

1                                   A bill to be entitled  
 2           An act relating to onsite sewage treatment and disposal  
 3           systems; amending ss. 381.0065 and 381.0068, F.S.;  
 4           providing that a member of local government who is  
 5           knowledgeable about domestic wastewater treatment be added  
 6           to the research review and advisory committee and the  
 7           technical review and advisory panel established by the  
 8           Department of Health for purposes of onsite sewage  
 9           treatment and disposal system regulation; amending s.  
 10          381.0101, F.S.; specifying an exemption from certain  
 11          certification required to conduct environmental health and  
 12          sanitary evaluations; providing training requirements;  
 13          providing an effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Paragraph (o) of subsection (4) of section  
 18          381.0065, Florida Statutes, is amended to read:

19           381.0065 Onsite sewage treatment and disposal systems;  
 20          regulation.--

21           (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may  
 22          not construct, repair, modify, abandon, or operate an onsite  
 23          sewage treatment and disposal system without first obtaining a  
 24          permit approved by the department. The department may issue  
 25          permits to carry out this section, but shall not make the  
 26          issuance of such permits contingent upon prior approval by the  
 27          Department of Environmental Protection, except that the issuance  
 28          of a permit for work seaward of the coastal construction control

29 | line established under s. 161.053 shall be contingent upon  
30 | receipt of any required coastal construction control line permit  
31 | from the Department of Environmental Protection. A construction  
32 | permit is valid for 18 months from the issuance date and may be  
33 | extended by the department for one 90-day period under rules  
34 | adopted by the department. A repair permit is valid for 90 days  
35 | from the date of issuance. An operating permit must be obtained  
36 | prior to the use of any aerobic treatment unit or if the  
37 | establishment generates commercial waste. Buildings or  
38 | establishments that use an aerobic treatment unit or generate  
39 | commercial waste shall be inspected by the department at least  
40 | annually to assure compliance with the terms of the operating  
41 | permit. The operating permit for a commercial wastewater system  
42 | is valid for 1 year from the date of issuance and must be  
43 | renewed annually. The operating permit for an aerobic treatment  
44 | unit is valid for 2 years from the date of issuance and must be  
45 | renewed every 2 years. If all information pertaining to the  
46 | siting, location, and installation conditions or repair of an  
47 | onsite sewage treatment and disposal system remains the same, a  
48 | construction or repair permit for the onsite sewage treatment  
49 | and disposal system may be transferred to another person, if the  
50 | transferee files, within 60 days after the transfer of  
51 | ownership, an amended application providing all corrected  
52 | information and proof of ownership of the property. There is no  
53 | fee associated with the processing of this supplemental  
54 | information. A person may not contract to construct, modify,  
55 | alter, repair, service, abandon, or maintain any portion of an  
56 | onsite sewage treatment and disposal system without being

57 registered under part III of chapter 489. A property owner who  
58 personally performs construction, maintenance, or repairs to a  
59 system serving his or her own owner-occupied single-family  
60 residence is exempt from registration requirements for  
61 performing such construction, maintenance, or repairs on that  
62 residence, but is subject to all permitting requirements. A  
63 municipality or political subdivision of the state may not issue  
64 a building or plumbing permit for any building that requires the  
65 use of an onsite sewage treatment and disposal system unless the  
66 owner or builder has received a construction permit for such  
67 system from the department. A building or structure may not be  
68 occupied and a municipality, political subdivision, or any state  
69 or federal agency may not authorize occupancy until the  
70 department approves the final installation of the onsite sewage  
71 treatment and disposal system. A municipality or political  
72 subdivision of the state may not approve any change in occupancy  
73 or tenancy of a building that uses an onsite sewage treatment  
74 and disposal system until the department has reviewed the use of  
75 the system with the proposed change, approved the change, and  
76 amended the operating permit.

77 (o) The department shall appoint a research review and  
78 advisory committee, which shall meet at least semiannually. The  
79 committee shall advise the department on directions for new  
80 research, review and rank proposals for research contracts, and  
81 review draft research reports and make comments. The committee  
82 is comprised of:

83 1. A representative of the Division of Environmental  
84 Health of the Department of Health.

- 85 | 2. A representative from the septic tank industry.
- 86 | 3. A representative from the home building industry.
- 87 | 4. A representative from an environmental interest group.
- 88 | 5. A representative from the State University System, from
- 89 | a department knowledgeable about onsite sewage treatment and
- 90 | disposal systems.
- 91 | 6. A professional engineer registered in this state who
- 92 | has work experience in onsite sewage treatment and disposal
- 93 | systems.
- 94 | 7. A representative from local government who is
- 95 | knowledgeable about domestic wastewater treatment.
- 96 | ~~8.7.~~ A representative from the real estate profession.
- 97 | ~~9.8.~~ A representative from the restaurant industry.
- 98 | ~~10.9.~~ A consumer.

99 |

100 | Members shall be appointed for a term of 3 years, with the

101 | appointments being staggered so that the terms of no more than

102 | four members expire in any one year. Members shall serve without

103 | remuneration, but are entitled to reimbursement for per diem and

104 | travel expenses as provided in s. 112.061.

105 | Section 2. Subsection (2) of section 381.0068, Florida

106 | Statutes, is amended to read:

107 | 381.0068 Technical review and advisory panel.--

108 | (2) The primary purpose of the panel is to assist the

109 | department in rulemaking and decisionmaking by drawing on the

110 | expertise of representatives from several groups that are

111 | affected by onsite sewage treatment and disposal systems. The

112 | panel may also review and comment on any legislation or any

113 existing or proposed state policy or issue related to onsite  
114 sewage treatment and disposal systems. If requested by the  
115 panel, the chair will advise any affected person or member of  
116 the Legislature of the panel's position on the legislation or  
117 any existing or proposed state policy or issue. The chair may  
118 also take such other action as is appropriate to allow the panel  
119 to function. At a minimum, the panel shall consist of a soil  
120 scientist; a professional engineer registered in this state who  
121 is recommended by the Florida Engineering Society and who has  
122 work experience in onsite sewage treatment and disposal systems;  
123 two representatives from the home-building industry recommended  
124 by the Florida Home Builders Association, including one who is a  
125 developer in this state who develops lots using onsite sewage  
126 treatment and disposal systems; a representative from the county  
127 health departments who has experience permitting and inspecting  
128 the installation of onsite sewage treatment and disposal systems  
129 in this state; a representative from the real estate industry  
130 who is recommended by the Florida Association of Realtors; a  
131 consumer representative with a science background; two  
132 representatives of the septic tank industry recommended by the  
133 Florida Onsite Wastewater Association, including one who is a  
134 manufacturer of onsite sewage treatment and disposal systems; a  
135 representative from local government who is knowledgeable about  
136 domestic wastewater treatment and who is recommended by the  
137 Florida Association of Counties and the Florida League of  
138 Cities; and a representative from the environmental health  
139 profession who is recommended by the Florida Environmental  
140 Health Association and who is not employed by a county health

141 department. Members are to be appointed for a term of 2 years.  
142 The panel may also, as needed, be expanded to include ad hoc,  
143 nonvoting representatives who have topic-specific expertise. All  
144 rules proposed by the department which relate to onsite sewage  
145 treatment and disposal systems must be presented to the panel  
146 for review and comment prior to adoption. The panel's position  
147 on proposed rules shall be made a part of the rulemaking record  
148 that is maintained by the agency. The panel shall select a  
149 chair, who shall serve for a period of 1 year and who shall  
150 direct, coordinate, and execute the duties of the panel. The  
151 panel shall also solicit input from the department's variance  
152 review and advisory committee before submitting any comments to  
153 the department concerning proposed rules. The panel's comments  
154 must include any dissenting points of view concerning proposed  
155 rules. The panel shall hold meetings as it determines necessary  
156 to conduct its business, except that the chair, a quorum of the  
157 voting members of the panel, or the department may call  
158 meetings. The department shall keep minutes of all meetings of  
159 the panel. Panel members shall serve without remuneration, but,  
160 if requested, shall be reimbursed for per diem and travel  
161 expenses as provided in s. 112.061.

162 Section 3. Subsection (3) of section 381.0101, Florida  
163 Statutes, is amended to read:

164 381.0101 Environmental health professionals.--

165 (3) CERTIFICATION REQUIRED.--No person shall perform  
166 environmental health or sanitary evaluations in any primary  
167 program area of environmental health without being certified by  
168 the department as competent to perform such evaluations. The

CS/HB 567

2008

169 requirements of this section shall not be mandatory for persons  
170 performing inspections of public food service establishments  
171 licensed under chapter 509 or for persons who have successfully  
172 completed a department-approved soil morphology course and who  
173 are working under the direct, responsible charge of an engineer  
174 licensed under chapter 471. Persons working under the direct,  
175 responsible charge of an engineer licensed under chapter 471  
176 shall receive a minimum of six continuing education units of  
177 department-approved training in soil morphology every 2 years.

178 Section 4. This act shall take effect July 1, 2008.