

By the Committee on Health Policy; and Senator Bullard

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1                                   A bill to be entitled  
2           An act relating to onsite sewage treatment and  
3           disposal systems; amending s. 381.0065, F.S.;  
4           extending the expiration date of building permits and  
5           permits issued by the Department of Environmental  
6           Protection or by a water management district;  
7           providing that the extension of the expiration date  
8           does not prohibit conversion from the construction  
9           phase to the operation phase upon completion of  
10          construction; providing that certain extensions may  
11          not exceed a specified number of years; prohibiting  
12          certain extensions; requiring onsite sewage treatment  
13          and disposal systems to comply with department rules  
14          and provide a certain level of treatment; providing  
15          that certain onsite sewage treatment and disposal  
16          systems installed after a specified date are not  
17          required to connect to a sewer until a specified date;  
18          authorizing the department to approve and permit a  
19          property owner of an owner-occupied, single-family  
20          residence as a maintenance entity for the property  
21          owner's own aerobic treatment unit system under  
22          certain circumstances; requiring the maintenance  
23          entity service agreement to conspicuously disclose  
24          that the property owner has the right to maintain his  
25          or her own system and is exempt from certain  
26          contractor registration requirements; prohibiting a  
27          septic tank contractor from being denied access by the  
28          manufacturer to aerobic treatment unit system training  
29          or spare parts for maintenance entities; providing

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30 that component parts for an aerobic treatment unit  
31 system may be replaced with parts that meet  
32 manufacturer's specifications; requiring the  
33 maintenance entity to maintain documentation for a  
34 specified period of time and to provide the  
35 documentation to the department upon request;  
36 requiring an owner of an aerobic treatment unit system  
37 to allow the department to annually inspect each  
38 aerobic treatment unit system; providing an effective  
39 date.

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. Paragraphs (l) and (u) of subsection (4) of  
44 section 381.0065, Florida Statutes, are amended to read:

45 381.0065 Onsite sewage treatment and disposal systems;  
46 regulation.—

47 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
48 construct, repair, modify, abandon, or operate an onsite sewage  
49 treatment and disposal system without first obtaining a permit  
50 approved by the department. The department may issue permits to  
51 carry out this section, but shall not make the issuance of such  
52 permits contingent upon prior approval by the Department of  
53 Environmental Protection, except that the issuance of a permit  
54 for work seaward of the coastal construction control line  
55 established under s. 161.053 shall be contingent upon receipt of  
56 any required coastal construction control line permit from the  
57 Department of Environmental Protection. A construction permit is  
58 valid for 18 months from the issuance date and may be extended

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59 by the department for one 90-day period under rules adopted by  
60 the department. A repair permit is valid for 90 days from the  
61 date of issuance. An operating permit must be obtained prior to  
62 the use of any aerobic treatment unit or if the establishment  
63 generates commercial waste. Buildings or establishments that use  
64 an aerobic treatment unit or generate commercial waste shall be  
65 inspected by the department at least annually to assure  
66 compliance with the terms of the operating permit. The operating  
67 permit for a commercial wastewater system is valid for 1 year  
68 from the date of issuance and must be renewed annually. The  
69 operating permit for an aerobic treatment unit is valid for 2  
70 years from the date of issuance and must be renewed every 2  
71 years. If all information pertaining to the siting, location,  
72 and installation conditions or repair of an onsite sewage  
73 treatment and disposal system remains the same, a construction  
74 or repair permit for the onsite sewage treatment and disposal  
75 system may be transferred to another person, if the transferee  
76 files, within 60 days after the transfer of ownership, an  
77 amended application providing all corrected information and  
78 proof of ownership of the property. There is no fee associated  
79 with the processing of this supplemental information. A person  
80 may not contract to construct, modify, alter, repair, service,  
81 abandon, or maintain any portion of an onsite sewage treatment  
82 and disposal system without being registered under part III of  
83 chapter 489. A property owner who personally performs  
84 construction, maintenance, or repairs to a system serving his or  
85 her own owner-occupied single-family residence is exempt from  
86 registration requirements for performing such construction,  
87 maintenance, or repairs on that residence, but is subject to all

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88 permitting requirements. A municipality or political subdivision  
89 of the state may not issue a building or plumbing permit for any  
90 building that requires the use of an onsite sewage treatment and  
91 disposal system unless the owner or builder has received a  
92 construction permit for such system from the department. A  
93 building or structure may not be occupied and a municipality,  
94 political subdivision, or any state or federal agency may not  
95 authorize occupancy until the department approves the final  
96 installation of the onsite sewage treatment and disposal system.  
97 A municipality or political subdivision of the state may not  
98 approve any change in occupancy or tenancy of a building that  
99 uses an onsite sewage treatment and disposal system until the  
100 department has reviewed the use of the system with the proposed  
101 change, approved the change, and amended the operating permit.

102 (1) 1. Within the Florida Keys area, which is a critical  
103 state concern, any building permit and any permit issued by the  
104 Department of Environmental Protection or by a water management  
105 district pursuant to part IV of chapter 373, which has an  
106 expiration date of January 1, 2012, through January 1, 2016, is  
107 extended and renewed for a period of 3 years after its  
108 previously scheduled expiration date. This extension includes  
109 any local government-issued development order or building  
110 permit, including certificates of levels of service. This  
111 section does not prohibit conversion from the construction phase  
112 to the operation phase upon completion of construction and is in  
113 addition to any permit extension. Extensions granted under this  
114 section; s. 14, chapter 2009-96, Laws of Florida, as  
115 reauthorized by s. 47, chapter 2010-147, Laws of Florida; s. 46,  
116 chapter 2010-147, Laws of Florida; s. 74, chapter 2011-139, Laws

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117 of Florida; or s. 79, chapter 2011-139, Laws of Florida, may not  
118 exceed 7 years in total. Specific development order extensions  
119 granted pursuant to s. 380.06(19)(c)2., may not be further  
120 extended by this section.

121 2. For the Florida Keys, the department shall adopt a  
122 special rule for the construction, installation, modification,  
123 operation, repair, maintenance, and performance of onsite sewage  
124 treatment and disposal systems which considers the unique soil  
125 conditions and water table elevations, densities, and setback  
126 requirements. On lots where a setback distance of 75 feet from  
127 surface waters, saltmarsh, and buttonwood association habitat  
128 areas cannot be met, an injection well, approved and permitted  
129 by the department, may be used for disposal of effluent from  
130 onsite sewage treatment and disposal systems. The following  
131 additional requirements apply to onsite sewage treatment and  
132 disposal systems in Monroe County:

133 a.1. The county, each municipality, and those special  
134 districts established for the purpose of the collection,  
135 transmission, treatment, or disposal of sewage shall ensure, in  
136 accordance with the specific schedules adopted by the  
137 Administration Commission under s. 380.0552, the completion of  
138 onsite sewage treatment and disposal system upgrades to meet the  
139 requirements of this paragraph.

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

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- 146        (I)~~a.~~ Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
147        (II)~~b.~~ Suspended Solids of 10 mg/l.  
148        (III)~~c.~~ Total Nitrogen, expressed as N, of 10 mg/l. A  
149 system tested and certified to provide at least a 70 percent  
150 reduction in Nitrogen is in compliance with this standard.  
151        (IV)~~d.~~ Total Phosphorus, expressed as P, of 1 mg/l.

152  
153 In addition, onsite sewage treatment and disposal systems  
154 discharging to an injection well must provide basic disinfection  
155 as defined by department rule.

156        ~~c.3. On or after July 1, 2010, all new, modified, and~~  
157 ~~repaired onsite sewage treatment and disposal systems must~~  
158 ~~provide the level of treatment described in subparagraph 2.~~  
159 ~~However,~~ In areas scheduled to be served by central sewer by  
160 December 31, 2015, if the property owner has paid a connection  
161 fee or assessment for connection to the central sewer system, an  
162 onsite sewage treatment and disposal system may be repaired to  
163 the following minimum standards:

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

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

169        ~~d.4.~~ Onsite sewage treatment and disposal systems must be  
170 monitored for total nitrogen and total phosphorus concentrations  
171 as required by department rule.

172        ~~e.5.~~ The department shall enforce proper installation,  
173 operation, and maintenance of onsite sewage treatment and  
174 disposal systems pursuant to this chapter, including ensuring

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175 that the appropriate level of treatment described in sub-  
176 subparagraph b. ~~subparagraph 2.~~ is met.

177 f.6. The authority of a local government, including a  
178 special district, to mandate connection of an onsite sewage  
179 treatment and disposal system is governed by s. 4, chapter 99-  
180 395, Laws of Florida. Notwithstanding any other provision of law  
181 to the contrary, an onsite sewage treatment and disposal system,  
182 installed after July 1, 2010, which meets the standards in sub-  
183 subparagraph b., is not required to connect to a sewer until  
184 December 31, 2020.

185 (u)1. The owner of an aerobic treatment unit system shall  
186 maintain a current maintenance service agreement with an aerobic  
187 treatment unit maintenance entity permitted by the department.  
188 The maintenance entity shall obtain a system operating permit  
189 from the department for each aerobic treatment unit under  
190 service contract. The maintenance entity shall inspect each  
191 aerobic treatment unit system at least twice each year and shall  
192 report quarterly to the department on the number of aerobic  
193 treatment unit systems inspected and serviced. The reports may  
194 be submitted electronically.

195 2. The department may approve and permit a property owner  
196 of an owner-occupied, single-family residence as a maintenance  
197 entity for the property owner's own aerobic treatment unit  
198 system if the system manufacturer's approved representative  
199 certifies in writing that the property owner has received  
200 training on the proper installation and service of the system.  
201 The maintenance entity service agreement must conspicuously  
202 disclose that the property owner has the right to maintain his  
203 or her own system and is exempt from contractor registration

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204 requirements for performing construction, maintenance, or  
205 repairs on the system. However, the property owner is subject to  
206 all permitting requirements.

207 3. A manufacture may not deny a septic tank contractor  
208 licensed under part III of chapter 489 access to aerobic  
209 treatment unit system training or spare parts for maintenance  
210 entities. After the original warranty period, component parts  
211 for an aerobic treatment unit system may be replaced with parts  
212 that meet manufacturer's specifications but are manufactured by  
213 others. The maintenance entity shall maintain documentation for  
214 a period of 2 years of the substitute part's equivalency and  
215 shall provide such documentation to the department upon request.

216 4. The owner of an aerobic treatment unit system shall  
217 allow the department to inspect during reasonable hours each  
218 aerobic treatment unit system at least annually, and such  
219 inspection may include collection and analysis of system-  
220 effluent samples for performance criteria established by rule of  
221 the department.

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