



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2011	.	
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The Committee on Health Regulation (Latvala) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 86 and 87
insert:

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

(b) "Bedroom" means a room that can be used for sleeping which, for site-built dwellings, has a minimum 70 square feet of conditioned space, or, for manufactured homes constructed to HUD standards, has a minimum square footage of 50 square feet of floor area and is located along an exterior wall, has a closet and a door or an entrance where a door could be reasonably



277802

13 installed, and an emergency means of escape and rescue opening
14 to the outside. A room may not be considered a bedroom if it is
15 used to access another room, unless the room that is accessed is
16 a bathroom or closet and does not include a hallway, bathroom,
17 kitchen, living room, family room, dining room, den, breakfast
18 nook, pantry, laundry room, sunroom, recreation room,
19 media/video room, or exercise room. For the purpose of
20 determining system capacity, occupancy is calculated at a
21 maximum of two persons per bedroom.

22 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
23 construct, repair, modify, abandon, or operate an onsite sewage
24 treatment and disposal system without first obtaining a permit
25 approved by the department. The department may issue permits to
26 carry out this section, but shall not make the issuance of such
27 permits contingent upon prior approval by the Department of
28 Environmental Protection, except that the issuance of a permit
29 for work seaward of the coastal construction control line
30 established under s. 161.053 shall be contingent upon receipt of
31 any required coastal construction control line permit from the
32 Department of Environmental Protection. A construction permit is
33 valid for 18 months from the issuance date and may be extended
34 by the department for one 90-day period under rules adopted by
35 the department. A repair permit is valid for 90 days from the
36 date of issuance. An operating permit must be obtained prior to
37 the use of any aerobic treatment unit or if the establishment
38 generates commercial waste. Buildings or establishments that use
39 an aerobic treatment unit or generate commercial waste shall be
40 inspected by the department at least annually to assure
41 compliance with the terms of the operating permit. The operating



277802

42 permit for a commercial wastewater system is valid for 1 year
43 from the date of issuance and must be renewed annually. The
44 operating permit for an aerobic treatment unit is valid for 2
45 years from the date of issuance and must be renewed every 2
46 years. If all information pertaining to the siting, location,
47 and installation conditions or repair of an onsite sewage
48 treatment and disposal system remains the same, a construction
49 or repair permit for the onsite sewage treatment and disposal
50 system may be transferred to another person, if the transferee
51 files, within 60 days after the transfer of ownership, an
52 amended application providing all corrected information and
53 proof of ownership of the property. There is no fee associated
54 with the processing of this supplemental information. A person
55 may not contract to construct, modify, alter, repair, service,
56 abandon, or maintain any portion of an onsite sewage treatment
57 and disposal system without being registered under part III of
58 chapter 489. A property owner who personally performs
59 construction, maintenance, or repairs to a system serving his or
60 her own owner-occupied single-family residence is exempt from
61 registration requirements for performing such construction,
62 maintenance, or repairs on that residence, but is subject to all
63 permitting requirements. A municipality or political subdivision
64 of the state may not issue a building or plumbing permit for any
65 building that requires the use of an onsite sewage treatment and
66 disposal system unless the owner or builder has received a
67 construction permit for such system from the department. A
68 building or structure may not be occupied and a municipality,
69 political subdivision, or any state or federal agency may not
70 authorize occupancy until the department approves the final



277802

71 installation of the onsite sewage treatment and disposal system.
72 A municipality or political subdivision of the state may not
73 approve any change in occupancy or tenancy of a building that
74 uses an onsite sewage treatment and disposal system until the
75 department has reviewed the use of the system with the proposed
76 change, approved the change, and amended the operating permit.

77 (w) Any permit issued and approved by the department for
78 the installation, modification, or repair of an onsite sewage
79 treatment and disposal system shall transfer with the title to
80 the property. A title is not encumbered at the time of transfer
81 by new permit requirements by a governmental entity for an
82 onsite sewage treatment and disposal system which differ from
83 the permitting requirements in effect at the time the system was
84 permitted, modified, or repaired.

85 (x) An onsite sewage treatment and disposal system is not
86 considered abandoned if the properly functioning onsite sewage
87 treatment and disposal system is disconnected from a structure
88 that was made unusable or destroyed following a disaster and the
89 system was not adversely affected by the disaster. The onsite
90 system may be reconnected to a rebuilt structure if:

91 1. The reconnection of the onsite sewage treatment and
92 disposal system is to the same type and approximate size of
93 rebuilt structure that existed prior to the disaster;

94 2. The onsite sewage treatment and disposal system is not a
95 sanitary nuisance; and

96 3. The onsite sewage treatment and disposal system has not
97 been altered without prior authorization.

98
99 An onsite sewage treatment and disposal system that serves a



100 property that is foreclosed upon is not an abandoned system.

101 (y) If an onsite sewage treatment and disposal system
102 permittee receives, relies upon, and undertakes construction of
103 a system based upon a validly issued construction permit under
104 rules applicable at the time of construction, but a change to a
105 rule occurs after the approval of the system for construction
106 but before the final approval of the system, the rules
107 applicable and in effect at the time of construction approval
108 apply at the time of final approval if fundamental site
109 conditions have not changed between the time of construction
110 approval and final approval.

111 (z) A modification, replacement, or upgrade of an onsite
112 sewage treatment and disposal system is not required for a
113 remodeling addition to a single-family home if a bedroom is not
114 added.

115
116 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

117 And the directory clause is amended as follows:

118 Delete lines 64 - 66

119 and insert:

120 Section 1. Subsection (1), (5), (6), and (7) of s.
121 381.0065, Florida Statutes, as amended by chapter 2010-283, Laws
122 of Florida, are amended, present paragraphs (b) through (p) of
123 subsection (2) of that section are redesignated as paragraphs
124 (c) through (q), respectively, a new paragraph (b) is added to
125 subsection (2), and paragraphs (w), (x), (y), and (z) are added
126 to subsection (4) of that section, to read:

127
128 ===== T I T L E A M E N D M E N T =====



277802

129 And the title is amended as follows:
130 Delete line 4
131 and insert:
132 legislative intent; defining the term "bedroom";
133 providing for any permit issued and approved by the
134 Department of Health for the installation,
135 modification, or repair of an onsite sewage treatment
136 and disposal system to transfer with the title of the
137 property; providing circumstances in which an onsite
138 sewage treatment and disposal system is not considered
139 abandoned; providing for the validity of an onsite
140 sewage treatment and disposal system permit if rules
141 change before final approval of the constructed
142 system; providing that a system modification,
143 replacement, or upgrade is not required unless a
144 bedroom is added to a single-family home; deleting
145 provisions requiring the