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CS/CS/CS/HB 375, Engrossed 1

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1  
2 An act relating to onsite sewage treatment and  
3 disposal systems; amending s. 381.0065, F.S.; deleting  
4 provisions relating to the development of performance  
5 criteria applicable to engineer-designed systems;  
6 revising requirements for maintenance entity service  
7 agreements for certain engineer-designed systems;  
8 authorizing certain property owners to be approved and  
9 permitted as maintenance entities for performance-  
10 based treatment systems under certain conditions;  
11 requiring owners of performance-based treatment unit  
12 systems to obtain certain permits; providing that  
13 certain systems constitute compliance with nitrogen  
14 standards; requiring systems in certain areas of  
15 Monroe County to comply with specified rules and  
16 standards; deleting a requirement for new, modified,  
17 and repaired systems to meet specified standards;  
18 authorizing property owners in certain areas of Monroe  
19 County to install certain tanks and systems; providing  
20 that certain systems in Monroe County are not required  
21 to connect to the central sewer system until a  
22 specified date; deleting a requirement for maintenance  
23 entities to obtain certain permits; authorizing  
24 electronic submission of certain reports; authorizing  
25 certain property owners to be approved and permitted  
26 as maintenance entities for aerobic treatment unit  
27 systems under certain conditions; providing  
28 requirements for such maintenance entity service



ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

29 | agreements; prohibiting manufacturers from denying  
30 | certain septic tank contractors access to aerobic  
31 | treatment unit system training and spare parts;  
32 | authorizing certain replacement parts for aerobic  
33 | treatment unit systems; requiring maintenance entities  
34 | to maintain documentation for such replacement parts;  
35 | requiring owners of aerobic treatment unit systems to  
36 | obtain certain permits; providing an effective date.

37 |

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

39 |

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

42 | 381.0065 Onsite sewage treatment and disposal systems;  
43 | regulation.—

44 | (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
45 | not construct, repair, modify, abandon, or operate an onsite  
46 | sewage treatment and disposal system without first obtaining a  
47 | permit approved by the department. The department may issue  
48 | permits to carry out this section, but shall not make the  
49 | issuance of such permits contingent upon prior approval by the  
50 | Department of Environmental Protection, except that the issuance  
51 | of a permit for work seaward of the coastal construction control  
52 | line established under s. 161.053 shall be contingent upon  
53 | receipt of any required coastal construction control line permit  
54 | from the Department of Environmental Protection. A construction  
55 | permit is valid for 18 months from the issuance date and may be  
56 | extended by the department for one 90-day period under rules



ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

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



ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

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

100 (j) An onsite sewage treatment and disposal system ~~for a~~  
101 ~~single-family residence that is~~ designed by a professional  
102 engineer registered in the state and certified by such engineer  
103 as complying with performance criteria adopted by the department  
104 must be approved by the department subject to the following:

105 1. The performance criteria applicable to engineer-  
106 designed systems must be limited to those necessary to ensure  
107 that such systems do not adversely affect the public health or  
108 significantly degrade the groundwater or surface water. Such  
109 performance criteria shall include consideration of the quality  
110 of system effluent, the proposed total sewage flow per acre,  
111 wastewater treatment capabilities of the natural or replaced  
112 soil, water quality classification of the potential surface-



ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

113 water-receiving body, and the structural and maintenance  
114 viability of the system for the treatment of domestic  
115 wastewater. However, performance criteria shall address only the  
116 performance of a system and not a system's design.

117 ~~2. The technical review and advisory panel shall assist~~  
118 ~~the department in the development of performance criteria~~  
119 ~~applicable to engineer-designed systems.~~

120 2.3. A person electing to utilize an engineer-designed  
121 system shall, upon completion of the system design, submit such  
122 design, certified by a registered professional engineer, to the  
123 county health department. The county health department may  
124 utilize an outside consultant to review the engineer-designed  
125 system, with the actual cost of such review to be borne by the  
126 applicant. Within 5 working days after receiving an engineer-  
127 designed system permit application, the county health department  
128 shall request additional information if the application is not  
129 complete. Within 15 working days after receiving a complete  
130 application for an engineer-designed system, the county health  
131 department either shall issue the permit or, if it determines  
132 that the system does not comply with the performance criteria,  
133 shall notify the applicant of that determination and refer the  
134 application to the department for a determination as to whether  
135 the system should be approved, disapproved, or approved with  
136 modification. The department engineer's determination shall  
137 prevail over the action of the county health department. The  
138 applicant shall be notified in writing of the department's  
139 determination and of the applicant's rights to pursue a variance  
140 or seek review under the provisions of chapter 120.



ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

141           ~~3.4.~~ The owner of an engineer-designed performance-based  
142 system must maintain a current maintenance service agreement  
143 with a maintenance entity permitted by the department. ~~The~~  
144 ~~maintenance entity shall obtain a biennial system operating~~  
145 ~~permit from the department for each system under service~~  
146 ~~contract. The department shall inspect the system at least~~  
147 ~~annually, or on such periodic basis as the fee collected~~  
148 ~~permits, and may collect system effluent samples if appropriate~~  
149 ~~to determine compliance with the performance criteria. The fee~~  
150 ~~for the biennial operating permit shall be collected beginning~~  
151 ~~with the second year of system operation.~~ The maintenance entity  
152 shall inspect each system at least twice each year and shall  
153 report quarterly to the department on the number of systems  
154 inspected and serviced. The reports may be submitted  
155 electronically.

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

168           5. The property owner shall obtain a biennial system



ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

169 operating permit from the department for each system. The  
170 department shall inspect the system at least annually, or on  
171 such periodic basis as the fee collected permits, and may  
172 collect system-effluent samples if appropriate to determine  
173 compliance with the performance criteria. The fee for the  
174 biennial operating permit shall be collected beginning with the  
175 second year of system operation.

176 ~~6.5.~~ If an engineer-designed system fails to properly  
177 function or fails to meet performance standards, the system  
178 shall be re-engineered, if necessary, to bring the system into  
179 compliance with the provisions of this section.

180 (1) For the Florida Keys, the department shall adopt a  
181 special rule for the construction, installation, modification,  
182 operation, repair, maintenance, and performance of onsite sewage  
183 treatment and disposal systems which considers the unique soil  
184 conditions and water table elevations, densities, and setback  
185 requirements. On lots where a setback distance of 75 feet from  
186 surface waters, saltmarsh, and buttonwood association habitat  
187 areas cannot be met, an injection well, approved and permitted  
188 by the department, may be used for disposal of effluent from  
189 onsite sewage treatment and disposal systems. The following  
190 additional requirements apply to onsite sewage treatment and  
191 disposal systems in Monroe County:

192 1. The county, each municipality, and those special  
193 districts established for the purpose of the collection,  
194 transmission, treatment, or disposal of sewage shall ensure, in  
195 accordance with the specific schedules adopted by the  
196 Administration Commission under s. 380.0552, the completion of



ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

197 onsite sewage treatment and disposal system upgrades to meet the  
198 requirements of this paragraph.

199 2. Onsite sewage treatment and disposal systems must cease  
200 discharge by December 31, 2015, or must comply with department  
201 rules and provide the level of treatment which, on a permitted  
202 annual average basis, produces an effluent that contains no more  
203 than the following concentrations:

204 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

205 b. Suspended Solids of 10 mg/l.

206 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
207 reduction in nitrogen of at least 70 percent. A system that has  
208 been tested and certified to reduce nitrogen concentrations by  
209 at least 70 percent shall be deemed to be in compliance with  
210 this standard.

211 d. Total Phosphorus, expressed as P, of 1 mg/l.

212

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

216 3. In areas not scheduled to be served by a central sewer,  
217 onsite sewage treatment and disposal systems must, by December  
218 31, 2015, comply with department rules and provide the level of  
219 treatment described in subparagraph 2.

220 ~~4.3. On or after July 1, 2010, all new, modified, and~~  
221 ~~repaired onsite sewage treatment and disposal systems must~~  
222 ~~provide the level of treatment described in subparagraph 2.~~

223 ~~However,~~ In areas scheduled to be served by central sewer by  
224 December 31, 2015, if the property owner has paid a connection





ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

225 fee or assessment for connection to the central sewer system,  
 226 the property owner may install a holding tank with a high water  
 227 alarm or an onsite sewage treatment and disposal system that  
 228 meets ~~may be repaired to~~ the following minimum standards:

229 a. The existing tanks must be pumped and inspected and  
 230 certified as being watertight and free of defects in accordance  
 231 with department rule; and

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

234 ~~5.4.~~ Onsite sewage treatment and disposal systems must be  
 235 monitored for total nitrogen and total phosphorus concentrations  
 236 as required by department rule.

237 ~~6.5.~~ The department shall enforce proper installation,  
 238 operation, and maintenance of onsite sewage treatment and  
 239 disposal systems pursuant to this chapter, including ensuring  
 240 that the appropriate level of treatment described in  
 241 subparagraph 2. is met.

242 ~~7.6.~~ The authority of a local government, including a  
 243 special district, to mandate connection of an onsite sewage  
 244 treatment and disposal system is governed by s. 4, chapter 99-  
 245 395, Laws of Florida.

246 8. Notwithstanding any other provision of law, an onsite  
 247 sewage treatment and disposal system installed after July 1,  
 248 2010, in unincorporated Monroe County, excluding special  
 249 wastewater districts, that complies with the standards in  
 250 subparagraph 2. is not required to connect to a central sewer  
 251 system until December 31, 2020.

252 (u)1. The owner of an aerobic treatment unit system shall



ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

253 maintain a current maintenance service agreement with an aerobic  
254 treatment unit maintenance entity permitted by the department.  
255 ~~The maintenance entity shall obtain a system operating permit~~  
256 ~~from the department for each aerobic treatment unit under~~  
257 ~~service contract.~~ The maintenance entity shall inspect each  
258 aerobic treatment unit system at least twice each year and shall  
259 report quarterly to the department on the number of aerobic  
260 treatment unit systems inspected and serviced. The reports may  
261 be submitted electronically.

262 2. The property owner of an owner-occupied, single-family  
263 residence may be approved and permitted by the department as a  
264 maintenance entity for his or her own aerobic treatment unit  
265 system upon written certification from the system manufacturer's  
266 approved representative that the property owner has received  
267 training on the proper installation and service of the system.  
268 The maintenance entity service agreement must conspicuously  
269 disclose that the property owner has the right to maintain his  
270 or her own system and is exempt from contractor registration  
271 requirements for performing construction, maintenance, or  
272 repairs on the system but is subject to all permitting  
273 requirements.

274 3. A septic tank contractor licensed under part III of  
275 chapter 489, if approved by the manufacturer, may not be denied  
276 access by the manufacturer to aerobic treatment unit system  
277 training or spare parts for maintenance entities. After the  
278 original warranty period, component parts for an aerobic  
279 treatment unit system may be replaced with parts that meet  
280 manufacturer's specifications but are manufactured by others.



ENROLLED

CS/CS/CS/HB 375, Engrossed 1

2013 Legislature

281 The maintenance entity shall maintain documentation of the  
282 substitute part's equivalency for 2 years and shall provide such  
283 documentation to the department upon request.

284 4. The owner of an aerobic treatment unit system shall  
285 obtain a system operating permit from the department and allow  
286 the department to inspect during reasonable hours each aerobic  
287 treatment unit system at least annually, and such inspection may  
288 include collection and analysis of system-effluent samples for  
289 performance criteria established by rule of the department.

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