

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 authorizing electronic submission of certain reports;
5 authorizing certain property owners to be approved and
6 permitted as maintenance entities for aerobic
7 treatment unit systems under certain conditions;
8 providing requirements for such maintenance entity
9 service agreements; prohibiting manufacturers from
10 denying certain septic tank contractors access to
11 aerobic treatment unit system training and spare
12 parts; authorizing certain replacement parts for
13 aerobic treatment unit systems; providing an effective
14 date.

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

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18 Section 1. Paragraph (u) of subsection (4) of section
19 381.0065, Florida Statutes, is amended to read:

20 381.0065 Onsite sewage treatment and disposal systems;
21 regulation.—

22 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
23 not construct, repair, modify, abandon, or operate an onsite
24 sewage treatment and disposal system without first obtaining a
25 permit approved by the department. The department may issue
26 permits to carry out this section, but shall not make the
27 issuance of such permits contingent upon prior approval by the
28 Department of Environmental Protection, except that the issuance

29 | of a permit for work seaward of the coastal construction control
30 | line established under s. 161.053 shall be contingent upon
31 | receipt of any required coastal construction control line permit
32 | from the Department of Environmental Protection. A construction
33 | permit is valid for 18 months from the issuance date and may be
34 | extended by the department for one 90-day period under rules
35 | adopted by the department. A repair permit is valid for 90 days
36 | from the date of issuance. An operating permit must be obtained
37 | prior to the use of any aerobic treatment unit or if the
38 | establishment generates commercial waste. Buildings or
39 | establishments that use an aerobic treatment unit or generate
40 | commercial waste shall be inspected by the department at least
41 | annually to assure compliance with the terms of the operating
42 | permit. The operating permit for a commercial wastewater system
43 | is valid for 1 year from the date of issuance and must be
44 | renewed annually. The operating permit for an aerobic treatment
45 | unit is valid for 2 years from the date of issuance and must be
46 | renewed every 2 years. If all information pertaining to the
47 | siting, location, and installation conditions or repair of an
48 | onsite sewage treatment and disposal system remains the same, a
49 | construction or repair permit for the onsite sewage treatment
50 | and disposal system may be transferred to another person, if the
51 | transferee files, within 60 days after the transfer of
52 | ownership, an amended application providing all corrected
53 | information and proof of ownership of the property. There is no
54 | fee associated with the processing of this supplemental
55 | information. A person may not contract to construct, modify,
56 | alter, repair, service, abandon, or maintain any portion of an

57 onsite sewage treatment and disposal system without being
58 registered under part III of chapter 489. A property owner who
59 personally performs construction, maintenance, or repairs to a
60 system serving his or her own owner-occupied single-family
61 residence is exempt from registration requirements for
62 performing such construction, maintenance, or repairs on that
63 residence, but is subject to all permitting requirements. A
64 municipality or political subdivision of the state may not issue
65 a building or plumbing permit for any building that requires the
66 use of an onsite sewage treatment and disposal system unless the
67 owner or builder has received a construction permit for such
68 system from the department. A building or structure may not be
69 occupied and a municipality, political subdivision, or any state
70 or federal agency may not authorize occupancy until the
71 department approves the final installation of the onsite sewage
72 treatment and disposal system. A municipality or political
73 subdivision of the state may not approve any change in occupancy
74 or tenancy of a building that uses an onsite sewage treatment
75 and disposal system until the department has reviewed the use of
76 the system with the proposed change, approved the change, and
77 amended the operating permit.

78 (u)1. The owner of an aerobic treatment unit system shall
79 maintain a current maintenance service agreement with an aerobic
80 treatment unit maintenance entity permitted by the department.
81 The maintenance entity shall obtain a system operating permit
82 from the department for each aerobic treatment unit under
83 service contract. The maintenance entity shall inspect each
84 aerobic treatment unit system at least twice each year and shall

85 | report quarterly to the department on the number of aerobic
86 | treatment unit systems inspected and serviced. The reports may
87 | be submitted electronically.

88 | 2. The property owner of an owner-occupied, single-family
89 | residence may be approved and permitted by the department as a
90 | maintenance entity for his or her own aerobic treatment unit
91 | system upon written certification from the system manufacturer's
92 | approved representative that the property owner has received
93 | training on the proper installation and service of the system.
94 | The maintenance entity service agreement must conspicuously
95 | disclose that the property owner has the right to maintain his
96 | or her own system and is exempt from contractor registration
97 | requirements for performing construction, maintenance, or
98 | repairs on the system but is subject to all permitting
99 | requirements.

100 | 3. A septic tank contractor licensed under part III of
101 | chapter 489 may not be denied access by the manufacturer to
102 | aerobic treatment unit system training or spare parts for
103 | maintenance entities. After the original warranty period,
104 | component parts for an aerobic treatment unit system may be
105 | replaced with parts that meet manufacturer's specifications but
106 | are manufactured by others.

107 | 4. The owner of an aerobic treatment unit system shall
108 | allow the department to inspect during reasonable hours each
109 | aerobic treatment unit system at least annually, and such
110 | inspection may include collection and analysis of system-
111 | effluent samples for performance criteria established by rule of
112 | the department.

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