

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           providing that certain systems constitute compliance  
5           with nitrogen standards; requiring systems in certain  
6           areas of Monroe County to comply with specified rules  
7           and standards; deleting a requirement for new,  
8           modified, and repaired systems to meet specified  
9           standards; authorizing property owners in certain  
10          areas of Monroe County to install certain tanks and  
11          systems; providing that certain systems in Monroe  
12          County are not required to connect to the central  
13          sewer system until a specified date; deleting a  
14          requirement for maintenance entities to obtain certain  
15          permits; authorizing electronic submission of certain  
16          reports; authorizing certain property owners to be  
17          approved and permitted as maintenance entities for  
18          aerobic treatment unit systems under certain  
19          conditions; providing requirements for such  
20          maintenance entity service agreements; prohibiting  
21          manufacturers from denying certain septic tank  
22          contractors access to aerobic treatment unit system  
23          training and spare parts; authorizing certain  
24          replacement parts for aerobic treatment unit systems;  
25          requiring maintenance entities to maintain  
26          documentation for such replacement parts; requiring  
27          owners of aerobic treatment unit systems to obtain  
28          certain permits; providing an effective date.

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

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 carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system

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

85 department approves the final installation of the onsite sewage  
86 treatment and disposal system. A municipality or political  
87 subdivision of the state may not approve any change in occupancy  
88 or tenancy of a building that uses an onsite sewage treatment  
89 and disposal system until the department has reviewed the use of  
90 the system with the proposed change, approved the change, and  
91 amended the operating permit.

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

104 1. The county, each municipality, and those special  
105 districts established for the purpose of the collection,  
106 transmission, treatment, or disposal of sewage shall ensure, in  
107 accordance with the specific schedules adopted by the  
108 Administration Commission under s. 380.0552, the completion of  
109 onsite sewage treatment and disposal system upgrades to meet the  
110 requirements of this paragraph.

111 2. Onsite sewage treatment and disposal systems must cease  
112 discharge by December 31, 2015, or must comply with department

113 rules and provide the level of treatment which, on a permitted  
114 annual average basis, produces an effluent that contains no more  
115 than the following concentrations:

- 116 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
117 b. Suspended Solids of 10 mg/l.  
118 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
119 reduction in nitrogen of at least 70 percent. A system that has  
120 been tested and certified to reduce nitrogen concentrations by  
121 at least 70 percent shall be deemed to be in compliance with  
122 this standard.  
123 d. Total Phosphorus, expressed as P, of 1 mg/l.

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125 In addition, onsite sewage treatment and disposal systems  
126 discharging to an injection well must provide basic disinfection  
127 as defined by department rule.

128 3. In areas not scheduled to be served by a central sewer,  
129 onsite sewage treatment and disposal systems must, by December  
130 31, 2015, comply with department rules and provide the level of  
131 treatment described in subparagraph 2.

132 ~~4.3. On or after July 1, 2010, all new, modified, and~~  
133 ~~repaired onsite sewage treatment and disposal systems must~~  
134 ~~provide the level of treatment described in subparagraph 2.~~  
135 ~~However,~~ In areas scheduled to be served by central sewer by  
136 December 31, 2015, if the property owner has paid a connection  
137 fee or assessment for connection to the central sewer system,  
138 the property owner may install a holding tank with a high water  
139 alarm or an onsite sewage treatment and disposal system that  
140 meets ~~may be repaired to~~ the following minimum standards:

141 a. The existing tanks must be pumped and inspected and  
142 certified as being watertight and free of defects in accordance  
143 with department rule; and

144 b. A sand-lined drainfield or injection well in accordance  
145 with department rule must be installed.

146 ~~5.4.~~ Onsite sewage treatment and disposal systems must be  
147 monitored for total nitrogen and total phosphorus concentrations  
148 as required by department rule.

149 ~~6.5.~~ The department shall enforce proper installation,  
150 operation, and maintenance of onsite sewage treatment and  
151 disposal systems pursuant to this chapter, including ensuring  
152 that the appropriate level of treatment described in  
153 subparagraph 2. is met.

154 ~~7.6.~~ The authority of a local government, including a  
155 special district, to mandate connection of an onsite sewage  
156 treatment and disposal system is governed by s. 4, chapter 99-  
157 395, Laws of Florida.

158 8. Notwithstanding any other provision of law, an onsite  
159 sewage treatment and disposal system installed after July 1,  
160 2010, that complies with the standards in subparagraph 2. is not  
161 required to connect to a central sewer system until December 31,  
162 2020.

163 (u)1. The owner of an aerobic treatment unit system shall  
164 maintain a current maintenance service agreement with an aerobic  
165 treatment unit maintenance entity permitted by the department.  
166 ~~The maintenance entity shall obtain a system operating permit~~  
167 ~~from the department for each aerobic treatment unit under~~  
168 ~~service contract.~~ The maintenance entity shall inspect each

169 aerobic treatment unit system at least twice each year and shall  
170 report quarterly to the department on the number of aerobic  
171 treatment unit systems inspected and serviced. The reports may  
172 be submitted electronically.

173 2. The property owner of an owner-occupied, single-family  
174 residence may be approved and permitted by the department as a  
175 maintenance entity for his or her own aerobic treatment unit  
176 system upon written certification from the system manufacturer's  
177 approved representative that the property owner has received  
178 training on the proper installation and service of the system.  
179 The maintenance entity service agreement must conspicuously  
180 disclose that the property owner has the right to maintain his  
181 or her own system and is exempt from contractor registration  
182 requirements for performing construction, maintenance, or  
183 repairs on the system but is subject to all permitting  
184 requirements.

185 3. A septic tank contractor licensed under part III of  
186 chapter 489 may not be denied access by the manufacturer to  
187 aerobic treatment unit system training or spare parts for  
188 maintenance entities. After the original warranty period,  
189 component parts for an aerobic treatment unit system may be  
190 replaced with parts that meet manufacturer's specifications but  
191 are manufactured by others. The maintenance entity shall  
192 maintain documentation of the substitute part's equivalency for  
193 2 years and shall provide such documentation to the department  
194 upon request.

195 4. The owner of an aerobic treatment unit system shall  
196 obtain an annual system operating permit from the department and

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197 | allow the department to inspect during reasonable hours each  
198 | aerobic treatment unit system at least annually, and such  
199 | inspection may include collection and analysis of system-  
200 | effluent samples for performance criteria established by rule of  
201 | the department.

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