

STORAGE NAME: h1125z.lgva.doc

DATE: June 22, 2001

****AS PASSED BY THE LEGISLATURE****

CHAPTER #: 2001-337, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
FINAL ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 1125, 1ST ENG

RELATING TO: Monroe Co./Water Quality Standards

SPONSOR(S): Representative Sorensen

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 9 NAYS 0
 - (2) NATURAL RESOURCES & ENVIRONMENTAL PROTECTION (RIC) YEAS 11 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill provides interim construction standards for new, expanded, or existing onsite sewage and disposal systems in Monroe County through July 1, 2004 in areas scheduled to be served by a central sewage facility before July 1, 2010. After July 1, 2004, interim construction standards in Monroe County will continue to apply only in areas where certain conditions are met. All onsite sewage and disposal systems in Monroe County must provide the level of treatment provided in chapter 99-395, Laws of Florida, by July 1, 2010.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

N/A

B. PRESENT SITUATION:

Chapter 99-395, Laws of Florida requires each home's onsite sewage treatment and disposal system must cease discharge or comply with stringent effluent water quality standards provided by law and the rules of the Department of Environmental Protection or the Department of Health, as applicable, by 2010. The law and various administrative rules have operated to require that all new, repaired, or expanded onsite sewage and disposal systems must comport with the 2010 effluent water quality standards.

Homeowners are required to purchase expensive upgraded onsite sewage and disposal systems in order to build a new home or expand an existing home even when the home is scheduled to be connected to a central sewage facility before July 1, 2010. Once the home is connected to a central sewage facility, the existing onsite sewage and disposal system is rendered useless and the homeowner often incurs additional expenses associated with removing the onsite sewage and disposal system and paying to connect to the central sewage facility line. The bill, as amended, provides interim construction standards in Monroe County for new, expanded, or existing onsite sewage and disposal systems for homes scheduled to be served by a central sewage facility before July 1, 2010. Cost savings to affected households are projected to be approximately \$7,000.

C. EFFECT OF PROPOSED CHANGES:

This bill provides interim construction standards for new, expanded, or existing onsite sewage and disposal systems in Monroe County through July 1, 2004 in areas scheduled to be served by a central sewage facility before July 1, 2010. After July 1, 2004, interim construction standards in Monroe County will continue to apply only in areas where certain conditions are met. All onsite sewage and disposal systems in Monroe County must provide the level of treatment provided in chapter 99-395, Laws of Florida, by July 1, 2010.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends subsection (8) of section 6 of chapter 99-395, Laws of Florida, to provide interim construction standards for new, expanded, or existing onsite sewage and disposal systems in Monroe County through July 1, 2004 in areas scheduled to be served by a central sewage facility before July 1, 2010; provides that after July 1, 2004, interim construction standards in Monroe County will continue to apply only in areas where certain conditions are met; provides that the interim construction

standards for new, expanded, and existing onsite sewage and disposal systems in Monroe County will expire on July 1, 2010.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

February 26, 2001

WHERE?

The Citizen, Key West, Monroe County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

N/A

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

Because no effective date was provided, this law will take effect on the sixtieth day after adjournment sine die of the legislative session as provided in Article III, section 9, Florida Constitution. The 2001 Florida Legislative Session adjourned sine die on May 4, 2001.

IV. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 5, 2001, the Committee on Local Government * Veterans Affairs considered HB 1125, adopted a strike-everything amendment, and unanimously passed the bill. The amendment, which is traveling with the bill, provides as follows:

- The amendment clarifies that the level of treatment required to be provided by a wastewater disposal system serving as a backup to a reuse system must be based upon the annual average daily flows of all discharge of effluent to the backup system and to injection wells.
- The amendment provides that wastewater disposal systems serving as backup to reuse systems must comply with the Department of Environmental Protection's reuse rules.

- The amendment provides that the bill establishes effluent water quality "limitations" rather than effluent water quality "standards."
- The amendment provides interim construction standards for new expanded, or existing onsite sewage and disposal systems scheduled to be served by a central sewage facility before July 1, 2010.

On April 11, 2001, the Committee on Natural Resources & Environmental Protection adopted a substitute strike-everything amendment to HB 1125, and then passed the bill as amended. The substitute amendment differs from the original strike everything by the Committee on Local Government & Veterans Affairs, as follows:

- One level of treatment is required for wastewater disposal systems serving as a backup to a reuse system that discharge no more than 25 days per year and less than 100,000 gallons per day based on the 25-day average flow to the backup system and to injection wells, and additional treatment is required for systems discharging more than 25 days per year or more than 100,000 gallons per day based upon the average daily flows of all discharge of effluent to the backup system and to injection wells.
- Interim construction standards for new, expanded, or existing onsite sewage and disposal systems would be allowed through July 1, 2004 in areas that are scheduled to be served by a central sewage facility before July 1, 2010; after July 1, 2004, additional standards would be required to be met; and on July 1, 2010, all such systems would be required to provide the level of treatment required in paragraph (c), Section 6, Ch. 99-395, Laws of Florida.

On April 26, 2001 the House adopted a substitute amendment by the Committee on Natural Resources & Environmental Protection to amendment #1 by the Local Government & Veterans Affairs Committee. The House further amended the substitute amendment with a substitute amendment offered by Rep Sorensen.

V. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Christopher J. Shipley

Staff Director:

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION:

Prepared by:

W. Ray Scott

Staff Director:

Wayne Kiger

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**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON LOCAL GOVERNMENT & VETERANS
AFFAIRS:**

Prepared by:

Staff Director:

Christopher J. Shipley

Joan Highsmith-Smith