subparagraph 1. in its recommended agency action on variance
126 requests and shall also strive to allow property owners the full
127 use of their land where possible.

128 a. The committee is composed ~~consists~~ of the following:

129 (I)a. The Secretary of Environmental Protection or his or
130 her designee.

131 (II)b. A representative from the county health
132 departments.

133 (III)c. A representative from the home building industry
134 recommended by the Florida Home Builders Association.

135 (IV)d. A representative from the septic tank industry
136 recommended by the Florida Onsite Wastewater Association.

137 (V)e. A representative from the Department of Health.

138 (VI)f. A representative from the real estate industry who
139 is also a developer in this state who develops lots using onsite
140 sewage treatment and disposal systems, recommended by the
141 Florida Association of Realtors.

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142 (VII)g- A representative from the engineering profession
143 recommended by the Florida Engineering Society.

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

149 3. The variance review and advisory committee is not
150 responsible for reviewing water well permitting. However, the
151 committee shall consider all requirements of law related to
152 onsite sewage treatment and disposal systems when making
153 recommendations on variance requests for onsite sewage treatment
154 and disposal system permits.

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157
158 **T I T L E A M E N D M E N T**

159 Remove lines 17-20 and insert:
160 amending s. 381.0065, F.S.; requiring that rules adopted by
161 Department of Environmental Protection relating to the
162 location of onsite sewage treatment and disposal systems
163 allow certain variances for private or public potable well
164 installations; providing that the Department of
165 Environmental Protection's variance review and advisory
166 committee is not responsible for reviewing water well

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167 | permitting; requiring the committee to consider certain
168 | requirements when making recommendations on variance
169 | requests for onsite sewage treatment and disposal system
170 | permits; making technical changes; providing an effective
171 | date.