

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Dean, Chair
Senator Abruzzo, Vice Chair

MEETING DATE: Thursday, April 3, 2014
TIME: 9:00 —10:30 a.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

MEMBERS: Senator Dean, Chair; Senator Abruzzo, Vice Chair; Senators Altman, Bullard, Gardiner, Grimsley, Latvala, Simpson, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed committee bill:			
1	SPB 7126	Rules Establishing Minimum Water Flows and Levels for Water Bodies; Exempting specified rules from legislative ratification under s. 120.541(3), F.S.; requiring the Department of Environmental Protection to publish a certain notice, etc.	Temporarily Postponed
2	CS/SB 1306 Health Policy / Altman (Similar CS/H 1055)	Onsite Sewage Treatment and Disposal Systems; Providing that an existing onsite sewage treatment and disposal system is not considered abandoned if the Department of Environmental Protection approves the use of all or a portion of the existing onsite sewage treatment and disposal system as an integral part of a sanitary sewer system, etc. HP 03/19/2014 Fav/CS EP 04/03/2014 Favorable AG AP	Favorable Yeas 6 Nays 0

Other related meeting documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: SPB 7126

INTRODUCER: For consideration by Environmental Preservation and Conservation Committee

SUBJECT: Rules Establishing Minimum Water Flows and Levels for Water Bodies

DATE: April 1, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

SPB 7126 exempts Department of Environmental Protection (DEP) rules establishing minimum flows and levels (MFLs) for the Lower Santa Fe and Ichetucknee Rivers, and associated priority springs, from legislative ratification. It requires the DEP to publish a notice of enactment in the Florida Administrative Register.

II. Present Situation:

Minimum Flows and Levels

MFLs are established for water bodies in order to prevent significant harm as a result of permitted water withdrawals. MFLs are typically determined based on evaluations of topography, soils, and vegetation data collected within plant communities, and other pertinent information associated with the water resource. MFLs take into account the ability of wetlands and aquatic communities to adjust to changes in hydrologic conditions and allow for an acceptable level of hydrologic change to occur. When use of water resources shifts the hydrologic conditions below levels defined by MFLs, significant ecological harm can occur.¹

¹ St. Johns River Water Management District, *Water Supply: An Overview of Minimum Flows and Levels*, <http://www.sjrwmd.com/minimumflowsandlevels/> (last visited Mar. 28, 2014).

The consumptive use of water can draw down water levels and reduce pressure in the aquifer.² By establishing MFLs for non-consumptive uses,³ the water management districts (WMDs) can determine how much water is available for consumptive uses.

Section 373.042, F.S., requires the DEP or WMDs to establish MFLs for priority water bodies to prevent significant harm from water withdrawals. MFLs are considered rules and are subject to ch. 120, F.S., challenges. MFLs are established by the DEP, in coordination with the applicable WMD, using the best available data and are subject to independent scientific peer review at the request of the WMD, or, if requested, by a third party.⁴

MFLs apply to decisions affecting permit applications, declarations of water shortages, and assessments of water supply sources. Computer water budget models for surface waters and groundwater are used to evaluate the effects of existing and/or proposed consumptive uses and the likelihood they might cause significant harm. The WMD governing boards are required to develop recovery or prevention strategies in those cases where a water body or watercourse is violating an MFL, or is anticipated to not meet an MFL within 20 years. Water uses cannot be permitted that cause an MFL to be violated.⁵

Recovery or Prevention Strategy

Recovery or prevention strategies are established to recover a water body so that it meets its MFL, or to prevent the existing flow or level from falling below its MFL within 20 years.⁶ The recovery or prevention strategies include phasing or a timetable that allows for the development of sufficient water supplies for all existing and projected reasonable-beneficial uses. The strategy also includes development of additional water supplies and implementation of conservation strategies, the use of impact offsets, and other efficiency measures to accommodate withdrawals.⁷

Consumptive Use Permits

Consumptive use permits (CUPs) establish the duration and type of consumptive water use as well as the maximum amount of water that may be withdrawn daily.⁸ Each CUP must be consistent with the objectives of the issuing WMD, or the DEP, and may not be harmful to the water resources of the area.⁹ To obtain a CUP, an applicant must establish that the proposed use of water satisfies a statutory test, commonly referred to as “the three-prong test.” Specifically, the proposed water use must:

- Be a “reasonable-beneficial use;”¹⁰

² Department of Community Affairs, *Protecting Florida’s Springs: An Implementation Guidebook*, 3-5 (Feb. 2008), available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf> (last visited Mar. 28, 2014).

³ Examples of consumptive uses include agricultural irrigation, public water supply, golf course irrigation, mining, and power generation. Non-consumptive uses of water include recreational, aesthetic, and navigational uses of water resources.

⁴ Section 373.042, F.S.

⁵ *Supra* note 1.

⁶ Section 373.0421, F.S. See also Rule 62-40.473, F.A.C.

⁷ Rule 62-40.473(6), F.A.C.

⁸ See Rule 40C-2, F.A.C.

⁹ Section 373.219, F.S.

¹⁰ Section 373.019(16), F.S. Reasonable-beneficial use is defined as, “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public

- Not interfere with any presently existing legal use of water; and
- Be consistent with the public interest.¹¹

Regional Water Supply Planning

WMDs are required to conduct water supply needs assessments. If the assessment determines that existing resources will not be sufficient to meet reasonable-beneficial uses for the planning period for a particular water supply planning region, it must prepare a regional water supply plan.¹² Regional water supply plans must be based on at least a 20-year planning period and must include:

- A water supply development component;
- A water resource development component;
- A recovery and prevention strategy;
- A funding strategy;
- Consideration of how water supply development projects serve the public interest or save costs;
- Technical data and information;
- Any MFLs established for the planning region;
- The water resources for which future MFLs must be developed; and
- An analysis of where variances may be used to create water supply development or water resource development projects.¹³

The North Florida Southeast Georgia Regional Groundwater Flow Model

The North Florida Southeast Georgia (NFSEG) Regional Groundwater Flow Model is currently in development. The general goal of the model is to construct a groundwater flow model that will aid in the assessment of climatic and anthropogenic effects on the groundwater resources of north Florida and southeast Georgia.¹⁴ It will also provide a regional framework for the development and application of models for use in assessments of “critical areas of concern.”¹⁵ A “critical area of concern” is an area where there is a particular concern regarding drawdown impacts due to regional and/or local pumping effects. Areas that have been identified as critical areas of concern include:

- The Upper Santa Fe Basin;
- The Lower Santa Fe Basin;
- The Upper Suwannee River Basin;
- The Alapaha River Basin; and
- The Upper Etonia Creek Basin.¹⁶

interest.” See also Rule 62-40.410(2), F.A.C., for a list of 18 factors to help determine whether a water use is a reasonable-beneficial use.

¹¹ Section 373.223(1), F.S.

¹² Section 373.709(1), F.S.

¹³ Section 373.709(2), F.S.

¹⁴ North Florida Regional Water Supply Partnership, *North Florida Southeast Georgia (NFSEG) Regional Groundwater Flow Model: Goals and Objectives Technical Memo*, available at http://northfloridawater.com/pdfs/NFSEG/NFSEG_goals_objectives_final.pdf (last accessed Mar. 28, 2014).

¹⁵ *Id.*

¹⁶ *Id.*

The flow model must be designed and applied such that it will aid in pinpointing the exact sources of impacts on the basin and determine the relative contributions of the various parties involved. One of the ongoing problems the model will be designed to address more accurately is separating climatic impacts from anthropogenic impacts.¹⁷

Legislative Ratification of Agency Rules

Pursuant to s. 120.541, F.S., a rule that meets at least one of three thresholds must be ratified by the Legislature. Those are:

- If the rule is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- If the rule is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; or
- If the rule is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.¹⁸

If a rule requires ratification by the Legislature, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the regular legislative session. The rule may not go into effect until it is ratified by the Legislature.¹⁹

Statement of Estimated Regulatory Costs

According to the DEP's statement of estimated regulatory costs developed for the proposed MFL rule for the Suwanee River and St. Johns River WMDs, the only CUP applicants potentially affected are those requesting new permits and, for existing permit holders, those requesting increases in their allocations when their CUPs are renewed.²⁰ During the next five years, the DEP anticipates approximately 28 agricultural water use permit holders will request additional quantities of water that are likely to affect the MFLs. The DEP also anticipates that, of the new permit requests over the next five years, approximately 40 will impact the MFLs. The anticipated offset required to accommodate both groups will be 13.8 million gallons of water per day.²¹

If the entire amount of water is offset by implementing additional agricultural water conservation measures via retrofitting center pivot irrigation systems to make them more efficient, the total cost will approach \$3 million over five years. Because the Suwanee River WMD cost-share program typically covers 80 percent of retrofit costs, the actual regulatory burden will likely be significantly less.²² Other possible methods, such as changing withdrawal locations, farming practices, or crop rotation, are difficult to project expected costs for. The development of

¹⁷ *Id.*

¹⁸ Section 120.541(2)(a)1.-3., F.S.

¹⁹ Section 120.541(3), F.S.

²⁰ DEP, *Statement of Estimated Regulatory Costs for Rule 62-42.300, F.A.C., Executive Summary* (Mar. 28, 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

²¹ *Id.*

²² *Id.*

alternative water supplies for agricultural use as an option to provide offsets will likely be significantly limited by cost and feasibility.²³

According to the DEP, the Lower Santa Fe and Ichetucknee Rivers and associated priority springs need increased flows to meet their MFLs.²⁴ While these rules would normally be ratified by the Legislature, a request for a rule adoption hearing has been received and it may not be possible to obtain legislative ratification during the 2014 Regular Legislative Session. The DEP finds that it is critical that the MFL rules take effect as soon as possible because a delay in ratification could further exacerbate the condition of the Santa Fe and Ichetucknee Rivers and associated priority springs.²⁵

Proposed Rule 62-42.300 F.A.C.

Proposed Rule 62-42.300, Florida Administrative Code (F.A.C.), establishes MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs.²⁶ Upon completion of the NFSEG Regional Groundwater Flow Model, the DEP, in coordination with the Suwanee River and St. Johns River WMDs, will re-evaluate the MFLs and status of the Lower Santa Fe and Ichetucknee Rivers and associated priority springs using the best available scientific or technical data, methodologies, and models.

By the publication date of the final peer review report on the NFSEG Regional Groundwater Flow Model, or by December 31, 2019, whichever is earlier, the DEP must:

- Publish a Notice of Proposed Rule to strike Rule 62-42.300(a)-(d), F.A.C., which establishes the MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs;
- Re-propose MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs along with any associated recovery or prevention strategies; and
- Adopt the proposed rule in accordance with the timeframes provided in section 120.54(3), F.S.

III. Effect of Proposed Changes:

The proposed bill exempts Rule 62-42.300, F.A.C., from legislative ratification. The rule establishes MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs.

The proposed bill specifies that it:

- Serves no other purpose than exempting Rule 62-42.300, F.A.C., from ratification and may not be codified in the Florida Statutes;
- Requires the DEP to publish a notice of the enactment of the exemption in the Florida Administrative Register as soon as the rule is filed for adoption, or as soon thereafter as practicable;

²³ *Id.*

²⁴ DEP, *General MFL Info on Exemption* (Mar. 18, 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

²⁵ *Id.*

²⁶ Lower Santa Fe priority springs are: Santa Fe Rise, ALA112971, Hornsby, Columbia, Poe, COL 101974, Rum Island, July, Devil's Ear, and GIL.1012973. Ichetucknee River priority springs are: Ichetucknee Head, Blue Hole, Mission, Devil's Eye, Grassy Hole, and Mill Pond.

- Does not alter rulemaking authority or constitute a legislative preemption of, or exception to, any other provision of law regarding adoption or enforcement of the rule; and
- Does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

The proposed bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to the DEP, for agricultural users over the next five years who receive new CUPs and those who request increased allocations as part of their CUP renewals, the estimated cost will approach \$3 million for those allocations that affect the MFL for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs. Cost-sharing programs will likely reduce this cost; however the exact reduction cannot be determined at this time.

C. Government Sector Impact:

Any offsets required under the MFL that are eligible for cost-sharing could result in an increase in costs, depending on the number of projects that qualify for cost-sharing. This effect is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Environmental Preservation and Conservation

592-02956-14

20147126__

1 A bill to be entitled
2 An act relating to rules establishing minimum water
3 flows and levels for water bodies; exempting specified
4 rules from legislative ratification under s.
5 120.541(3), F.S.; requiring the Department of
6 Environmental Protection to publish a certain notice;
7 providing an effective date.

8
9 WHEREAS, on March 7, 2014, the Department of Environmental
10 Protection, proposed rules 62-42.100 and 62-42.200, Florida
11 Administrative Code, establishing the scope and definitions for
12 department-adopted Minimum Flows and Levels (MFLs), and rule 62-
13 42.300, Florida Administrative Code, establishing MFLs for the
14 Lower Santa Fe and Ichetucknee Rivers and associated priority
15 springs, and

16 WHEREAS, such rules will implement the public policy
17 established in section 1, Chapter 2013-229, Laws of Florida, and
18 related laws authorizing the department to establish MFLs for
19 water bodies that affect multiple water management districts,
20 and

21 WHEREAS, after adoption by the department, rule 62-42.300,
22 Florida Administrative Code, requires legislative ratification
23 pursuant to s. 120.541(3), Florida Statutes, and

24 WHEREAS, procedures required under the Administrative
25 Procedures Act may delay adoption of the rule by the department,
26 making the rule unavailable for ratification during the 2014
27 Regular Session, and

28 WHEREAS, it is important that these rules take effect as
29 soon as possible so that associated flow protection rules can be

592-02956-14

20147126__

30 timely implemented, and

31 WHEREAS, exempting proposed rule 62-42.300, Florida
32 Administrative Code, from legislative ratification will allow
33 the rule, if otherwise valid, to become effective before the
34 next opportunity for legislative ratification, NOW, THEREFORE,

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. (1) The rule proposed by the Department of
39 Environmental Protection as rule 62-42.300, Florida
40 Administrative Code, entitled "Minimum Flows and Levels and
41 Recovery and Prevention Strategies," which was published on
42 March 7, 2014, in the Florida Administrative Register, Vol. 40,
43 No. 46, pages 1069-1071, is exempt from the ratification
44 requirement imposed under s. 120.541(3), Florida Statutes.

45 (2) This act serves no other purpose and may not be
46 codified in the Florida Statutes. At the time of filing this
47 rule for adoption, or as soon thereafter as practicable, the
48 department shall publish a notice of the enactment of this
49 exemption in the Florida Administrative Register. This act does
50 not alter rulemaking authority delegated by prior law, does not
51 constitute legislative preemption of, or exception to, any other
52 provision of law governing adoption or enforcement of the rule
53 cited. This act does not cure any rulemaking defect or preempt
54 any challenge based on a lack of authority or a violation of the
55 legal requirements governing the adoption of any rule cited.

56 Section 2. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: CS/SB 1306

INTRODUCER: Health Policy Committee and Senator Altman

SUBJECT: Onsite Sewage Treatment and Disposal Systems

DATE: April 1, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	Fav/CS
2.	Gudeman	Uchino	EP	Favorable
3.			AG	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1306 amends s. 381.00655, F.S., to allow an existing onsite sewage treatment and disposal system (OSTDS, septic systems) to continue to be used after the property is hooked up to a wastewater treatment facility, if the Department of Environmental Protection (DEP) approves the use of all or part of the OSTDS as an integral part of a sanitary sewer system.

II. Present Situation:

There are an estimated 2.6 million OSTDSs in operation in Florida¹ and over 2,100 domestic wastewater treatment facilities that treat over 1.5 billion gallons of water per day.² In 1983, the DEP and the Department of Health (DOH) entered into an interagency agreement to coordinate the regulation of OSTDSs, septage and residuals, and marina pumpout facilities. This agreement sets up procedures for addressing interagency issues, including jurisdiction.³

An “onsite sewage treatment and disposal system” is

¹ DOH, Onsite Sewage Programs, *Onsite Sewage*, <http://www.floridahealth.gov/healthy-environments/onsite-sewage/index.html> (last visited April 1, 2014).

² *Id.*

³ DEP, *Interagency Agreement Between the DEP and the DOH for Onsite Sewage Treatment and Disposal Systems* (Sept. 10, 2001), available at http://www.dep.state.fl.us/legal/Operating_Agreement/agreements/DOH/HOHOSTDS_9_10_01.pdf (last visited April 1, 2014).

a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of, or in conjunction with, the system. The term does not include package sewage treatment facilities and other treatment works regulated under ch. 403, F.S.⁴

Septic systems operate by allowing sewage to flow from a home or business through a pipe into the first chamber, where solids settle out. The liquid then flows into the second chamber where anaerobic bacteria, which do not require oxygen, break down the organic matter, allowing cleaner water to flow out of the second chamber into a drainfield.⁵

The DOH Onsite Sewage Programs, in the Bureau of Environmental Health (bureau), oversees the administration of OSTDSs, in order to detect and prevent disease caused by natural and manmade factors in the environment.⁶ The bureau develops statewide rules and provides training and standardization for county health department employees responsible for permitting the installation and repair of OSTDSs. The bureau licenses septic system contractors, approves continuing education courses and courses provided for septic system contractors, funds a hands-on training center, and mediates septic system contracting complaints. The bureau also manages a state-funded research program, prepares research grants, and reviews and approves innovative products and OSTDS designs.⁷

The DEP is responsible for permitting OSTDSs when the estimated domestic sewage flow from the establishment is over 10,000 gallons per day or the commercial sewage flow is over 5,000 gallons per day. The DEP also has jurisdiction over OSTDSs where there is a likelihood that the system will receive toxic, hazardous or industrial wastes, where a sewer system is available, or if any system or flow from the establishment is currently regulated by the DEP. Variances can be granted by either agency as needed.⁸

Section 381.00655, F.S., requires that when a sewerage system is made available to the property owner of an OSTDS, the owner must connect to the sewerage system within 365 days of notification. An “available” sewerage system means a “publicly owned or investor-owned system [that] is capable of being connected to the plumbing of an establishment or residence, is not under a [DEP] moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence.”

Following the connection, the property owner is required to properly abandon the OSTDS, unless it will be used as part of the sanitary sewer system or stormwater management system,

⁴ Section 381.0065(2)(k), F.S.

⁵ EPA, *Primer for Municipal Wastewater Treatment Systems*, Report No. 832-R-04-001, 22 (Sept. 2004), available at http://water.epa.gov/aboutow/owm/upload/2005_08_19_primer.pdf (last visited Mar. 23, 2014).

⁶ See s. 381.006, F.S.

⁷ *Supra* note 1. See also s. 381.006, F.S., and Rule 64E-6, F.A.C.

⁸ DEP, *Septic Systems*, <http://www.dep.state.fl.us/water/wastewater/dom/septic.htm> (last visited April 1, 2014).

within 90 days.⁹ Rule 64E-6.011, Florida Administrative Code (F.A.C.), does not specify whether the drainfield must also be abandoned when the OSTDS is abandoned; however, the DOH has historically interpreted the rule to require drainfield abandonment.¹⁰ The following actions, in this order, are required to properly abandon the OSTDS:

- A property owner or agent must apply for a permit from the DEP to abandon the existing OSTDS and submit the required fee;
- Once the required permit is received, which tank must be pumped out by a permitted septage disposal company, which must provide a written certification of the pump out to the DEP;
- If the tank is empty and dry at the commencement of abandonment, a written statement to that effect by the disposal company or contractor performing the abandonment must be provided to the DEP;
- The bottom of the tank must be opened or ruptured, or the entire tank collapsed, to prevent the tank from retaining water; and
- The tank must be filled with clean sand or other suitable material and covered with soil.¹¹

Following the abandonment, the DEP, the local utility, or the local plumbing authority must conduct an inspection. If a local utility or local plumbing authority performs the abandonment, then a permit issued by the DEP is not required. The local utility or local plumbing authority performing the abandonment program must maintain a log of all inspections performed and submit the log to the county health department on a monthly basis. The septic system serving a single family residence may also be converted into a cistern.¹²

Septic Tank Effluent Pump

A Septic Tank Effluent Pump (STEP) system includes a septic tank and a pump. The sewage is gravity fed into the tank through the plumbing line and the liquid is pumped under pressure to a public sewerage system. The solids remain in the tank where they are broken down and eventually pumped out by a licensed contractor.¹³

The DEP has permitted 12 STEP systems. Approximately one system is permitted per year and they are located in Palm Bay and Port St. Lucie, Florida. Rule 62.604.400(4), F.A.C., requires a central maintenance entity to ensure the individual service connection, pump, and septic tank are all in compliance with the DEP permit.¹⁴

III. Effect of Proposed Changes

The bill amends s. 381.00655, F.S., exempting existing OSTDSs and their associated drainfields, from the OSTDS abandonment requirements if all or a portion of the system is used as an

⁹ Rule 64E-6.011(1), F.A.C.

¹⁰ DEP, *Senate Bill 1306 Agency Analysis*, 2 (March 25, 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹¹ Rule 64E-6.011, F.A.C.

¹² *Id.*

¹³ National Small Flows Clearinghouse, *Pipeline, Alternative Sewers: A Good Option For Many Communities*, Vol. 7, No. 4, 3 (Fall 1996), available at http://www.nesc.wvu.edu/pdf/WW/publications/pipline/PL_FA96.pdf (last visited March 31, 2014).

¹⁴ *Supra* note 10, at 2.

integral part of a sanitary sewer system. The bill provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Owners of OSTDSs will experience an indeterminate positive fiscal impact from not having to pay for the abandonment of drainfields.

There will be a loss of revenue to licensed contractors who conduct drainfield abandonments.

C. Government Sector Impact:

State and local governments may experience a positive fiscal impact because of the reduced number of abandoned drainfields that need to be inspected.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not specify whether the DOH will retain jurisdiction over OSTDSs or whether the DEP will assume responsibility for the onsite portion that is used as part of a sanitary sewer system.

VIII. Statutes Affected:

This bill substantially amends section 381.00655 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on March 19, 2014:

The CS amends the bill by removing all changes creating the “combined system” permit type from s. 381.0065, F.S., and replacing that with language amending s. 381.00655, F.S., which allows an existing OSTDS to continue to be used after the property is hooked up to a sewerage system if the DEP approves the use of all or part of the OSTDS as an integral part of a sanitary sewer system.

- B. **Amendments:**

None.

By the Committee on Health Policy; and Senator Altman

588-02826-14

20141306c1

1 A bill to be entitled

2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 381.00655, F.S.;
4 providing that an existing onsite sewage treatment and
5 disposal system is not considered abandoned if the
6 Department of Environmental Protection approves the
7 use of all or a portion of the existing onsite sewage
8 treatment and disposal system as an integral part of a
9 sanitary sewer system.; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (c) is added to subsection (1) of
14 section 381.00655, Florida Statutes, to read:

15 381.00655 Connection of existing onsite sewage treatment
16 and disposal systems to central sewerage system; requirements.-

17 (1)

18 (c) An existing onsite sewage treatment and disposal
19 system, including the drainfield, is not considered abandoned if
20 the Department of Environmental Protection or the department's
21 designee approves the use of all or a portion of the existing
22 onsite sewage treatment and disposal system as an integral part
23 of a sanitary sewer system.

24 Section 2. This act shall take effect July 1, 2014.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Vice Chair*
Appropriations Subcommittee on Education
Appropriations Subcommittee on General
Government
Education
Environmental Preservation and Conservation
Military Affairs, Space, and Domestic Security

JOINT COMMITTEE:
Joint Administrative Procedures Committee

SENATOR DWIGHT BULLARD
39th District

April 3rd, 2014

Chairman Dean,

I am requesting to be excused from our Environmental Preservation and Conservation Committee meeting on Thursday, April 3, 2014 at 9:00 am. I must present a bill in the Transportation Committee at this time.

Sincerely,

Dwight M. Bullard

State Senator, District 39

A handwritten signature in black ink, appearing to read "Dwight M. Bullard".

REPLY TO:

- 10720 Caribbean Boulevard, #435, Cutler Bay, Florida 33189
- 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Appropriations Subcommittee on General Government
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Commerce and Tourism
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON

18th District

April 3, 2014

Senator Charlie Dean, Chair
Senate Environmental Preservation Committee
325 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Chairman Dean,

Please excuse my absence from committee today. I was in the Transportation Committee presenting a bill and did not return in time for our meeting. Thank you for your courtesy and please contact my office with any questions.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson
Senator, 18th District

A handwritten signature in black ink, appearing to read "Don Gaetz".

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Health
and Human Services, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Children, Families, and Elder Affairs
Environmental Preservation and Conservation
Health Policy

SELECT COMMITTEE:
Select Committee on Patient Protection
and Affordable Care Act

SENATOR DENISE GRIMSLEY

21st District

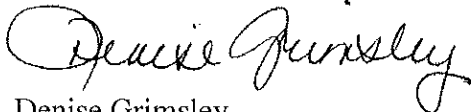
April 3, 2014

The Honorable Charles S. "Charlie" Dean, Sr.
311 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Chairman Dean,

I am writing to request permission to be excused from the Environmental Preservation and Conservation Committee meeting to be held on Thursday, April 3, 2014.

Sincerely,



Denise Grimsley
District 21



Cc: The Honorable Charles S. "Charlie" Dean, Sr.
Chair, Environmental Preservation and Conservation Committee

Pepper Uchino, Staff Director

REPLY TO:

- 205 South Commerce Avenue, Suite A, Sebring, Florida 33870
- 212 East Stuart Avenue, Lake Wales, Florida 33853
- 306 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/3/14

Meeting Date

Dues for WFL's

Topic

Bill Number

7126

(if applicable)

Name

Mark Saxton

Amendment Barcode

Job Title

Akewa County Communications

(if applicable)

Address

12 SE 1st Street

Phone

352-283-2377

Street

Gainesville, FL 32601

E-mail

use@akcd.com

City

State

Zip

Speaking:

For

Against

Information

Representing

Akewa County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 3, 2014

Meeting Date

Topic Rules Establishing Minimum Flows and Levels

Bill Number 7126

(if applicable)

Name Steven Minnis

Amendment Barcode _____

(if applicable)

Job Title Director of Governmental Affairs and Communications

Address 9225 CR 49

Street

Phone 386.362.8313

Live Oak

City

Florida

State

32060

Zip

E-mail sam@rwmd.org

Speaking: For

Against

Information

Representing Suwannee River Water Management District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Reliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: April 3, 2014

Topic: MFELs Bill Number: SPB 7126 (if applicable)

Name: Mary Jean Yan Amendment Barcode: (if applicable)

Job Title: Legislative Director

Address: 3327 Charleston Road Phone: 850/519-57859

Tallahassee FL 32309 E-mail: maryjeanyan@comcast.net

City State Zip

Speaking: For Against Information

Representing: Audubon Florida

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 3, 2014
Meeting Date

Topic Onsite Sewage Treatment + Disposal Bill Number SB 1306
(if applicable)

Name Mary Jean Yan Amendment Barcode
(if applicable)

Job Title Legislative Director

Address 2324 Charleston Road Phone 850/519-7859
Street City State Zip E-mail maryjean@senate.fl.gov

Speaking: For Against Information

Representing Audubon Florida

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/14
Meeting Date

Topic ONSITE SEWAGE TREATMENT Bill Number 1306 (if applicable)
Name TERRY MILLER Amendment Barcode _____ (if applicable)

Job Title _____
Address 2621 SW 29th Pl Phone 259.980.2024

CAPE CORAL, FL 33914 E-mail Terry@statelegadvocacy.com
City State Zip

Speaking: For Against Information
Representing FL on-site waste water Assoc.

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Septric Tanker Bill Number 1306 (if applicable)

Name Ryan Matthews Amendment Barcode _____ (if applicable)

Job Title leg Advocate

Address PO Box 1757 Phone 222 9684

Tall Street City FE State FL Zip 32302

E-mail _____

Speaking: For Against Information

Representing FL League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: EL 110

Case:

Type:

Caption: Senate Environmental Preservation and Conservation Committee

Judge:

Started: 4/3/2014 9:03:33 AM

Ends: 4/3/2014 9:09:35 AM **Length:** 00:06:03

9:03:35 AM	Call to order SPB 7126 - TPd
9:04:34 AM	Speaker Mark Sextan representing Alachua County
9:05:59 AM	Tab 2 SB 1306 Senator Altman
9:07:44 AM	Speaker Mary Jean Yon representing Audubon Florida
9:08:38 AM	Roll call on SB 1306
9:09:21 AM	Bill passes
9:09:26 AM	Adjournment