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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Health Policy (Braynon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (l) and (u) of subsection (4) of section 381.0065, Florida Statutes, are amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to



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13 carry out this section, but shall not make the issuance of such  
14 permits contingent upon prior approval by the Department of  
15 Environmental Protection, except that the issuance of a permit  
16 for work seaward of the coastal construction control line  
17 established under s. 161.053 shall be contingent upon receipt of  
18 any required coastal construction control line permit from the  
19 Department of Environmental Protection. A construction permit is  
20 valid for 18 months from the issuance date and may be extended  
21 by the department for one 90-day period under rules adopted by  
22 the department. A repair permit is valid for 90 days from the  
23 date of issuance. An operating permit must be obtained prior to  
24 the use of any aerobic treatment unit or if the establishment  
25 generates commercial waste. Buildings or establishments that use  
26 an aerobic treatment unit or generate commercial waste shall be  
27 inspected by the department at least annually to assure  
28 compliance with the terms of the operating permit. The operating  
29 permit for a commercial wastewater system is valid for 1 year  
30 from the date of issuance and must be renewed annually. The  
31 operating permit for an aerobic treatment unit is valid for 2  
32 years from the date of issuance and must be renewed every 2  
33 years. If all information pertaining to the siting, location,  
34 and installation conditions or repair of an onsite sewage  
35 treatment and disposal system remains the same, a construction  
36 or repair permit for the onsite sewage treatment and disposal  
37 system may be transferred to another person, if the transferee  
38 files, within 60 days after the transfer of ownership, an  
39 amended application providing all corrected information and  
40 proof of ownership of the property. There is no fee associated  
41 with the processing of this supplemental information. A person



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42 may not contract to construct, modify, alter, repair, service,  
43 abandon, or maintain any portion of an onsite sewage treatment  
44 and disposal system without being registered under part III of  
45 chapter 489. A property owner who personally performs  
46 construction, maintenance, or repairs to a system serving his or  
47 her own owner-occupied single-family residence is exempt from  
48 registration requirements for performing such construction,  
49 maintenance, or repairs on that residence, but is subject to all  
50 permitting requirements. A municipality or political subdivision  
51 of the state may not issue a building or plumbing permit for any  
52 building that requires the use of an onsite sewage treatment and  
53 disposal system unless the owner or builder has received a  
54 construction permit for such system from the department. A  
55 building or structure may not be occupied and a municipality,  
56 political subdivision, or any state or federal agency may not  
57 authorize occupancy until the department approves the final  
58 installation of the onsite sewage treatment and disposal system.  
59 A municipality or political subdivision of the state may not  
60 approve any change in occupancy or tenancy of a building that  
61 uses an onsite sewage treatment and disposal system until the  
62 department has reviewed the use of the system with the proposed  
63 change, approved the change, and amended the operating permit.

64 (1) 1. Within the Florida Keys area, which is a critical  
65 state concern, any building permit and any permit issued by the  
66 Department of Environmental Protection or by a water management  
67 district pursuant to part IV of chapter 373, which has an  
68 expiration date of January 1, 2012, through January 1, 2016, is  
69 extended and renewed for a period of 3 years after its  
70 previously scheduled expiration date. This extension includes



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71 any local government-issued development order or building  
72 permit, including certificates of levels of service. This  
73 section does not prohibit conversion from the construction phase  
74 to the operation phase upon completion of construction and is in  
75 addition to any permit extension. Extensions granted under this  
76 section; s. 14, chapter 2009-96, Laws of Florida, as  
77 reauthorized by s. 47, chapter 2010-147, Laws of Florida; s. 46,  
78 chapter 2010-147, Laws of Florida; s. 74, chapter 2011-139, Laws  
79 of Florida; or s. 79, chapter 2011-139, Laws of Florida, may not  
80 exceed 7 years in total. Specific development order extensions  
81 granted pursuant to s. 380.06(19)(c)2., may not be further  
82 extended by this section.

83 2. For the Florida Keys, the department shall adopt a  
84 special rule for the construction, installation, modification,  
85 operation, repair, maintenance, and performance of onsite sewage  
86 treatment and disposal systems which considers the unique soil  
87 conditions and water table elevations, densities, and setback  
88 requirements. On lots where a setback distance of 75 feet from  
89 surface waters, saltmarsh, and buttonwood association habitat  
90 areas cannot be met, an injection well, approved and permitted  
91 by the department, may be used for disposal of effluent from  
92 onsite sewage treatment and disposal systems. The following  
93 additional requirements apply to onsite sewage treatment and  
94 disposal systems in Monroe County:

95 a.1- The county, each municipality, and those special  
96 districts established for the purpose of the collection,  
97 transmission, treatment, or disposal of sewage shall ensure, in  
98 accordance with the specific schedules adopted by the  
99 Administration Commission under s. 380.0552, the completion of



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100 onsite sewage treatment and disposal system upgrades to meet the  
101 requirements of this paragraph.

102 ~~b.2.~~ In areas not scheduled to go to a centralized sewer,  
103 onsite sewage treatment and disposal systems must ~~cease~~  
104 ~~discharge~~ by December 31, 2015, ~~or must~~ comply with department  
105 rules and provide the level of treatment which, on a permitted  
106 annual average basis, produces an effluent that contains no more  
107 than the following concentrations:

108 ~~(I)a.~~ Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

109 ~~(II)b.~~ Suspended Solids of 10 mg/l.

110 ~~(III)c.~~ Total Nitrogen, expressed as N, of 10 mg/l. A  
111 system tested and certified to provide at least a 70 percent  
112 reduction in Nitrogen is in compliance with this standard.

113 ~~(IV)d.~~ Total Phosphorus, expressed as P, of 1 mg/l.

114  
115 In addition, onsite sewage treatment and disposal systems  
116 discharging to an injection well must provide basic disinfection  
117 as defined by department rule.

118 ~~c.3. On or after July 1, 2010, all new, modified, and~~  
119 ~~repaired onsite sewage treatment and disposal systems must~~  
120 ~~provide the level of treatment described in subparagraph 2.~~  
121 ~~However,~~ In areas scheduled to be served by central sewer by  
122 December 31, 2015, if the property owner has paid a connection  
123 fee or assessment for connection to the central sewer system, an  
124 onsite sewage treatment and disposal system may be repaired to  
125 the following minimum standards:

126 ~~(I)a.~~ The existing tanks must be pumped and inspected and  
127 certified as being watertight and free of defects in accordance  
128 with department rule; and



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129           ~~(II)b.~~ A sand-lined drainfield or injection well in  
130 accordance with department rule must be installed.

131           ~~d.4.~~ Onsite sewage treatment and disposal systems must be  
132 monitored for total nitrogen and total phosphorus concentrations  
133 as required by department rule.

134           ~~e.5.~~ The department shall enforce proper installation,  
135 operation, and maintenance of onsite sewage treatment and  
136 disposal systems pursuant to this chapter, including ensuring  
137 that the appropriate level of treatment described in sub-  
138 subparagraph b. ~~subparagraph 2.~~ is met.

139           ~~f.6.~~ The authority of a local government, including a  
140 special district, to mandate connection of an onsite sewage  
141 treatment and disposal system is governed by s. 4, chapter 99-  
142 395, Laws of Florida. Notwithstanding any other provision of law  
143 to the contrary, an onsite sewage treatment and disposal system,  
144 installed after July 1, 2010, which meets the standards in sub-  
145 subparagraph b., is not required to connect to a sewer until  
146 December 31, 2020.

147           (u)1. The owner of an aerobic treatment unit system shall  
148 maintain a current maintenance service agreement with an aerobic  
149 treatment unit maintenance entity permitted by the department.  
150 The maintenance entity shall obtain a system operating permit  
151 from the department for each aerobic treatment unit under  
152 service contract. The maintenance entity shall inspect each  
153 aerobic treatment unit system at least twice each year and shall  
154 report quarterly to the department on the number of aerobic  
155 treatment unit systems inspected and serviced. The reports may  
156 be submitted electronically.

157           2. The department may approve and permit a property owner



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158 of an owner-occupied, single-family residence as a maintenance  
159 entity for the property owner's own aerobic treatment unit  
160 system if the system manufacturer's approved representative  
161 certifies in writing that the property owner has received  
162 training on the proper installation and service of the system.  
163 The maintenance entity service agreement must conspicuously  
164 disclose that the property owner has the right to maintain his  
165 or her own system and is exempt from contractor registration  
166 requirements for performing construction, maintenance, or  
167 repairs on the system. However, the property owner is subject to  
168 all permitting requirements.

169 3. A manufacture may not deny a septic tank contractor  
170 licensed under part III of chapter 489 access to aerobic  
171 treatment unit system training or spare parts for maintenance  
172 entities. After the original warranty period, component parts  
173 for an aerobic treatment unit system may be replaced with parts  
174 that meet manufacturer's specifications but are manufactured by  
175 others. The maintenance entity shall maintain documentation for  
176 a period of 2 years of the substitute part's equivalency and  
177 shall provide such documentation to the department upon request.

178 4. The owner of an aerobic treatment unit system shall  
179 allow the department to inspect during reasonable hours each  
180 aerobic treatment unit system at least annually, and such  
181 inspection may include collection and analysis of system-  
182 effluent samples for performance criteria established by rule of  
183 the department.

184 Section 2. This act shall take effect July 1, 2013.

185  
186 ===== T I T L E A M E N D M E N T =====



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187 And the title is amended as follows:

188 Delete everything before the enacting clause  
189 and insert:

190 A bill to be entitled

191 An act relating to onsite sewage treatment and  
192 disposal systems; amending s. 381.0065, F.S.;  
193 extending the expiration date of building permits and  
194 permits issued by the Department of Environmental  
195 Protection or by a water management district;  
196 providing that the extension of the expiration date  
197 does not prohibit conversion from the construction  
198 phase to the operation phase upon completion of  
199 construction; providing that certain extensions may  
200 not exceed a specified number of years; prohibiting  
201 certain extensions; requiring onsite sewage treatment  
202 and disposal systems to comply with department rules  
203 and provide a certain level of treatment; providing  
204 that certain onsite sewage treatment and disposal  
205 systems installed after a specified date are not  
206 required to connect to a sewer until a specified date;  
207 authorizing the department to approve and permit a  
208 property owner of an owner-occupied, single-family  
209 residence as a maintenance entity for the property  
210 owner's own aerobic treatment unit system under  
211 certain circumstances; requiring the maintenance  
212 entity service agreement to conspicuously disclose  
213 that the property owner has the right to maintain his  
214 or her own system and is exempt from certain  
215 contractor registration requirements; prohibiting a





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216 septic tank contractor from being denied access by the  
217 manufacturer to aerobic treatment unit system training  
218 or spare parts for maintenance entities; providing  
219 that component parts for an aerobic treatment unit  
220 system may be replaced with parts that meet  
221 manufacturer's specifications; requiring the  
222 maintenance entity to maintain documentation for a  
223 specified period of time and to provide the  
224 documentation to the department upon request;  
225 requiring an owner of an aerobic treatment unit system  
226 to allow the department to annually inspect each  
227 aerobic treatment unit system; providing an effective  
228 date.