

By Senator Mayfield

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1                   A bill to be entitled  
2       An act relating to water quality improvements;  
3       providing a short title; transferring the onsite  
4       sewage program of the Department of Health to the  
5       Department of Environmental Protection by a type two  
6       transfer; amending s. 373.807, F.S.; revising the  
7       requirements for a basin management action plan for an  
8       Outstanding Florida Spring; prohibiting a local  
9       government from approving building permits within the  
10      plan area under certain circumstances; providing  
11      penalties; requiring the Department of Environmental  
12      Protection, in consultation with the Department of  
13      Agriculture and Consumer Services, to develop an  
14      agricultural remediation plan as part of each basin  
15      management action plan under certain circumstances;  
16      requiring such plans to be adopted by a specified  
17      date; creating s. 381.00661, F.S.; establishing a  
18      wastewater grant program within the Department of  
19      Environmental Protection; authorizing the department  
20      to distribute appropriated funds for certain projects;  
21      providing requirements for the distribution; requiring  
22      the department to coordinate with each water  
23      management district to identify grant recipients;  
24      requiring an annual report to the Governor and the  
25      Legislature by a specified date; amending s. 403.067,  
26      F.S.; revising requirements for a basin management  
27      action plan; requiring estimated nutrient load  
28      reductions in such plans to exceed a specified amount;  
29      requiring each local government to develop a

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30 wastewater treatment plan that meets certain  
31 requirements; prohibiting a local government that does  
32 not meet certain requirements relating to wastewater  
33 treatment plant project plans or onsite sewage  
34 treatment and disposal system remediation plans from  
35 approving any building permits within a specified  
36 timeframe; prohibiting the department from approving  
37 any onsite sewage treatment and disposal system within  
38 such an area for a specified timeframe; providing  
39 penalties; defining the term "onsite sewage treatment  
40 and disposal system"; requiring a local government to  
41 create an onsite sewage treatment and disposal system  
42 remediation plan as part of the basin management  
43 action plan under certain circumstances; providing  
44 requirements for such plan; providing requirements for  
45 a restoration plan for certain water bodies; creating  
46 s. 403.0771, F.S.; requiring a wastewater treatment  
47 plant to notify customers of unlawful discharges of  
48 raw or partially treated sewage into any waterway or  
49 aquifer within a specified timeframe; prohibiting a  
50 local government that owns such a plant from approving  
51 any building permits within a specified timeframe;  
52 prohibiting the department from approving any onsite  
53 sewage treatment and disposal system within such an  
54 area for a specified timeframe; providing penalties;  
55 amending s. 403.086, F.S.; prohibiting facilities for  
56 sanitary sewage disposal from disposing of any waste  
57 in the Indian River Lagoon without first providing  
58 advanced waste treatment; amending s. 403.9337, F.S.;

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59 providing penalties for a local government that fails  
60 to adopt, enact, and implement a specified ordinance;  
61 requiring the department to revise the basin  
62 management action plan for Indian River Lagoon and  
63 other specified basin management action plans by a  
64 specified date; authorizing the department to grant an  
65 extension to a local government upon a showing of good  
66 cause; amending ss. 153.54, 153.73, 163.3180, 373.811,  
67 381.006, 381.0061, 381.0064, 381.0065, 381.00651, and  
68 381.0068, F.S.; conforming provisions and cross-  
69 references to changes made by the act; providing  
70 effective dates.

71

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

73

74 Section 1. This act may be cited as the "Clean Waterways  
75 Act."

76 Section 2. All powers, duties, functions, records, offices,  
77 personnel, associated administrative support positions,  
78 property, pending issues, existing contracts, administrative  
79 authority, administrative rules, and unexpended balances of  
80 appropriations, allocations, and other funds for the regulation  
81 of onsite sewage treatment and disposal systems and relating to  
82 the onsite sewage program of the Department of Health are  
83 transferred by a type two transfer, as defined in s. 20.06(2),  
84 Florida Statutes, to the Department of Environmental Protection.

85 Section 3. Section 373.807, Florida Statutes, is amended to  
86 read:

87 373.807 Protection of water quality in Outstanding Florida

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

93 (1) (a) Concurrent with the adoption of a nutrient total  
94 maximum daily load for an Outstanding Florida Spring, the  
95 department, or the department in conjunction with a water  
96 management district, shall initiate development of a basin  
97 management action plan, as specified in s. 403.067. For an  
98 Outstanding Florida Spring with a nutrient total maximum daily  
99 load adopted before July 1, 2016, the department, or the  
100 department in conjunction with a water management district,  
101 shall initiate development of a basin management action plan by  
102 July 1, 2016. During the development of a basin management  
103 action plan, if the department identifies onsite sewage  
104 treatment and disposal systems as contributors of at least 20  
105 percent of nonpoint source nutrient ~~nitrogen~~ pollution or if the  
106 department determines remediation is necessary to achieve the  
107 total maximum daily load, the basin management action plan shall  
108 include an onsite sewage treatment and disposal system  
109 remediation plan pursuant to s. 403.067(7)(e) ~~subsection (3)~~ for  
110 those systems identified as requiring remediation.

111 (b) A basin management action plan for an Outstanding  
112 Florida Spring shall be adopted within 2 years after its  
113 initiation and must include, at a minimum:

- 114 1. A list of all specific projects and programs identified  
115 to implement a nutrient total maximum daily load;
- 116 2. A list of all specific projects identified in any

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117 incorporated onsite sewage treatment and disposal system  
118 remediation plan, if applicable;

119 3. A priority rank for each listed project. The priority  
120 ranking shall be based on the estimated reduction in nutrient  
121 load per project, project readiness, cost effectiveness, overall  
122 environmental benefit, location within the plan area, local  
123 matching funds, and water savings or quantity improvements;

124 4. For each listed project, a planning level cost estimate,  
125 ~~and~~ the estimated date of completion, and a plan submitted by  
126 each local government within the plan area and approved by the  
127 department for each wastewater treatment plant project as  
128 specified in s. 403.067(7)(d) and onsite sewage treatment and  
129 disposal system remediation plan as specified in s.  
130 403.067(7)(e). Each plan must include deadlines and is subject  
131 to penalties required under s. 403.067;

132 5. The source and amount of financial assistance to be made  
133 available by the department, a water management district, or  
134 other entity for each listed project;

135 6. An estimate of each listed project's nutrient load  
136 reduction;

137 7. Identification of each point source or category of  
138 nonpoint sources, including, but not limited to, urban turf  
139 fertilizer, sports turf fertilizer, agricultural fertilizer,  
140 onsite sewage treatment and disposal systems, wastewater  
141 treatment plants facilities, animal wastes, and stormwater  
142 facilities. An estimated allocation of the pollutant load must  
143 be provided for each point source or category of nonpoint  
144 sources; and

145 8. An implementation plan designed with a target to achieve

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146 the nutrient total maximum daily load no more than 20 years  
147 after the adoption of a basin management action plan.

148  
149 The estimated nutrient load reductions in each basin management  
150 action plan developed pursuant to this paragraph must exceed the  
151 total amount of nutrient load reductions needed to meet the  
152 total maximum daily load required under the plan. The department  
153 shall develop a schedule establishing 5-year, 10-year, and 15-  
154 year targets for achieving the nutrient total maximum daily  
155 load. The schedule shall be used to provide guidance for  
156 planning and funding purposes and is exempt from chapter 120.

157 (c) For a basin management action plan adopted before July  
158 1, 2016, which addresses an Outstanding Florida Spring, the  
159 department or the department in conjunction with a water  
160 management district must revise the plan if necessary to comply  
161 with this section by July 1, 2018.

162 (d) A local government may apply to the department for a  
163 single extension of up to 5 years for any project in an adopted  
164 basin management action plan. A local government in a rural area  
165 of opportunity, as defined in s. 288.0656, may apply for a  
166 single extension of up to 10 years for such a project. The  
167 department may grant the extension if the local government  
168 provides to the department sufficient evidence that an extension  
169 is in the best interest of the public.

170 (2) By July 1, 2020 ~~2017~~, each local government, as defined  
171 in s. 373.802(2), that has not adopted an ordinance pursuant to  
172 s. 403.9337, shall develop, enact, and implement an ordinance  
173 pursuant to that section. It is the intent of the Legislature  
174 that ordinances required to be adopted under this subsection

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175 reflect the latest scientific information, advancements, and  
176 technological improvements in the industry. A local government  
177 that fails to adopt, enact, and implement this ordinance is  
178 subject to a daily fine as provided in ss. 403.121, 403.141, and  
179 403.161 and may not approve any building permits within the plan  
180 area until such time as the ordinance has been adopted, enacted,  
181 and implemented.

182 (3) As part of each basin management action plan that  
183 includes an Outstanding Florida Spring, the department, in  
184 coordination with the Department of Agriculture and Consumer  
185 Services, shall develop an agricultural remediation plan if the  
186 department determines that agricultural nonpoint sources,  
187 including, but not limited to, fertilizer and animal wastes,  
188 contribute at least 20 percent of nonpoint source nutrient  
189 pollution. The plan must identify cost-effective and financially  
190 feasible projects, including, if applicable, advanced best  
191 management practices and land acquisition projects, including  
192 conservation easements, to reduce the nutrient impacts from  
193 agricultural operations. The department is the lead agency in  
194 coordinating the preparation of and the adoption of the plan.  
195 The Department of Agriculture and Consumer Services is the lead  
196 agency in developing and adopting advanced best management  
197 practices capable of achieving the total maximum daily load and  
198 shall develop and adopt such practices for incorporation into  
199 the plan. The plan must be adopted as part of the basin  
200 management action plan by July 1, 2021.

201 ~~(3) As part of a basin management action plan that includes~~  
202 ~~an Outstanding Florida Spring, the department, the Department of~~  
203 ~~Health, relevant local governments, and relevant local public~~

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204 ~~and private wastewater utilities shall develop an onsite sewage~~  
205 ~~treatment and disposal system remediation plan for a spring if~~  
206 ~~the department determines onsite sewage treatment and disposal~~  
207 ~~systems within a priority focus area contribute at least 20~~  
208 ~~percent of nonpoint source nitrogen pollution or if the~~  
209 ~~department determines remediation is necessary to achieve the~~  
210 ~~total maximum daily load. The plan shall identify cost-effective~~  
211 ~~and financially feasible projects necessary to reduce the~~  
212 ~~nutrient impacts from onsite sewage treatment and disposal~~  
213 ~~systems and shall be completed and adopted as part of the basin~~  
214 ~~management action plan no later than the first 5-year milestone~~  
215 ~~required by subparagraph (1)(b)8. The department is the lead~~  
216 ~~agency in coordinating the preparation of and the adoption of~~  
217 ~~the plan. The department shall:~~

218 ~~(a) Collect and evaluate credible scientific information on~~  
219 ~~the effect of nutrients, particularly forms of nitrogen, on~~  
220 ~~springs and springs systems; and~~

221 ~~(b) Develop a public education plan to provide area~~  
222 ~~residents with reliable, understandable information about onsite~~  
223 ~~sewage treatment and disposal systems and springs.~~

224  
225 ~~In addition to the requirements in s. 403.067, the plan shall~~  
226 ~~include options for repair, upgrade, replacement, drainfield~~  
227 ~~modification, addition of effective nitrogen reducing features,~~  
228 ~~connection to a central sewerage system, or other action for an~~  
229 ~~onsite sewage treatment and disposal system or group of systems~~  
230 ~~within a priority focus area that contribute at least 20 percent~~  
231 ~~of nonpoint source nitrogen pollution or if the department~~  
232 ~~determines remediation is necessary to achieve a total maximum~~



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233 ~~daily load. For these systems, the department shall include in~~  
234 ~~the plan a priority ranking for each system or group of systems~~  
235 ~~that requires remediation and shall award funds to implement the~~  
236 ~~remediation projects contingent on an appropriation in the~~  
237 ~~General Appropriations Act, which may include all or part of the~~  
238 ~~costs necessary for repair, upgrade, replacement, drainfield~~  
239 ~~modification, addition of effective nitrogen reducing features,~~  
240 ~~initial connection to a central sewerage system, or other~~  
241 ~~action. In awarding funds, the department may consider expected~~  
242 ~~nutrient reduction benefit per unit cost, size and scope of~~  
243 ~~project, relative local financial contribution to the project,~~  
244 ~~and the financial impact on property owners and the community.~~  
245 ~~The department may waive matching funding requirements for~~  
246 ~~proposed projects within an area designated as a rural area of~~  
247 ~~opportunity under s. 288.0656.~~

248 (4) The department shall provide notice to a local  
249 government of all permit applicants under s. 403.814(12) in a  
250 priority focus area of an Outstanding Florida Spring over which  
251 the local government has full or partial jurisdiction.

252 Section 4. Section 381.00661, Florida Statutes, is created  
253 to read:

254 381.00661 Wastewater grant program.—A wastewater grant  
255 program is established within the Department of Environmental  
256 Protection.

257 (1) Subject to appropriation, the department may provide  
258 grants for projects that will individually or collectively  
259 reduce excess nutrient pollution for projects within a basin  
260 management action plan or an alternative restoration plan  
261 adopted by final order for all of the following:

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262 (a) Projects to retrofit onsite sewage treatment and  
263 disposal systems.

264 (b) Projects to construct, upgrade, or expand facilities to  
265 provide advanced waste treatment, as defined in ss. 403.086(4).

266 (c) Projects to connect onsite sewage treatment and  
267 disposal systems to central sewer facilities.

268 (2) In making an allocation of such funds, priority shall  
269 be given for projects that subsidize the connection of onsite  
270 sewage treatment and disposal systems to a wastewater treatment  
271 plant or that subsidize inspections and assessments of onsite  
272 sewage treatment and disposal systems.

273 (3) Each grant for a project described in subsection (1)  
274 must require a minimum of 50 percent local matching funds.  
275 However, the department may, at its discretion, totally or  
276 partially waive this consideration of the local contribution for  
277 proposed projects within an area designated as a rural area of  
278 opportunity under s. 288.0656.

279 (4) The department shall coordinate with each water  
280 management district, as necessary, to identify grant recipients  
281 in each district.

282 (5) Beginning January 1, 2020, and each January 1  
283 thereafter, the department shall submit a report regarding the  
284 projects funded pursuant to this section to the Governor, the  
285 President of the Senate, and the Speaker of the House of  
286 Representatives.

287 Section 5. Present paragraph (d) of subsection (7) of  
288 section 403.067, Florida Statutes, is redesignated as paragraph  
289 (f), a new paragraph (d) and paragraphs (e) and (g) are added to  
290 that subsection, and paragraph (a) of that subsection is

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291 amended, to read:

292 403.067 Establishment and implementation of total maximum  
293 daily loads.—

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

296 (a) *Basin management action plans.*—

297 1. In developing and implementing the total maximum daily  
298 load for a water body, the department, or the department in  
299 conjunction with a water management district, may develop a  
300 basin management action plan that addresses some or all of the  
301 watersheds and basins tributary to the water body. Such plan  
302 must integrate the appropriate management strategies available  
303 to the state through existing water quality protection programs  
304 to achieve the total maximum daily loads and may provide for  
305 phased implementation of these management strategies to promote  
306 timely, cost-effective actions as provided for in s. 403.151.  
307 The plan must establish a schedule implementing the management  
308 strategies, provide detailed information for improvement  
309 projects including descriptions and timelines for completion,  
310 establish a basis for evaluating the plan's effectiveness, and  
311 identify feasible funding strategies for implementing the plan's  
312 management strategies. The management strategies may include  
313 regional treatment systems or other public works, where  
314 appropriate, and voluntary trading of water quality credits to  
315 achieve the needed pollutant load reductions.

316 2. A basin management action plan must equitably allocate,  
317 pursuant to paragraph (6) (b), pollutant reductions to individual  
318 basins, as a whole to all basins, or to each identified point  
319 source or category of nonpoint sources, as appropriate. For

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320 nonpoint sources for which best management practices have been  
321 adopted, the initial requirement specified by the plan must be  
322 those practices developed pursuant to paragraph (c). Where  
323 appropriate, the plan may take into account the benefits of  
324 pollutant load reduction achieved by point or nonpoint sources  
325 that have implemented management strategies to reduce pollutant  
326 loads, including best management practices, before the  
327 development of the basin management action plan. The plan must  
328 also identify the mechanisms that will address potential future  
329 increases in pollutant loading.

330       3. The basin management action planning process is intended  
331 to involve the broadest possible range of interested parties,  
332 with the objective of encouraging the greatest amount of  
333 cooperation and consensus possible. In developing a basin  
334 management action plan, the department shall assure that key  
335 stakeholders, including, but not limited to, applicable local  
336 governments, water management districts, the Department of  
337 Agriculture and Consumer Services, other appropriate state  
338 agencies, local soil and water conservation districts,  
339 environmental groups, regulated interests, and affected  
340 pollution sources, are invited to participate in the process.  
341 The department shall hold at least one public meeting in the  
342 vicinity of the watershed or basin to discuss and receive  
343 comments during the planning process and shall otherwise  
344 encourage public participation to the greatest practicable  
345 extent. Notice of the public meeting must be published in a  
346 newspaper of general circulation in each county in which the  
347 watershed or basin lies not less than 5 days nor more than 15  
348 days before the public meeting. A basin management action plan

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349 does not supplant or otherwise alter any assessment made under  
350 subsection (3) or subsection (4) or any calculation or initial  
351 allocation.

352 4. Each new or revised basin management action plan shall  
353 include:

354 a. The appropriate management strategies available through  
355 existing water quality protection programs to achieve total  
356 maximum daily loads, which may provide for phased implementation  
357 to promote timely, cost-effective actions as provided for in s.  
358 403.151;

359 b. A description of best management practices adopted by  
360 rule;

361 c. A list of projects in priority ranking with a planning-  
362 level cost estimate and estimated date of completion for each  
363 listed project. The priority ranking shall be based on the  
364 estimated reduction in nutrient load per project, project  
365 readiness, cost effectiveness, overall environmental benefit,  
366 location within the plan area, local matching funds, and water  
367 savings or quantity improvements;

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

371 e. A planning-level estimate of each listed project's  
372 expected nutrient load reduction, if applicable; and

373 f. Identification of each point source or category of  
374 nonpoint sources, including, but not limited to, urban turf  
375 fertilizer, sports turf fertilizer, agricultural fertilizer,  
376 onsite sewage treatment and disposal systems, wastewater  
377 treatment plants, animal wastes, and stormwater facilities. An

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378 estimated allocation of the pollutant load must be provided for  
379 each point source or category of nonpoint sources.

380

381 The estimated nutrient load reductions in each basin management  
382 action plan developed pursuant to this subparagraph must exceed  
383 the total amount of nutrient load reductions needed to meet the  
384 total maximum daily load required under the plan.

385 5. The department shall adopt all or any part of a basin  
386 management action plan and any amendment to such plan by  
387 secretarial order pursuant to chapter 120 to implement the  
388 provisions of this section.

389 6. The basin management action plan must include milestones  
390 for implementation and water quality improvement, and an  
391 associated water quality monitoring component sufficient to  
392 evaluate whether reasonable progress in pollutant load  
393 reductions is being achieved over time. An assessment of  
394 progress toward these milestones shall be conducted every 5  
395 years, and revisions to the plan shall be made as appropriate.  
396 Revisions to the basin management action plan shall be made by  
397 the department in cooperation with basin stakeholders. Revisions  
398 to the management strategies required for nonpoint sources must  
399 follow the procedures set forth in subparagraph (c)4. Revised  
400 basin management action plans must be adopted pursuant to  
401 subparagraph 5.

402 7. In accordance with procedures adopted by rule under  
403 paragraph (9)(c), basin management action plans, and other  
404 pollution control programs under local, state, or federal  
405 authority as provided in subsection (4), may allow point or  
406 nonpoint sources that will achieve greater pollutant reductions

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407 than required by an adopted total maximum daily load or  
408 wasteload allocation to generate, register, and trade water  
409 quality credits for the excess reductions to enable other  
410 sources to achieve their allocation; however, the generation of  
411 water quality credits does not remove the obligation of a source  
412 or activity to meet applicable technology requirements or  
413 adopted best management practices. Such plans must allow trading  
414 between NPDES permittees, and trading that may or may not  
415 involve NPDES permittees, where the generation or use of the  
416 credits involve an entity or activity not subject to department  
417 water discharge permits whose owner voluntarily elects to obtain  
418 department authorization for the generation and sale of credits.

419 8. The provisions of the department's rule relating to the  
420 equitable abatement of pollutants into surface waters do not  
421 apply to water bodies or water body segments for which a basin  
422 management plan that takes into account future new or expanded  
423 activities or discharges has been adopted under this section.

424 (d) Wastewater treatment plan.-

425 1. As part of a basin management action plan, each local  
426 government, in cooperation with the department and relevant  
427 local public and private wastewater utilities, shall develop a  
428 plan to implement improvements that provide, at a minimum,  
429 advanced waste treatment, as defined in s. 403.086(4). The plan  
430 must provide for construction, expansion, or upgrades necessary  
431 to achieve a total maximum daily load, consistent with an onsite  
432 sewage treatment and disposal system remediation plan under  
433 paragraph (e).

434 2. Each owner or operator of an existing wastewater  
435 treatment plant shall provide certain information for each plant

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436 that has a plan to implement upgrades that meet or exceed  
437 advanced waste treatment, as defined in s. 403.086(4). This  
438 information must include the following as it relates to existing  
439 conditions and estimated conditions after upgrades are  
440 implemented:

- 441 a. The permitted capacity of the plant, in gallons per day;  
442 b. The average nutrient concentration; and  
443 c. The estimated average nutrient load.

444 3.a. The local government shall submit to the department  
445 for approval a detailed plan, which includes:

446 (I) The timeline of dates required for the commencement of  
447 construction of any improvements, completion of each stage of  
448 construction, and the commencement of operations;

449 (II) A detailed planning and design report setting forth  
450 the plan for construction of improvements and operations; and

451 (III) A certification that the local government, in  
452 agreement with the owner or operator, has approved the method of  
453 implementing upgrades and method of financing or funding  
454 construction and operation.

455 b. The department may amend the plan and shall approve a  
456 final plan. The department shall provide technical support upon  
457 request by a local government. An existing wastewater treatment  
458 plant must also incorporate the plan into its next NPDES permit  
459 renewal.

460 c. Each new wastewater treatment plant located within the  
461 plan area shall comply with the requirements and approved dates  
462 in the basin management action plan. Each existing wastewater  
463 treatment plant located within the plan area shall comply with  
464 the requirements and approved dates in the basin management



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465 action plan no later than the next 5-year renewal date of the  
466 NPDES permit. Upon a showing of good cause, the department may  
467 grant an extension of time to the local government to reach  
468 compliance with the schedule.

469 d. If the deadlines for the initiation of construction of  
470 improvements, completion of construction, and commencement of  
471 operations which were approved pursuant to this subparagraph are  
472 not satisfied, each local government with a wastewater treatment  
473 plant that does not meet the requirements in this subparagraph  
474 may not approve any building permits within the plan area, and  
475 the department may not approve any onsite sewage treatment and  
476 disposal systems in the plan area where the wastewater treatment  
477 plant is located until such time as the plant is brought into  
478 compliance. In addition, the department shall, unless good cause  
479 is shown, assess penalties pursuant to ss. 403.121, 403.141, and  
480 403.161 until such time as the plant is brought into compliance.  
481 The department may reduce penalties based on expenditures for  
482 improvements and upgrades to the wastewater treatment plant.

483 (e) Onsite sewage treatment and disposal systems.—

484 1. For purposes of this paragraph, the term "onsite sewage  
485 treatment and disposal system" has the same meaning as in s.  
486 381.0065.

487 2.a. As part of a basin management action plan, each local  
488 government, in cooperation with the department and relevant  
489 local public and private wastewater utilities, shall develop an  
490 onsite sewage treatment and disposal system remediation plan if  
491 the department identifies onsite sewage treatment and disposal  
492 systems as contributors of at least 20 percent of nonpoint  
493 source nutrient pollution or if the department determines that

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494 remediation is necessary to achieve a total maximum daily load.  
495 In order to promote cost-effective remediation, the department  
496 may identify one or more priority focus areas. The department  
497 shall identify these areas by considering soil conditions;  
498 groundwater or surface water travel time; proximity to surface  
499 waters, including predominantly marine waters as defined by  
500 department rule; hydrogeology; onsite system density; nutrient  
501 load; and other factors that may lead to water quality  
502 degradation. The remediation plan must identify cost-effective  
503 and financially feasible projects necessary to reduce the  
504 nutrient impacts from onsite sewage treatment and disposal  
505 systems. The plan shall be completed and adopted as part of the  
506 basin management action plan no later than the first 5-year  
507 milestone assessment identified in subparagraph (a)6. or as  
508 required in s. 373.807(1)(b)8., for Outstanding Florida Springs.  
509 The department is responsible for timely approval and adoption  
510 of the plan. For basin management action plans not governed by  
511 part VIII of chapter 373, a priority focus area means the area  
512 or areas of a basin where the groundwater is generally most  
513 vulnerable to pollutant inputs where there is a known  
514 connectivity between groundwater pathways and an impaired water  
515 body, as determined by the department in consultation with the  
516 appropriate water management districts and delineated in a basin  
517 management action plan.

518 b.(I) Each local government within the plan area, or the  
519 local government's designee, shall prepare a plan, by the first  
520 5-year milestone assessment required under subparagraph (a)6.,  
521 or as required in s. 373.807(1)(b)8. for Outstanding Florida  
522 Springs, for its jurisdiction that provides for either

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523 connecting each onsite sewage treatment and disposal system to a  
524 central wastewater treatment plant or replacing the current  
525 system with a new system where the discharge meets current water  
526 quality standards and which has a discharge monitoring system.  
527 The local government shall submit to the department for  
528 approval, a detailed plan, which includes:

529 (A) The timeline of dates required for the commencement of  
530 construction of any improvements, completion of each stage of  
531 construction, and the commencement of operations;

532 (B) A detailed planning and design report setting forth the  
533 plan for construction of improvements and operations;

534 (C) A certification that the local government, in agreement  
535 with the owner or operator, has approved the method of  
536 remediation and method of financing or funding construction and  
537 operation.

538 (II) The department may amend the plan and shall approve a  
539 final plan. The department shall provide technical support upon  
540 request by a local government. Upon a showing of good cause, the  
541 department may grant an extension of time to reach compliance  
542 with the schedule.

543 (III) If the deadlines for the initiation of construction  
544 of improvements, completion of construction, and commencement of  
545 operations that were approved pursuant to this subsection are  
546 not satisfied, the local government may not approve any building  
547 permits within the plan area, and the department may not approve  
548 any onsite sewage treatment and disposal system within the plan  
549 area until the actions in the remediation plan have been  
550 completed. In addition, the department shall, unless good cause  
551 is shown, assess penalties pursuant to ss. 403.121, 403.141, and

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552 403.161 until the actions in the remediation plan have been  
553 completed. The department may reduce penalties based on  
554 expenditures designed to achieve compliance with the remediation  
555 plan.

556 c. In developing and adopting the plan, the department  
557 shall:

558 (I) Collect and evaluate credible scientific information on  
559 the effect of nutrients on surface waters and groundwater;

560 (II) Work with local stakeholders to develop a public  
561 education plan to provide area residents with reliable,  
562 understandable information about onsite sewage treatment and  
563 disposal systems and surface and groundwater pollution;

564 (III) In addition to sub-subparagraph 2.b., the department  
565 may include in the plan, if appropriate, options for system  
566 repair, upgrade, or replacement; drainfield modification; the  
567 addition of effective nutrient-reducing features; or other  
568 actions addressing onsite sewage treatment and disposal system  
569 issues. The department shall include in the plan a priority  
570 ranking for each onsite system, or group of systems, that  
571 requires remediation. The priority ranking shall be used to  
572 ensure the most effective, efficient use of the funding provided  
573 for onsite system remediation. In awarding any such funds, the  
574 department may consider expected nutrient reduction benefit per  
575 unit cost, the size and scope of the project, local financial  
576 contribution to the project relative to the overall cost, and the  
577 financial impact on property owners and the community. For the  
578 purpose of awarding funds, the department may, at its discretion,  
579 totally or partially waive this consideration of the local  
580 contribution for proposed projects within an area designated as a

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581 rural area of opportunity under s. 288.0656; and

582 (IV) The installation, repair, modification, or upgrade of  
583 onsite sewage treatment and disposal systems on lots of 1 acre or  
584 less and within the boundaries of a basin management action plan  
585 with an onsite sewage treatment and disposal remediation plan  
586 must conform to the requirements of the remediation plan.

587 (g) Alternative restoration plan.—

588 1. To demonstrate that the department can forgo placing a  
589 water body on the verified impaired water bodies list and  
590 establishing a total maximum daily load, the restoration plan  
591 for a water body must establish:

592 a. The implementation of best management practices or  
593 monitoring for nonpoint sources of pollution;

594 b. The implementation of a septic remediation plan where  
595 such remediation is necessary to restore the water body; and

596 c. Adoption of alternative waste treatment levels for  
597 wastewater treatment plants.

598 2. In addition, the restoration plan must include any other  
599 pollution control mechanisms that are being implemented to  
600 demonstrate a reasonable assurance that existing or proposed  
601 pollution control mechanisms or programs will effectively  
602 address the impairment. Upon adoption of such a restoration  
603 plan, the requirement that best management practices or  
604 monitoring be conducted within the watershed impacting the water  
605 body is enforceable pursuant to this section and ss. 403.121,  
606 403.141, and 403.161.

607 Section 6. Section 403.0771, Florida Statutes, is created  
608 to read:

609 403.0771 Sewage spill notification; moratorium.—

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610 (1) In addition to the public notification requirements of  
611 s. 403.077, a wastewater treatment plant that unlawfully  
612 discharges raw or partially treated sewage into any waterway or  
613 aquifer must, within 24 hours after discovering the discharge,  
614 notify its customers that the discharge has occurred.

615 (2) If a wastewater treatment plant owned by a local  
616 government unlawfully discharges raw or partially treated sewage  
617 into any waterway or aquifer, the local government may not  
618 approve any building permits and the department may not approve  
619 any onsite sewage treatment and disposal system in the local  
620 government's jurisdiction until any required maintenance,  
621 repair, or improvement has been implemented to reduce or  
622 eliminate sanitary sewage overflows, as determined by the  
623 department. In addition, the department shall assess a daily  
624 penalty pursuant to ss. 403.121, 403.141, and 403.161 until the  
625 required maintenance, repair, or improvement has been  
626 implemented. The department may reduce a penalty based on the  
627 wastewater treatment plant's investment in assessment and  
628 maintenance activities to identify and address conditions that  
629 may cause sanitary sewage overflows.

630 Section 7. Effective July 1, 2024, paragraph (c) of  
631 subsection (1) of section 403.086, Florida Statutes, is amended  
632 to read:

633 403.086 Sewage disposal facilities; advanced and secondary  
634 waste treatment.—

635 (1)

636 (c) Notwithstanding any other provisions of this chapter or  
637 chapter 373, facilities for sanitary sewage disposal may not  
638 dispose of any wastes into Old Tampa Bay, Tampa Bay,

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639 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater  
640 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,  
641 or Charlotte Harbor Bay, Indian River Lagoon, or into any river,  
642 stream, channel, canal, bay, bayou, sound, or other water  
643 tributary thereto, without providing advanced waste treatment,  
644 as defined in subsection (4), approved by the department. This  
645 paragraph shall not apply to facilities which were permitted by  
646 February 1, 1987, and which discharge secondary treated  
647 effluent, followed by water hyacinth treatment, to tributaries  
648 of tributaries of the named waters; or to facilities permitted  
649 to discharge to the nontidally influenced portions of the Peace  
650 River.

651 Section 8. Present subsection (4) of section 403.9337,  
652 Florida Statutes, is redesignated as subsection (5), and a new  
653 subsection (4) is added to that section, to read:

654 403.9337 Model Ordinance for Florida-Friendly Fertilizer  
655 Use on Urban Landscapes.—

656 (4) A local government that fails to adopt, enact, and  
657 implement an ordinance pursuant to this section is subject to a  
658 daily fine as provided in ss. 403.121, 403.141, and 403.161 and  
659 may not approve any building permits until the ordinance has  
660 been adopted, enacted, and implemented.

661 Section 9. (1) The Department of Environmental Protection  
662 shall revise the basin management action plans for Indian River  
663 Lagoon and the basin management action plans that were adopted  
664 pursuant to s. 373.807, Florida Statutes, and approved by the  
665 Secretary of Environmental Protection or prepared by the  
666 department before July 1, 2019, to conform existing plans to  
667 changes made by this act. Revisions to such basin management

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668 action plans made pursuant to this act must be completed by July  
669 1, 2020. The department may grant an extension, upon a showing  
670 of good cause, to a local government on the deadlines for its  
671 wastewater treatment plan project or onsite sewage treatment and  
672 disposal system remediation plans submitted as part of a basin  
673 management action plan.

674 (2) The department shall revise all basin management action  
675 plans not included under subsection (1), but adopted pursuant to  
676 s. 403.067(7), Florida Statutes, and approved by the Secretary  
677 of Environmental Protection or prepared by the department before  
678 July 1, 2019, to conform existing plans to changes made by this  
679 act. Revisions to such basin management action plans made  
680 pursuant to this act must be completed by the next required 5-  
681 year milestone assessment for those revisions scheduled for on  
682 or after July 1, 2020. The department may grant an extension,  
683 upon a showing of good cause, to a local government on the  
684 deadlines for its wastewater treatment plan project or onsite  
685 sewage treatment and disposal system remediation plans submitted  
686 as part of a basin management action plan.

687 Section 10. Subsection (5) of section 153.54, Florida  
688 Statutes, is amended to read:

689 153.54 Preliminary report by county commissioners with  
690 respect to creation of proposed district.—Upon receipt of a  
691 petition duly signed by not less than 25 qualified electors who  
692 are also freeholders residing within an area proposed to be  
693 incorporated into a water and sewer district pursuant to this  
694 law and describing in general terms the proposed boundaries of  
695 such proposed district, the board of county commissioners if it  
696 shall deem it necessary and advisable to create and establish



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697 such proposed district for the purpose of constructing,  
698 establishing or acquiring a water system or a sewer system or  
699 both in and for such district (herein called "improvements"),  
700 shall first cause a preliminary report to be made which such  
701 report together with any other relevant or pertinent matters,  
702 shall include at least the following:

703 (5) For the construction of a new proposed sewerage system  
704 or the extension of an existing sewerage system that was not  
705 previously approved, the report shall include a study that  
706 includes the available information from the Department of  
707 Environmental Protection ~~Health~~ on the history of onsite sewage  
708 treatment and disposal systems currently in use in the area and  
709 a comparison of the projected costs to the owner of a typical  
710 lot or parcel of connecting to and using the proposed sewerage  
711 system versus installing, operating, and properly maintaining an  
712 onsite sewage treatment system that is approved by the  
713 Department of Environmental Protection ~~Health~~ and that provides  
714 for the comparable level of environmental and health protection  
715 as the proposed central sewerage system; consideration of the  
716 local authority's obligations or reasonably anticipated  
717 obligations for water body cleanup and protection under state or  
718 federal programs, including requirements for water bodies listed  
719 under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33  
720 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by  
721 the local authority.

722  
723 Such report shall be filed in the office of the clerk of the  
724 circuit court and shall be open for the inspection of any  
725 taxpayer, property owner, qualified elector or any other

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726 interested or affected person.

727 Section 11. Paragraph (c) of subsection (2) of section  
728 153.73, Florida Statutes, is amended to read:

729 153.73 Assessable improvements; levy and payment of special  
730 assessments.—Any district may provide for the construction or  
731 reconstruction of assessable improvements as defined in s.  
732 153.52, and for the levying of special assessments upon  
733 benefited property for the payment thereof, under the provisions  
734 of this section.

735 (2)

736 (c) For the construction of a new proposed sewerage system  
737 or the extension of an existing sewerage system that was not  
738 previously approved, the report shall include a study that  
739 includes the available information from the Department of  
740 Environmental Protection ~~Health~~ on the history of onsite sewage  
741 treatment and disposal systems currently in use in the area and  
742 a comparison of the projected costs to the owner of a typical  
743 lot or parcel of connecting to and using the proposed sewerage  
744 system versus installing, operating, and properly maintaining an  
745 onsite sewage treatment system that is approved by the  
746 Department of Environmental Protection ~~Health~~ and that provides  
747 for the comparable level of environmental and health protection  
748 as the proposed central sewerage system; consideration of the  
749 local authority's obligations or reasonably anticipated  
750 obligations for water body cleanup and protection under state or  
751 federal programs, including requirements for water bodies listed  
752 under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33  
753 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by  
754 the local authority.

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755 Section 12. Subsection (2) of section 163.3180, Florida  
756 Statutes, is amended to read:

757 163.3180 Concurrency.—

758 (2) Consistent with public health and safety, sanitary  
759 sewer, solid waste, drainage, adequate water supplies, and  
760 potable water facilities shall be in place and available to  
761 serve new development no later than the issuance by the local  
762 government of a certificate of occupancy or its functional  
763 equivalent. Prior to approval of a building permit or its  
764 functional equivalent, the local government shall consult with  
765 the applicable water supplier to determine whether adequate  
766 water supplies to serve the new development will be available no  
767 later than the anticipated date of issuance by the local  
768 government of a certificate of occupancy or its functional  
769 equivalent. A local government may meet the concurrency  
770 requirement for sanitary sewer through the use of onsite sewage  
771 treatment and disposal systems approved by the Department of  
772 Environmental Protection ~~Health~~ to serve new development.

773 Section 13. Subsection (2) of section 373.811, Florida  
774 Statutes, is amended to read:

775 373.811 Prohibited activities within a priority focus  
776 area.—The following activities are prohibited within a priority  
777 focus area in effect for an Outstanding Florida Spring:

778 (2) New onsite sewage treatment and disposal systems on  
779 lots of less than 1 acre, if the addition of the specific  
780 systems conflicts with an onsite treatment and disposal system  
781 remediation plan incorporated into a basin management action  
782 plan in accordance with s. 403.067(7)(e) ~~s. 373.807(3)~~.

783 Section 14. Subsections (7) and (18) of section 381.006,

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784 Florida Statutes, are amended to read:

785       381.006 Environmental health.—The department shall conduct  
786 an environmental health program as part of fulfilling the  
787 state's public health mission. The purpose of this program is to  
788 detect and prevent disease caused by natural and manmade factors  
789 in the environment. The environmental health program shall  
790 include, but not be limited to:

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

792       (18) A food service inspection function for domestic  
793 violence centers that are certified by the Department of  
794 Children and Families and monitored by the Florida Coalition  
795 Against Domestic Violence under part XII of chapter 39 and group  
796 care homes as described in subsection (15) ~~(16)~~, which shall be  
797 conducted annually and be limited to the requirements in  
798 department rule applicable to community-based residential  
799 facilities with five or fewer residents.

800

801 The department may adopt rules to carry out the provisions of  
802 this section.

803       Section 15. Subsection (1) of section 381.0061, Florida  
804 Statutes, is amended to read:

805       381.0061 Administrative fines.—

806       (1) In addition to any administrative action authorized by  
807 chapter 120 or by other law, the department may impose a fine,  
808 which shall not exceed \$500 for each violation, for a violation  
809 of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.  
810 381.0072, or part III of chapter 489, for a violation of any  
811 rule adopted under this chapter, or for a violation of any of  
812 the provisions of chapter 386. Notice of intent to impose such

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813 fine shall be given by the department to the alleged violator.  
814 Each day that a violation continues may constitute a separate  
815 violation.

816 Section 16. Subsection (1) of section 381.0064, Florida  
817 Statutes, is amended to read:

818 381.0064 Continuing education courses for persons  
819 installing or servicing septic tanks.—

820 (1) The Department of Environmental Protection ~~Health~~ shall  
821 establish a program for continuing education which meets the  
822 purposes of ss. 381.0101 and 489.554 regarding the public health  
823 and environmental effects of onsite sewage treatment and  
824 disposal systems and any other matters the department determines  
825 desirable for the safe installation and use of onsite sewage  
826 treatment and disposal systems. The department may charge a fee  
827 to cover the cost of such program.

828 Section 17. Present paragraphs (d) through (q) of  
829 subsection (2) of section 381.0065, Florida Statutes, are  
830 redesignated as paragraphs (e) through (r), respectively, a new  
831 paragraph (d) is added to that subsection, and subsections (3)  
832 and (4) of that section are amended, to read:

833 381.0065 Onsite sewage treatment and disposal systems;  
834 regulation.—

835 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
836 term:

837 (d) "Department" means the Department of Environmental  
838 Protection.

839 (3) DUTIES AND POWERS OF THE DEPARTMENT ~~OF HEALTH~~.—The  
840 department shall:

841 (a) Adopt rules to administer ss. 381.0065-381.0067,

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842 including definitions that are consistent with the definitions  
843 in this section, decreases to setback requirements where no  
844 health hazard exists, increases for the lot-flow allowance for  
845 performance-based systems, requirements for separation from  
846 water table elevation during the wettest season, requirements  
847 for the design and construction of any component part of an  
848 onsite sewage treatment and disposal system, application and  
849 permit requirements for persons who maintain an onsite sewage  
850 treatment and disposal system, requirements for maintenance and  
851 service agreements for aerobic treatment units and performance-  
852 based treatment systems, and recommended standards, including  
853 disclosure requirements, for voluntary system inspections to be  
854 performed by individuals who are authorized by law to perform  
855 such inspections and who shall inform a person having ownership,  
856 control, or use of an onsite sewage treatment and disposal  
857 system of the inspection standards and of that person's  
858 authority to request an inspection based on all or part of the  
859 standards.

860 (b) Perform application reviews and site evaluations, issue  
861 permits, and conduct inspections and complaint investigations  
862 associated with the construction, installation, maintenance,  
863 modification, abandonment, operation, use, or repair of an  
864 onsite sewage treatment and disposal system for a residence or  
865 establishment with an estimated domestic sewage flow of 10,000  
866 gallons or less per day, or an estimated commercial sewage flow  
867 of 5,000 gallons or less per day, which is not currently  
868 regulated under chapter 403.

869 (c) Develop a comprehensive program to ensure that onsite  
870 sewage treatment and disposal systems regulated by the

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871 department are sized, designed, constructed, installed,  
872 repaired, modified, abandoned, used, operated, and maintained in  
873 compliance with this section and rules adopted under this  
874 section to prevent groundwater contamination and surface water  
875 contamination and to preserve the public health. The department  
876 is the final administrative interpretive authority regarding  
877 rule interpretation. In the event of a conflict regarding rule  
878 interpretation, the State Surgeon General, or his or her  
879 designee, shall timely assign a staff person to resolve the  
880 dispute.

881 (d) Grant variances in hardship cases under the conditions  
882 prescribed in this section and rules adopted under this section.

883 (e) Permit the use of a limited number of innovative  
884 systems for a specific period of time, when there is compelling  
885 evidence that the system will function properly and reliably to  
886 meet the requirements of this section and rules adopted under  
887 this section.

888 (f) Issue annual operating permits under this section.

889 (g) Establish and collect fees as established under s.  
890 381.0066 for services provided with respect to onsite sewage  
891 treatment and disposal systems.

892 (h) Conduct enforcement activities, including imposing  
893 fines, issuing citations, suspensions, revocations, injunctions,  
894 and emergency orders for violations of this section, part I of  
895 chapter 386, or part III of chapter 489 or for a violation of  
896 any rule adopted under this section, part I of chapter 386, or  
897 part III of chapter 489.

898 (i) Provide or conduct education and training of department  
899 personnel, service providers, and the public regarding onsite

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900 sewage treatment and disposal systems.

901 (j) Supervise research on, demonstration of, and training  
902 on the performance, environmental impact, and public health  
903 impact of onsite sewage treatment and disposal systems within  
904 this state. Research fees collected under s. 381.0066(2)(k) must  
905 be used to develop and fund hands-on training centers designed  
906 to provide practical information about onsite sewage treatment  
907 and disposal systems to septic tank contractors, master septic  
908 tank contractors, contractors, inspectors, engineers, and the  
909 public and must also be used to fund research projects which  
910 focus on improvements of onsite sewage treatment and disposal  
911 systems, including use of performance-based standards and  
912 reduction of environmental impact. Research projects shall be  
913 initially approved by the technical review and advisory panel  
914 and shall be applicable to and reflect the soil conditions  
915 specific to Florida. Such projects shall be awarded through  
916 competitive negotiation, using the procedures provided in s.  
917 287.055, to public or private entities that have experience in  
918 onsite sewage treatment and disposal systems in Florida and that  
919 are principally located in Florida. Research projects shall not  
920 be awarded to firms or entities that employ or are associated  
921 with persons who serve on either the technical review and  
922 advisory panel or the research review and advisory committee.

923 (k) Approve the installation of individual graywater  
924 disposal systems in which blackwater is treated by a central  
925 sewerage system.

926 (l) Regulate and permit the sanitation, handling,  
927 treatment, storage, reuse, and disposal of byproducts from any  
928 system regulated under this chapter and not regulated by the



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929 Department of Environmental Protection.

930 (m) Permit and inspect portable or temporary toilet  
931 services and holding tanks. The department shall review  
932 applications, perform site evaluations, and issue permits for  
933 the temporary use of holding tanks, privies, portable toilet  
934 services, or any other toilet facility that is intended for use  
935 on a permanent or nonpermanent basis, including facilities  
936 placed on construction sites when workers are present. The  
937 department may specify standards for the construction,  
938 maintenance, use, and operation of any such facility for  
939 temporary use.

940 (n) Regulate and permit maintenance entities for  
941 performance-based treatment systems and aerobic treatment unit  
942 systems. To ensure systems are maintained and operated according  
943 to manufacturer's specifications and designs, the department  
944 shall establish by rule minimum qualifying criteria for  
945 maintenance entities. The criteria shall include: training,  
946 access to approved spare parts and components, access to  
947 manufacturer's maintenance and operation manuals, and service  
948 response time. The maintenance entity shall employ a contractor  
949 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
950 a state-licensed wastewater plant operator, who is responsible  
951 for maintenance and repair of all systems under contract.

952 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
953 construct, repair, modify, abandon, or operate an onsite sewage  
954 treatment and disposal system without first obtaining a permit  
955 approved by the department. The department may issue permits to  
956 carry out this section, ~~but shall not make the issuance of such~~  
957 ~~permits contingent upon prior approval by the Department of~~

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958 ~~Environmental Protection, except that~~ The issuance of a permit  
959 for work seaward of the coastal construction control line  
960 established under s. 161.053 shall be contingent upon receipt of  
961 any required coastal construction control line permit from the  
962 department ~~of Environmental Protection~~. A construction permit is  
963 valid for 18 months from the issuance date and may be extended  
964 by the department for one 90-day period under rules adopted by  
965 the department. A repair permit is valid for 90 days from the  
966 date of issuance. An operating permit must be obtained before  
967 ~~prior to~~ the use of any aerobic treatment unit or if the  
968 establishment generates commercial waste. Buildings or  
969 establishments that use an aerobic treatment unit or generate  
970 commercial waste shall be inspected by the department at least  
971 annually to assure compliance with the terms of the operating  
972 permit. The operating permit for a commercial wastewater system  
973 is valid for 1 year from the date of issuance and must be  
974 renewed annually. The operating permit for an aerobic treatment  
975 unit is valid for 2 years from the date of issuance and must be  
976 renewed every 2 years. If all information pertaining to the  
977 siting, location, and installation conditions or repair of an  
978 onsite sewage treatment and disposal system remains the same, a  
979 construction or repair permit for the onsite sewage treatment  
980 and disposal system may be transferred to another person, if the  
981 transferee files, within 60 days after the transfer of  
982 ownership, an amended application providing all corrected  
983 information and proof of ownership of the property. There is no  
984 fee associated with the processing of this supplemental  
985 information. A person may not contract to construct, modify,  
986 alter, repair, service, abandon, or maintain any portion of an

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987 onsite sewage treatment and disposal system without being  
988 registered under part III of chapter 489. A property owner who  
989 personally performs construction, maintenance, or repairs to a  
990 system serving his or her own owner-occupied single-family  
991 residence is exempt from registration requirements for  
992 performing such construction, maintenance, or repairs on that  
993 residence, but is subject to all permitting requirements. A  
994 municipality or political subdivision of the state may not issue  
995 a building or plumbing permit for any building that requires the  
996 use of an onsite sewage treatment and disposal system unless the  
997 owner or builder has received a construction permit for such  
998 system from the department. A building or structure may not be  
999 occupied and a municipality, political subdivision, or any state  
1000 or federal agency may not authorize occupancy until the  
1001 department approves the final installation of the onsite sewage  
1002 treatment and disposal system. A municipality or political  
1003 subdivision of the state may not approve any change in occupancy  
1004 or tenancy of a building that uses an onsite sewage treatment  
1005 and disposal system until the department has reviewed the use of  
1006 the system with the proposed change, approved the change, and  
1007 amended the operating permit.

1008 (a) Subdivisions and lots in which each lot has a minimum  
1009 area of at least one-half acre and either a minimum dimension of  
1010 100 feet or a mean of at least 100 feet of the side bordering  
1011 the street and the distance formed by a line parallel to the  
1012 side bordering the street drawn between the two most distant  
1013 points of the remainder of the lot may be developed with a water  
1014 system regulated under s. 381.0062 and onsite sewage treatment  
1015 and disposal systems, provided the projected daily sewage flow

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1016 does not exceed an average of 1,500 gallons per acre per day,  
1017 and provided satisfactory drinking water can be obtained and all  
1018 distance and setback, soil condition, water table elevation, and  
1019 other related requirements of this section and rules adopted  
1020 under this section can be met.

1021 (b) Subdivisions and lots using a public water system as  
1022 defined in s. 403.852 may use onsite sewage treatment and  
1023 disposal systems, provided there are no more than four lots per  
1024 acre, provided the projected daily sewage flow does not exceed  
1025 an average of 2,500 gallons per acre per day, and provided that  
1026 all distance and setback, soil condition, water table elevation,  
1027 and other related requirements that are generally applicable to  
1028 the use of onsite sewage treatment and disposal systems are met.

1029 (c) Notwithstanding paragraphs (a) and (b), for  
1030 subdivisions platted of record on or before October 1, 1991,  
1031 when a developer or other appropriate entity has previously made  
1032 or makes provisions, including financial assurances or other  
1033 commitments, acceptable to the department ~~of Health~~, that a  
1034 central water system will be installed by a regulated public  
1035 utility based on a density formula, private potable wells may be  
1036 used with onsite sewage treatment and disposal systems until the  
1037 agreed-upon densities are reached. In a subdivision regulated by  
1038 this paragraph, the average daily sewage flow may not exceed  
1039 2,500 gallons per acre per day. This section does not affect the  
1040 validity of existing prior agreements. After October 1, 1991,  
1041 the exception provided under this paragraph is not available to  
1042 a developer or other appropriate entity.

1043 (d) Paragraphs (a) and (b) do not apply to any proposed  
1044 residential subdivision with more than 50 lots or to any

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1045 proposed commercial subdivision with more than 5 lots where a  
1046 publicly owned or investor-owned sewerage system is available.  
1047 It is the intent of this paragraph not to allow development of  
1048 additional proposed subdivisions in order to evade the  
1049 requirements of this paragraph.

1050 (e) Onsite sewage treatment and disposal systems must not  
1051 be placed closer than:

1052 1. Seventy-five feet from a private potable well.

1053 2. Two hundred feet from a public potable well serving a  
1054 residential or nonresidential establishment having a total  
1055 sewage flow of greater than 2,000 gallons per day.

1056 3. One hundred feet from a public potable well serving a  
1057 residential or nonresidential establishment having a total  
1058 sewage flow of less than or equal to 2,000 gallons per day.

1059 4. Fifty feet from any nonpotable well.

1060 5. Ten feet from any storm sewer pipe, to the maximum  
1061 extent possible, but in no instance shall the setback be less  
1062 than 5 feet.

1063 6. Seventy-five feet from the mean high-water line of a  
1064 tidally influenced surface water body.

1065 7. Seventy-five feet from the mean annual flood line of a  
1066 permanent nontidal surface water body.

1067 8. Fifteen feet from the design high-water line of  
1068 retention areas, detention areas, or swales designed to contain  
1069 standing or flowing water for less than 72 hours after a  
1070 rainfall or the design high-water level of normally dry drainage  
1071 ditches or normally dry individual lot stormwater retention  
1072 areas.

1073 (f) Except as provided under paragraphs (e) and (t), no

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1074 limitations shall be imposed by rule, relating to the distance  
1075 between an onsite disposal system and any area that either  
1076 permanently or temporarily has visible surface water.

1077 (g) All provisions of this section and rules adopted under  
1078 this section relating to soil condition, water table elevation,  
1079 distance, and other setback requirements must be equally applied  
1080 to all lots, with the following exceptions:

1081 1. Any residential lot that was platted and recorded on or  
1082 after January 1, 1972, or that is part of a residential  
1083 subdivision that was approved by the appropriate permitting  
1084 agency on or after January 1, 1972, and that was eligible for an  
1085 onsite sewage treatment and disposal system construction permit  
1086 on the date of such platting and recording or approval shall be  
1087 eligible for an onsite sewage treatment and disposal system  
1088 construction permit, regardless of when the application for a  
1089 permit is made. If rules in effect at the time the permit  
1090 application is filed cannot be met, residential lots platted and  
1091 recorded or approved on or after January 1, 1972, shall, to the  
1092 maximum extent possible, comply with the rules in effect at the  
1093 time the permit application is filed. At a minimum, however,  
1094 those residential lots platted and recorded or approved on or  
1095 after January 1, 1972, but before January 1, 1983, shall comply  
1096 with those rules in effect on January 1, 1983, and those  
1097 residential lots platted and recorded or approved on or after  
1098 January 1, 1983, shall comply with those rules in effect at the  
1099 time of such platting and recording or approval. In determining  
1100 the maximum extent of compliance with current rules that is  
1101 possible, the department shall allow structures and  
1102 appurtenances thereto which were authorized at the time such

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1103 lots were platted and recorded or approved.

1104       2. Lots platted before 1972 are subject to a 50-foot  
1105 minimum surface water setback and are not subject to lot size  
1106 requirements. The projected daily flow for onsite sewage  
1107 treatment and disposal systems for lots platted before 1972 may  
1108 not exceed:

1109       a. Two thousand five hundred gallons per acre per day for  
1110 lots served by public water systems as defined in s. 403.852.

1111       b. One thousand five hundred gallons per acre per day for  
1112 lots served by water systems regulated under s. 381.0062.

1113       (h)1. The department may grant variances in hardship cases  
1114 which may be less restrictive than the provisions specified in  
1115 this section. If a variance is granted and the onsite sewage  
1116 treatment and disposal system construction permit has been  
1117 issued, the variance may be transferred with the system  
1118 construction permit, if the transferee files, within 60 days  
1119 after the transfer of ownership, an amended construction permit  
1120 application providing all corrected information and proof of  
1121 ownership of the property and if the same variance would have  
1122 been required for the new owner of the property as was  
1123 originally granted to the original applicant for the variance.  
1124 There is no fee associated with the processing of this  
1125 supplemental information. A variance may not be granted under  
1126 this section until the department is satisfied that:

1127       a. The hardship was not caused intentionally by the action  
1128 of the applicant;

1129       b. No reasonable alternative, taking into consideration  
1130 factors such as cost, exists for the treatment of the sewage;  
1131 and

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1132 c. The discharge from the onsite sewage treatment and  
1133 disposal system will not adversely affect the health of the  
1134 applicant or the public or significantly degrade the groundwater  
1135 or surface waters.

1136  
1137 Where soil conditions, water table elevation, and setback  
1138 provisions are determined by the department to be satisfactory,  
1139 special consideration must be given to those lots platted before  
1140 1972.

1141 2. The department shall appoint and staff a variance review  
1142 and advisory committee, which shall meet monthly to recommend  
1143 agency action on variance requests. The committee shall make its  
1144 recommendations on variance requests at the meeting in which the  
1145 application is scheduled for consideration, except for an  
1146 extraordinary change in circumstances, the receipt of new  
1147 information that raises new issues, or when the applicant  
1148 requests an extension. The committee shall consider the criteria  
1149 in subparagraph 1. in its recommended agency action on variance  
1150 requests and shall also strive to allow property owners the full  
1151 use of their land where possible. The committee consists of the  
1152 following:

- 1153 a. The State Surgeon General or his or her designee.  
1154 b. A representative from the county health departments.  
1155 c. A representative from the home building industry  
1156 recommended by the Florida Home Builders Association.  
1157 d. A representative from the septic tank industry  
1158 recommended by the Florida Onsite Wastewater Association.  
1159 e. A representative from the Department of Environmental  
1160 Protection.



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1161 f. A representative from the real estate industry who is  
1162 also a developer in this state who develops lots using onsite  
1163 sewage treatment and disposal systems, recommended by the  
1164 Florida Association of Realtors.

1165 g. A representative from the engineering profession  
1166 recommended by the Florida Engineering Society.

1167  
1168 Members shall be appointed for a term of 3 years, with such  
1169 appointments being staggered so that the terms of no more than  
1170 two members expire in any one year. Members shall serve without  
1171 remuneration, but if requested, shall be reimbursed for per diem  
1172 and travel expenses as provided in s. 112.061.

1173 (i) A construction permit may not be issued for an onsite  
1174 sewage treatment and disposal system in any area zoned or used  
1175 for industrial or manufacturing purposes, or its equivalent,  
1176 where a publicly owned or investor-owned sewage treatment system  
1177 is available, or where a likelihood exists that the system will  
1178 receive toxic, hazardous, or industrial waste. An existing  
1179 onsite sewage treatment and disposal system may be repaired if a  
1180 publicly owned or investor-owned sewerage system is not  
1181 available within 500 feet of the building sewer stub-out and if  
1182 system construction and operation standards can be met. This  
1183 paragraph does not require publicly owned or investor-owned  
1184 sewerage treatment systems to accept anything other than  
1185 domestic wastewater.

1186 1. A building located in an area zoned or used for  
1187 industrial or manufacturing purposes, or its equivalent, when  
1188 such building is served by an onsite sewage treatment and  
1189 disposal system, must not be occupied until the owner or tenant

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1190 has obtained written approval from the department. The  
1191 department shall not grant approval when the proposed use of the  
1192 system is to dispose of toxic, hazardous, or industrial  
1193 wastewater or toxic or hazardous chemicals.

1194       2. Each person who owns or operates a business or facility  
1195 in an area zoned or used for industrial or manufacturing  
1196 purposes, or its equivalent, or who owns or operates a business  
1197 that has the potential to generate toxic, hazardous, or  
1198 industrial wastewater or toxic or hazardous chemicals, and uses  
1199 an onsite sewage treatment and disposal system that is installed  
1200 on or after July 5, 1989, must obtain an annual system operating  
1201 permit from the department. A person who owns or operates a  
1202 business that uses an onsite sewage treatment and disposal  
1203 system that was installed and approved before July 5, 1989, need  
1204 not obtain a system operating permit. However, upon change of  
1205 ownership or tenancy, the new owner or operator must notify the  
1206 department of the change, and the new owner or operator must  
1207 obtain an annual system operating permit, regardless of the date  
1208 that the system was installed or approved.

1209       3. The department shall periodically review and evaluate  
1210 the continued use of onsite sewage treatment and disposal  
1211 systems in areas zoned or used for industrial or manufacturing  
1212 purposes, or its equivalent, and may require the collection and  
1213 analyses of samples from within and around such systems. If the  
1214 department finds that toxic or hazardous chemicals or toxic,  
1215 hazardous, or industrial wastewater have been or are being  
1216 disposed of through an onsite sewage treatment and disposal  
1217 system, the department shall initiate enforcement actions  
1218 against the owner or tenant to ensure adequate cleanup,

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1219 treatment, and disposal.

1220 (j) An onsite sewage treatment and disposal system designed  
1221 by a professional engineer registered in the state and certified  
1222 by such engineer as complying with performance criteria adopted  
1223 by the department must be approved by the department subject to  
1224 the following:

1225 1. The performance criteria applicable to engineer-designed  
1226 systems must be limited to those necessary to ensure that such  
1227 systems do not adversely affect the public health or  
1228 significantly degrade the groundwater or surface water. Such  
1229 performance criteria shall include consideration of the quality  
1230 of system effluent, the proposed total sewage flow per acre,  
1231 wastewater treatment capabilities of the natural or replaced  
1232 soil, water quality classification of the potential surface-  
1233 water-receiving body, and the structural and maintenance  
1234 viability of the system for the treatment of domestic  
1235 wastewater. However, performance criteria shall address only the  
1236 performance of a system and not a system's design.

1237 2. A person electing to utilize an engineer-designed system  
1238 shall, upon completion of the system design, submit such design,  
1239 certified by a registered professional engineer, to the county  
1240 health department. The county health department may utilize an  
1241 outside consultant to review the engineer-designed system, with  
1242 the actual cost of such review to be borne by the applicant.  
1243 Within 5 working days after receiving an engineer-designed  
1244 system permit application, the county health department shall  
1245 request additional information if the application is not  
1246 complete. Within 15 working days after receiving a complete  
1247 application for an engineer-designed system, the county health

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1248 department either shall issue the permit or, if it determines  
1249 that the system does not comply with the performance criteria,  
1250 shall notify the applicant of that determination and refer the  
1251 application to the department for a determination as to whether  
1252 the system should be approved, disapproved, or approved with  
1253 modification. The department engineer's determination shall  
1254 prevail over the action of the county health department. The  
1255 applicant shall be notified in writing of the department's  
1256 determination and of the applicant's rights to pursue a variance  
1257 or seek review under ~~the provisions of~~ chapter 120.

1258 3. The owner of an engineer-designed performance-based  
1259 system must maintain a current maintenance service agreement  
1260 with a maintenance entity permitted by the department. The  
1261 maintenance entity shall inspect each system at least twice each  
1262 year and shall report quarterly to the department on the number  
1263 of systems inspected and serviced. The reports may be submitted  
1264 electronically.

1265 4. The property owner of an owner-occupied, single-family  
1266 residence may be approved and permitted by the department as a  
1267 maintenance entity for his or her own performance-based  
1268 treatment system upon written certification from the system  
1269 manufacturer's approved representative that the property owner  
1270 has received training on the proper installation and service of  
1271 the system. The maintenance service agreement must conspicuously  
1272 disclose that the property owner has the right to maintain his  
1273 or her own system and is exempt from contractor registration  
1274 requirements for performing construction, maintenance, or  
1275 repairs on the system but is subject to all permitting  
1276 requirements.

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1277           5. The property owner shall obtain a biennial system  
1278 operating permit from the department for each system. The  
1279 department shall inspect the system at least annually, or on  
1280 such periodic basis as the fee collected permits, and may  
1281 collect system-effluent samples if appropriate to determine  
1282 compliance with the performance criteria. The fee for the  
1283 biennial operating permit shall be collected beginning with the  
1284 second year of system operation.

1285           6. If an engineer-designed system fails to properly  
1286 function or fails to meet performance standards, the system  
1287 shall be re-engineered, if necessary, to bring the system into  
1288 compliance with ~~the provisions of~~ this section.

1289           (k) An innovative system may be approved in conjunction  
1290 with an engineer-designed site-specific system which is  
1291 certified by the engineer to meet the performance-based criteria  
1292 adopted by the department.

1293           (1) For the Florida Keys, the department shall adopt a  
1294 special rule for the construction, installation, modification,  
1295 operation, repair, maintenance, and performance of onsite sewage  
1296 treatment and disposal systems which considers the unique soil  
1297 conditions and water table elevations, densities, and setback  
1298 requirements. On lots where a setback distance of 75 feet from  
1299 surface waters, saltmarsh, and buttonwood association habitat  
1300 areas cannot be met, an injection well, approved and permitted  
1301 by the department, may be used for disposal of effluent from  
1302 onsite sewage treatment and disposal systems. The following  
1303 additional requirements apply to onsite sewage treatment and  
1304 disposal systems in Monroe County:

1305           1. The county, each municipality, and those special

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1306 districts established for the purpose of the collection,  
1307 transmission, treatment, or disposal of sewage shall ensure, in  
1308 accordance with the specific schedules adopted by the  
1309 Administration Commission under s. 380.0552, the completion of  
1310 onsite sewage treatment and disposal system upgrades to meet the  
1311 requirements of this paragraph.

1312 2. Onsite sewage treatment and disposal systems must cease  
1313 discharge by December 31, 2015, or must comply with department  
1314 rules and provide the level of treatment which, on a permitted  
1315 annual average basis, produces an effluent that contains no more  
1316 than the following concentrations:

1317 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

1318 b. Suspended Solids of 10 mg/l.

1319 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
1320 reduction in nitrogen of at least 70 percent. A system that has  
1321 been tested and certified to reduce nitrogen concentrations by  
1322 at least 70 percent shall be deemed to be in compliance with  
1323 this standard.

1324 d. Total Phosphorus, expressed as P, of 1 mg/l.

1325

1326 In addition, onsite sewage treatment and disposal systems  
1327 discharging to an injection well must provide basic disinfection  
1328 as defined by department rule.

1329 3. In areas not scheduled to be served by a central sewer,  
1330 onsite sewage treatment and disposal systems must, by December  
1331 31, 2015, comply with department rules and provide the level of  
1332 treatment described in subparagraph 2.

1333 4. In areas scheduled to be served by central sewer by  
1334 December 31, 2015, if the property owner has paid a connection

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1335 fee or assessment for connection to the central sewer system,  
1336 the property owner may install a holding tank with a high water  
1337 alarm or an onsite sewage treatment and disposal system that  
1338 meets the following minimum standards:

1339 a. The existing tanks must be pumped and inspected and  
1340 certified as being watertight and free of defects in accordance  
1341 with department rule; and

1342 b. A sand-lined drainfield or injection well in accordance  
1343 with department rule must be installed.

1344 5. Onsite sewage treatment and disposal systems must be  
1345 monitored for total nitrogen and total phosphorus concentrations  
1346 as required by department rule.

1347 6. The department shall enforce proper installation,  
1348 operation, and maintenance of onsite sewage treatment and  
1349 disposal systems pursuant to this chapter, including ensuring  
1350 that the appropriate level of treatment described in  
1351 subparagraph 2. is met.

1352 7. The authority of a local government, including a special  
1353 district, to mandate connection of an onsite sewage treatment  
1354 and disposal system is governed by s. 4, chapter 99-395, Laws of  
1355 Florida.

1356 8. Notwithstanding any other provision of law, an onsite  
1357 sewage treatment and disposal system installed after July 1,  
1358 2010, in unincorporated Monroe County, excluding special  
1359 wastewater districts, that complies with the standards in  
1360 subparagraph 2. is not required to connect to a central sewer  
1361 system until December 31, 2020.

1362 (m) No product sold in the state for use in onsite sewage  
1363 treatment and disposal systems may contain any substance in

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1364 concentrations or amounts that would interfere with or prevent  
1365 the successful operation of such system, or that would cause  
1366 discharges from such systems to violate applicable water quality  
1367 standards. The department shall publish criteria for products  
1368 known or expected to meet the conditions of this paragraph. In  
1369 the event a product does not meet such criteria, such product  
1370 may be sold if the manufacturer satisfactorily demonstrates to  
1371 the department that the conditions of this paragraph are met.

1372 (n) Evaluations for determining the seasonal high-water  
1373 table elevations or the suitability of soils for the use of a  
1374 new onsite sewage treatment and disposal system shall be  
1375 performed by department personnel, professional engineers  
1376 registered in the state, or such other persons with expertise,  
1377 as defined by rule, in making such evaluations. Evaluations for  
1378 determining mean annual flood lines shall be performed by those  
1379 persons identified in paragraph (2) (k) ~~paragraph (2) (j)~~. The  
1380 department shall accept evaluations submitted by professional  
1381 engineers and such other persons as meet the expertise  
1382 established by this section or by rule unless the department has  
1383 a reasonable scientific basis for questioning the accuracy or  
1384 completeness of the evaluation.

1385 (o) The department shall appoint a research review and  
1386 advisory committee, which shall meet at least semiannually. The  
1387 committee shall advise the department on directions for new  
1388 research, review and rank proposals for research contracts, and  
1389 review draft research reports and make comments. The committee  
1390 is comprised of:

1391 1. A representative of the State Surgeon General, or his or  
1392 her designee.



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- 1393 2. A representative from the septic tank industry.
- 1394 3. A representative from the home building industry.
- 1395 4. A representative from an environmental interest group.
- 1396 5. A representative from the State University System, from
- 1397 a department knowledgeable about onsite sewage treatment and
- 1398 disposal systems.
- 1399 6. A professional engineer registered in this state who has
- 1400 work experience in onsite sewage treatment and disposal systems.
- 1401 7. A representative from local government who is
- 1402 knowledgeable about domestic wastewater treatment.
- 1403 8. A representative from the real estate profession.
- 1404 9. A representative from the restaurant industry.
- 1405 10. A consumer.

1406

1407 Members shall be appointed for a term of 3 years, with the

1408 appointments being staggered so that the terms of no more than

1409 four members expire in any one year. Members shall serve without

1410 remuneration, but are entitled to reimbursement for per diem and

1411 travel expenses as provided in s. 112.061.

1412 (p) An application for an onsite sewage treatment and

1413 disposal system permit shall be completed in full, signed by the

1414 owner or the owner's authorized representative, or by a

1415 contractor licensed under chapter 489, and shall be accompanied

1416 by all required exhibits and fees. No specific documentation of

1417 property ownership shall be required as a prerequisite to the

1418 review of an application or the issuance of a permit. The

1419 issuance of a permit does not constitute determination by the

1420 department of property ownership.

1421 (q) The department may not require any form of subdivision

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1422 analysis of property by an owner, developer, or subdivider  
1423 before ~~prior to~~ submission of an application for an onsite  
1424 sewage treatment and disposal system.

1425 (r) Nothing in this section limits the power of a  
1426 municipality or county to enforce other laws for the protection  
1427 of the public health and safety.

1428 (s) In the siting of onsite sewage treatment and disposal  
1429 systems, including drainfields, shoulders, and slopes, guttering  
1430 shall not be required on single-family residential dwelling  
1431 units for systems located greater than 5 feet from the roof drip  
1432 line of the house. If guttering is used on residential dwelling  
1433 units, the downspouts shall be directed away from the  
1434 drainfield.

1435 (t) Notwithstanding ~~the provisions of~~ subparagraph (g)1.,  
1436 onsite sewage treatment and disposal systems located in  
1437 floodways of the Suwannee and Aucilla Rivers must adhere to the  
1438 following requirements:

1439 1. The absorption surface of the drainfield shall not be  
1440 subject to flooding based on 10-year flood elevations. Provided,  
1441 however, for lots or parcels created by the subdivision of land  
1442 in accordance with applicable local government regulations  
1443 before ~~prior to~~ January 17, 1990, if an applicant cannot  
1444 construct a drainfield system with the absorption surface of the  
1445 drainfield at an elevation equal to or above 10-year flood  
1446 elevation, the department shall issue a permit for an onsite  
1447 sewage treatment and disposal system within the 10-year  
1448 floodplain of rivers, streams, and other bodies of flowing water  
1449 if all of the following criteria are met:

1450 a. The lot is at least one-half acre in size;

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1451           b. The bottom of the drainfield is at least 36 inches above  
1452 the 2-year flood elevation; and

1453           c. The applicant installs either: a waterless,  
1454 incinerating, or organic waste composting toilet and a graywater  
1455 system and drainfield in accordance with department rules; an  
1456 aerobic treatment unit and drainfield in accordance with  
1457 department rules; a system approved by the State Health Office  
1458 that is capable of reducing effluent nitrate by at least 50  
1459 percent; or a system approved by the county health department  
1460 pursuant to department rule other than a system using  
1461 alternative drainfield materials. The United States Department  
1462 of Agriculture Soil Conservation Service soil maps, State of  
1463 Florida Water Management District data, and Federal Emergency  
1464 Management Agency Flood Insurance maps are resources that shall  
1465 be used to identify flood-prone areas.

1466           2. The use of fill or mounding to elevate a drainfield  
1467 system out of the 10-year floodplain of rivers, streams, or  
1468 other bodies of flowing water shall not be permitted if such a  
1469 system lies within a regulatory floodway of the Suwannee and  
1470 Aucilla Rivers. In cases where the 10-year flood elevation does  
1471 not coincide with the boundaries of the regulatory floodway, the  
1472 regulatory floodway will be considered for the purposes of this  
1473 subsection to extend at a minimum to the 10-year flood  
1474 elevation.

1475           (u)1. The owner of an aerobic treatment unit system shall  
1476 maintain a current maintenance service agreement with an aerobic  
1477 treatment unit maintenance entity permitted by the department.  
1478 The maintenance entity shall inspect each aerobic treatment unit  
1479 system at least twice each year and shall report quarterly to

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1480 the department on the number of aerobic treatment unit systems  
1481 inspected and serviced. The reports may be submitted  
1482 electronically.

1483 2. The property owner of an owner-occupied, single-family  
1484 residence may be approved and permitted by the department as a  
1485 maintenance entity for his or her own aerobic treatment unit  
1486 system upon written certification from the system manufacturer's  
1487 approved representative that the property owner has received  
1488 training on the proper installation and service of the system.  
1489 The maintenance entity service agreement must conspicuously  
1490 disclose that the property owner has the right to maintain his  
1491 or her own system and is exempt from contractor registration  
1492 requirements for performing construction, maintenance, or  
1493 repairs on the system but is subject to all permitting  
1494 requirements.

1495 3. A septic tank contractor licensed under part III of  
1496 chapter 489, if approved by the manufacturer, may not be denied  
1497 access by the manufacturer to aerobic treatment unit system  
1498 training or spare parts for maintenance entities. After the  
1499 original warranty period, component parts for an aerobic  
1500 treatment unit system may be replaced with parts that meet  
1501 manufacturer's specifications but are manufactured by others.  
1502 The maintenance entity shall maintain documentation of the  
1503 substitute part's equivalency for 2 years and shall provide such  
1504 documentation to the department upon request.

1505 4. The owner of an aerobic treatment unit system shall  
1506 obtain a system operating permit from the department and allow  
1507 the department to inspect during reasonable hours each aerobic  
1508 treatment unit system at least annually, and such inspection may

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1509 include collection and analysis of system-effluent samples for  
1510 performance criteria established by rule of the department.

1511 (v) The department may require the submission of detailed  
1512 system construction plans that are prepared by a professional  
1513 engineer registered in this state. The department shall  
1514 establish by rule criteria for determining when such a  
1515 submission is required.

1516 (w) Any permit issued and approved by the department for  
1517 the installation, modification, or repair of an onsite sewage  
1518 treatment and disposal system shall transfer with the title to  
1519 the property in a real estate transaction. A title may not be  
1520 encumbered at the time of transfer by new permit requirements by  
1521 a governmental entity for an onsite sewage treatment and  
1522 disposal system which differ from the permitting requirements in  
1523 effect at the time the system was permitted, modified, or  
1524 repaired. An inspection of a system may not be mandated by a  
1525 governmental entity at the point of sale in a real estate  
1526 transaction. This paragraph does not affect a septic tank phase-  
1527 out deferral program implemented by a consolidated government as  
1528 defined in s. 9, Art. VIII of the State Constitution (1885).

1529 (x) A governmental entity, including a municipality,  
1530 county, or statutorily created commission, may not require an  
1531 engineer-designed performance-based treatment system, excluding  
1532 a passive engineer-designed performance-based treatment system,  
1533 before the completion of the Florida Onsite Sewage Nitrogen  
1534 Reduction Strategies Project. This paragraph does not apply to a  
1535 governmental entity, including a municipality, county, or  
1536 statutorily created commission, which adopted a local law,  
1537 ordinance, or regulation on or before January 31, 2012.

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1538 Notwithstanding this paragraph, an engineer-designed  
1539 performance-based treatment system may be used to meet the  
1540 requirements of the variance review and advisory committee  
1541 recommendations.

1542 (y)1. An onsite sewage treatment and disposal system is not  
1543 considered abandoned if the system is disconnected from a  
1544 structure that was made unusable or destroyed following a  
1545 disaster and if the system was properly functioning at the time  
1546 of disconnection and was not adversely affected by the disaster.  
1547 The onsite sewage treatment and disposal system may be  
1548 reconnected to a rebuilt structure if:

1549 a. The reconnection of the system is to the same type of  
1550 structure which contains the same number of bedrooms or fewer,  
1551 if the square footage of the structure is less than or equal to  
1552 110 percent of the original square footage of the structure that  
1553 existed before the disaster;

1554 b. The system is not a sanitary nuisance; and

1555 c. The system has not been altered without prior  
1556 authorization.

1557 2. An onsite sewage treatment and disposal system that  
1558 serves a property that is foreclosed upon is not considered  
1559 abandoned.

1560 (z) If an onsite sewage treatment and disposal system  
1561 permittee receives, relies upon, and undertakes construction of  
1562 a system based upon a validly issued construction permit under  
1563 rules applicable at the time of construction but a change to a  
1564 rule occurs within 5 years after the approval of the system for  
1565 construction but before the final approval of the system, the  
1566 rules applicable and in effect at the time of construction

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1567 approval apply at the time of final approval if fundamental site  
1568 conditions have not changed between the time of construction  
1569 approval and final approval.

1570 (aa) An existing-system inspection or evaluation and  
1571 assessment, or a modification, replacement, or upgrade of an  
1572 onsite sewage treatment and disposal system is not required for  
1573 a remodeling addition or modification to a single-family home if  
1574 a bedroom is not added. However, a remodeling addition or  
1575 modification to a single-family home may not cover any part of  
1576 the existing system or encroach upon a required setback or the  
1577 unobstructed area. To determine if a setback or the unobstructed  
1578 area is impacted, the local health department shall review and  
1579 verify a floor plan and site plan of the proposed remodeling  
1580 addition or modification to the home submitted by a remodeler  
1581 which shows the location of the system, including the distance  
1582 of the remodeling addition or modification to the home from the  
1583 onsite sewage treatment and disposal system. The local health  
1584 department may visit the site or otherwise determine the best  
1585 means of verifying the information submitted. A verification of  
1586 the location of a system is not an inspection or evaluation and  
1587 assessment of the system. The review and verification must be  
1588 completed within 7 business days after receipt by the local  
1589 health department of a floor plan and site plan. If the review  
1590 and verification is not completed within such time, the  
1591 remodeling addition or modification to the single-family home,  
1592 for the purposes of this paragraph, is approved.

1593 Section 18. Paragraph (d) of subsection (7) and subsections  
1594 (8) and (9) of section 381.00651, Florida Statutes, are amended  
1595 to read:

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1596 381.00651 Periodic evaluation and assessment of onsite  
1597 sewage treatment and disposal systems.-

1598 (7) The following procedures shall be used for conducting  
1599 evaluations:

1600 (d) *Assessment procedure.*-All evaluation procedures used by  
1601 a qualified contractor shall be documented in the environmental  
1602 health database of the department ~~of Health~~. The qualified  
1603 contractor shall provide a copy of a written, signed evaluation  
1604 report to the property owner upon completion of the evaluation  
1605 and to the county health department within 30 days after the  
1606 evaluation. The report must ~~shall~~ contain the name and license  
1607 number of the company providing the report. A copy of the  
1608 evaluation report shall be retained by the local county health  
1609 department for a minimum of 5 years and until a subsequent  
1610 inspection report is filed. The front cover of the report must  
1611 identify any system failure and include a clear and conspicuous  
1612 notice to the owner that the owner has a right to have any  
1613 remediation of the failure performed by a qualified contractor  
1614 other than the contractor performing the evaluation. The report  
1615 must further identify any crack, leak, improper fit, or other  
1616 defect in the tank, manhole, or lid, and any other damaged or  
1617 missing component; any sewage or effluent visible on the ground  
1618 or discharging to a ditch or other surface water body; any  
1619 downspout, stormwater, or other source of water directed onto or  
1620 toward the system; and any other maintenance need or condition  
1621 of the system at the time of the evaluation which, in the  
1622 opinion of the qualified contractor, would possibly interfere  
1623 with or restrict any future repair or modification to the  
1624 existing system. The report shall conclude with an overall



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1625 assessment of the fundamental operational condition of the  
1626 system.

1627 (8) The county health department, in coordination with the  
1628 department, shall administer any evaluation program on behalf of  
1629 a county, or a municipality within the county, that has adopted  
1630 an evaluation program pursuant to this section. In order to  
1631 administer the evaluation program, the county or municipality,  
1632 in consultation with the county health department, may develop a  
1633 reasonable fee schedule to be used solely to pay for the costs  
1634 of administering the evaluation program. Such a fee schedule  
1635 shall be identified in the ordinance that adopts the evaluation  
1636 program. When arriving at a reasonable fee schedule, the  
1637 estimated annual revenues to be derived from fees may not exceed  
1638 reasonable estimated annual costs of the program. Fees shall be  
1639 assessed to the system owner during an inspection and separately  
1640 identified on the invoice of the qualified contractor. Fees  
1641 shall be remitted by the qualified contractor to the county  
1642 health department. The county health department's administrative  
1643 responsibilities include the following:

1644 (a) Providing a notice to the system owner at least 60 days  
1645 before the system is due for an evaluation. The notice may  
1646 include information on the proper maintenance of onsite sewage  
1647 treatment and disposal systems.

1648 (b) In consultation with the department ~~of Health~~,  
1649 providing uniform disciplinary procedures and penalties for  
1650 qualified contractors who do not comply with the requirements of  
1651 the adopted ordinance, including, but not limited to, failure to  
1652 provide the evaluation report as required in this subsection to  
1653 the system owner and the county health department. Only the

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1654 county health department may assess penalties against system  
1655 owners for failure to comply with the adopted ordinance,  
1656 consistent with existing requirements of law.

1657 (9) (a) A county or municipality that adopts an onsite  
1658 sewage treatment and disposal system evaluation and assessment  
1659 program pursuant to this section shall notify the Secretary of  
1660 Environmental Protection, the Department of Health, and the  
1661 applicable county health department upon the adoption of its  
1662 ordinance establishing the program.

1663 (b) Upon receipt of the notice under paragraph (a), the  
1664 department ~~of Environmental Protection~~ shall, within existing  
1665 resources, notify the county or municipality of the potential  
1666 use of, and access to, program funds under the Clean Water State  
1667 Revolving Fund or s. 319 of the Clean Water Act, provide  
1668 guidance in the application process to receive such moneys, and  
1669 provide advice and technical assistance to the county or  
1670 municipality on how to establish a low-interest revolving loan  
1671 program or how to model a revolving loan program after the low-  
1672 interest loan program of the Clean Water State Revolving Fund.  
1673 This paragraph does not obligate the department ~~of Environmental~~  
1674 ~~Protection~~ to provide any county or municipality with money to  
1675 fund such programs.

1676 (c) The department ~~of Health~~ may not adopt any rule that  
1677 alters the provisions of this section.

1678 (d) The department ~~of Health~~ must allow county health  
1679 departments and qualified contractors access to the  
1680 environmental health database to track relevant information and  
1681 assimilate data from assessment and evaluation reports of the  
1682 overall condition of onsite sewage treatment and disposal

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1683 systems. The environmental health database must be used by  
1684 contractors to report each service and evaluation event and by a  
1685 county health department to notify owners of onsite sewage  
1686 treatment and disposal systems when evaluations are due. Data  
1687 and information must be recorded and updated as service and  
1688 evaluations are conducted and reported.

1689 Section 19. Subsection (1) of section 381.0068, Florida  
1690 Statutes, is amended to read:

1691 381.0068 Technical review and advisory panel.—

1692 (1) The Department of Environmental Protection ~~Health~~ shall  
1693 establish and staff a technical review and advisory panel to  
1694 assist the department with rule adoption.

1695 Section 20. Except as otherwise expressly provided in this  
1696 act, this act shall take effect July 1, 2019.