

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee

3 Representative Roberson, K. offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 381.0065 Onsite sewage treatment and disposal systems;
 10 regulation.—

11 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 12 not construct, repair, modify, abandon, or operate an onsite
 13 sewage treatment and disposal system without first obtaining a
 14 permit approved by the department. The department may issue
 15 permits to carry out this section, but shall not make the
 16 issuance of such permits contingent upon prior approval by the
 17 Department of Environmental Protection, except that the issuance
 18 of a permit for work seaward of the coastal construction control
 19 line established under s. 161.053 shall be contingent upon
 20 receipt of any required coastal construction control line permit

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21 from the Department of Environmental Protection. A construction
22 permit is valid for 18 months from the issuance date and may be
23 extended by the department for one 90-day period under rules
24 adopted by the department. A repair permit is valid for 90 days
25 from the date of issuance. An operating permit must be obtained
26 prior to the use of any aerobic treatment unit or if the
27 establishment generates commercial waste. Buildings or
28 establishments that use an aerobic treatment unit or generate
29 commercial waste shall be inspected by the department at least
30 annually to assure compliance with the terms of the operating
31 permit. The operating permit for a commercial wastewater system
32 is valid for 1 year from the date of issuance and must be
33 renewed annually. The operating permit for an aerobic treatment
34 unit is valid for 2 years from the date of issuance and must be
35 renewed every 2 years. If all information pertaining to the
36 siting, location, and installation conditions or repair of an
37 onsite sewage treatment and disposal system remains the same, a
38 construction or repair permit for the onsite sewage treatment
39 and disposal system may be transferred to another person, if the
40 transferee files, within 60 days after the transfer of
41 ownership, an amended application providing all corrected
42 information and proof of ownership of the property. There is no
43 fee associated with the processing of this supplemental
44 information. A person may not contract to construct, modify,
45 alter, repair, service, abandon, or maintain any portion of an
46 onsite sewage treatment and disposal system without being
47 registered under part III of chapter 489. A property owner who
48 personally performs construction, maintenance, or repairs to a

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49 system serving his or her own owner-occupied single-family
50 residence is exempt from registration requirements for
51 performing such construction, maintenance, or repairs on that
52 residence, but is subject to all permitting requirements. A
53 municipality or political subdivision of the state may not issue
54 a building or plumbing permit for any building that requires the
55 use of an onsite sewage treatment and disposal system unless the
56 owner or builder has received a construction permit for such
57 system from the department. A building or structure may not be
58 occupied and a municipality, political subdivision, or any state
59 or federal agency may not authorize occupancy until the
60 department approves the final installation of the onsite sewage
61 treatment and disposal system. A municipality or political
62 subdivision of the state may not approve any change in occupancy
63 or tenancy of a building that uses an onsite sewage treatment
64 and disposal system until the department has reviewed the use of
65 the system with the proposed change, approved the change, and
66 amended the operating permit.

67 (1) 1. Within the Florida Keys area of critical state
68 concern, any building permit and any permit issued by the
69 Department of Environmental Protection or by a water management
70 district pursuant to part IV of chapter 373, Florida Statutes,
71 which has an expiration date of January 1, 2012, through January
72 1, 2016, is extended and renewed for a period of 3 years after
73 its previously scheduled expiration date. This extension
74 includes any local government-issued development order or
75 building permit, including certificates of levels of service.
76 This section does not prohibit conversion from the construction

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77 phase to the operation phase upon completion of construction and
78 is in addition to any permit extension. Extensions granted under
79 this section; section 14 of chapter 2009-96, Laws of Florida, as
80 reauthorized by section 47 of chapter 2010-147, Laws of Florida;
81 section 46 of chapter 2010-147, Laws of Florida; section 74 of
82 chapter 2011-139, Laws of Florida; or section 79 of chapter
83 2011-139, Laws of Florida, may not exceed 7 years in total.
84 Specific development order extensions granted pursuant to s.
85 380.06(19)(c) 2., Florida Statutes, may not be further extended
86 by this section.

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

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

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104 onsite sewage treatment and disposal system upgrades to meet the
105 requirements of this paragraph.

106 ~~b.2.~~ In areas not scheduled to be centrally sewered,
107 onsite ~~Onsite~~ sewage treatment and disposal systems must ~~cease~~
108 ~~discharge~~ by December 31, 2015, ~~or must~~ comply with department
109 rules and provide the level of treatment which, on a permitted
110 annual average basis, produces an effluent that contains no more
111 than the following concentrations:

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

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

114 ~~(III)c.~~ Total Nitrogen, expressed as N, of 10 mg/l.

115 ~~(A)~~ A system tested and certified to provide at least a 70
116 percent reduction in N shall be deemed to be in compliance with
117 this standard.

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

119
120 In addition, onsite sewage treatment and disposal systems
121 discharging to an injection well must provide basic disinfection
122 as defined by department rule.

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

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

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

136 ~~d.4.~~ Onsite sewage treatment and disposal systems must be
137 monitored for total nitrogen and total phosphorus concentrations
138 as required by department rule.

139 ~~e.5.~~ The department shall enforce proper installation,
140 operation, and maintenance of onsite sewage treatment and
141 disposal systems pursuant to this chapter, including ensuring
142 that the appropriate level of treatment described in
143 subparagraph 2. is met.

144 ~~f.6.~~ The authority of a local government, including a
145 special district, to mandate connection of an onsite sewage
146 treatment and disposal system is governed by s. 4, chapter 99-
147 395, Laws of Florida. Notwithstanding any other provision of
148 law, an onsite sewage treatment and disposal system meeting the
149 standards in subparagraph 4, installed after July 1, 2010, is
150 not required to connect to sewer until December 31, 2020.

151 ~~(u)1.~~ The owner of an aerobic treatment unit system shall
152 maintain a current maintenance service agreement with an aerobic
153 treatment unit maintenance entity permitted by the department.
154 The maintenance entity shall obtain a system operating permit
155 from the department for each aerobic treatment unit under
156 service contract. The maintenance entity shall inspect each
157 aerobic treatment unit system at least twice each year and shall
158 report quarterly to the department on the number of aerobic

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159 treatment unit systems inspected and serviced. The reports may
160 be submitted electronically.

161 2. The property owner of an owner-occupied, single-family
162 residence may be approved and permitted by the department as a
163 maintenance entity for his or her own aerobic treatment unit
164 system upon written certification from the system manufacturer's
165 approved representative that the property owner has received
166 training on the proper installation and service of the system.
167 The maintenance entity service agreement must conspicuously
168 disclose that the property owner has the right to maintain his
169 or her own system and is exempt from contractor registration
170 requirements for performing construction, maintenance, or
171 repairs on the system but is subject to all permitting
172 requirements.

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

183 4. The owner of an aerobic treatment unit system shall
184 allow the department to inspect during reasonable hours each
185 aerobic treatment unit system at least annually, and such
186 inspection may include collection and analysis of system-

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187 effluent samples for performance criteria established by rule of
188 the department.

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

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and

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insert:

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An act relating to onsite sewage treatment and disposal systems;

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amending s. 381.0065, F.S.; providing an extension of building

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permits for property owners in an area scheduled to be served by

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a central sewage system; clarifying that certain onsite sewage

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treatment and disposal system requirements in Monroe County

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apply to areas not scheduled to be sewerred; requiring onsite

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sewage treatment and disposal systems in Monroe County to be

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tested and certified to provide at least a 70 percent reduction

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in nitrogen; providing a date for compliance with the onsite

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sewage treatment and disposal system requirements; authorizing

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electronic submission of certain reports; authorizing certain

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property owners to be approved and permitted as maintenance

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entities for aerobic treatment unit systems under certain

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conditions; providing requirements for such maintenance entity

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service agreements; prohibiting manufacturers from denying

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certain septic tank contractors access to aerobic treatment unit

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system training and spare parts; authorizing certain replacement

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parts for aerobic treatment unit systems; requiring maintenance

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entities to maintain documentation of the substitute part's

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Bill No. CS/HB 375 (2013)

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215 | equivalency for a specified period of time and provide such
216 | documentation to the department upon request; providing an
217 | effective date.