

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Raschein offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 82 and 83, insert:

5 Section 4. Paragraph (1) of subsection (4) of section
6 381.0065, Florida Statutes, is amended to read:

7 381.0065 Onsite sewage treatment and disposal systems;
8 regulation.—

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

485475

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Amendment No.

17 | line established under s. 161.053 shall be contingent upon
18 | receipt of any required coastal construction control line permit
19 | from the Department of Environmental Protection. A construction
20 | permit is valid for 18 months from the issuance date and may be
21 | extended by the department for one 90-day period under rules
22 | adopted by the department. A repair permit is valid for 90 days
23 | from the date of issuance. An operating permit must be obtained
24 | prior to the use of any aerobic treatment unit or if the
25 | establishment generates commercial waste. Buildings or
26 | establishments that use an aerobic treatment unit or generate
27 | commercial waste shall be inspected by the department at least
28 | annually to assure compliance with the terms of the operating
29 | permit. The operating permit for a commercial wastewater system
30 | is valid for 1 year from the date of issuance and must be
31 | renewed annually. The operating permit for an aerobic treatment
32 | unit is valid for 2 years from the date of issuance and must be
33 | renewed every 2 years. If all information pertaining to the
34 | siting, location, and installation conditions or repair of an
35 | onsite sewage treatment and disposal system remains the same, a
36 | construction or repair permit for the onsite sewage treatment
37 | and disposal system may be transferred to another person, if the
38 | transferee files, within 60 days after the transfer of
39 | ownership, an amended application providing all corrected
40 | information and proof of ownership of the property. There is no
41 | fee associated with the processing of this supplemental
42 | information. A person may not contract to construct, modify,
43 | alter, repair, service, abandon, or maintain any portion of an
44 | onsite sewage treatment and disposal system without being

485475

Approved For Filing: 4/19/2013 1:29:52 PM

Page 2 of 7

Amendment No.

45 registered under part III of chapter 489. A property owner who
46 personally performs construction, maintenance, or repairs to a
47 system serving his or her own owner-occupied single-family
48 residence is exempt from registration requirements for
49 performing such construction, maintenance, or repairs on that
50 residence, but is subject to all permitting requirements. A
51 municipality or political subdivision of the state may not issue
52 a building or plumbing permit for any building that requires the
53 use of an onsite sewage treatment and disposal system unless the
54 owner or builder has received a construction permit for such
55 system from the department. A building or structure may not be
56 occupied and a municipality, political subdivision, or any state
57 or federal agency may not authorize occupancy until the
58 department approves the final installation of the onsite sewage
59 treatment and disposal system. A municipality or political
60 subdivision of the state may not approve any change in occupancy
61 or tenancy of a building that uses an onsite sewage treatment
62 and disposal system until the department has reviewed the use of
63 the system with the proposed change, approved the change, and
64 amended the operating permit.

65 (1) For the Florida Keys, the department shall adopt a
66 special rule for the construction, installation, modification,
67 operation, repair, maintenance, and performance of onsite sewage
68 treatment and disposal systems which considers the unique soil
69 conditions and water table elevations, densities, and setback
70 requirements. On lots where a setback distance of 75 feet from
71 surface waters, saltmarsh, and buttonwood association habitat
72 areas cannot be met, an injection well, approved and permitted

485475

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Amendment No.

73 by the department, may be used for disposal of effluent from
74 onsite sewage treatment and disposal systems. The following
75 additional requirements apply to onsite sewage treatment and
76 disposal systems in Monroe County:

77 1. The county, each municipality, and those special
78 districts established for the purpose of the collection,
79 transmission, treatment, or disposal of sewage shall ensure, in
80 accordance with the specific schedules adopted by the
81 Administration Commission under s. 380.0552, the completion of
82 onsite sewage treatment and disposal system upgrades to meet the
83 requirements of this paragraph.

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

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

90 b. Suspended Solids of 10 mg/l.

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

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

97
98 In addition, onsite sewage treatment and disposal systems
99 discharging to an injection well must provide basic disinfection
100 as defined by department rule.

485475

Approved For Filing: 4/19/2013 1:29:52 PM

Page 4 of 7

Amendment No.

101 3. In areas not scheduled to be served by a central sewer,
102 onsite sewage treatment and disposal systems must, by December
103 31, 2015, comply with department rules and provide the level of
104 treatment described in subparagraph 2.

105 ~~4.3. On or after July 1, 2010, all new, modified, and~~
106 ~~repaired onsite sewage treatment and disposal systems must~~
107 ~~provide the level of treatment described in subparagraph 2.~~

108 ~~However,~~ In areas scheduled to be served by central sewer by
109 December 31, 2015, if the property owner has paid a connection
110 fee or assessment for connection to the central sewer system,
111 the property owner may install a holding tank with a high water
112 alarm or an onsite sewage treatment and disposal system that
113 meets ~~may be repaired to~~ the following minimum standards:

114 a. The existing tanks must be pumped and inspected and
115 certified as being watertight and free of defects in accordance
116 with department rule; and

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

119 ~~5.4.~~ Onsite sewage treatment and disposal systems must be
120 monitored for total nitrogen and total phosphorus concentrations
121 as required by department rule.

122 ~~6.5.~~ The department shall enforce proper installation,
123 operation, and maintenance of onsite sewage treatment and
124 disposal systems pursuant to this chapter, including ensuring
125 that the appropriate level of treatment described in
126 subparagraph 2. is met.

127 ~~7.6.~~ The authority of a local government, including a
128 special district, to mandate connection of an onsite sewage

Amendment No.

129 treatment and disposal system is governed by s. 4, chapter 99-
130 395, Laws of Florida.

131 8. Notwithstanding any other provision of law, an onsite
132 sewage treatment and disposal system installed after July 1,
133 2010, in unincorporated Monroe County excluding special
134 wastewater districts that complies with the standards in
135 subparagraph 2. is not required to connect to a central sewer
136 system until December 31, 2020.

137 Section 5. For areas to be served by central sewer systems
138 by December 2015 within the Florida Keys Area of Critical State
139 Concern, any building permit and any permit issued by the
140 Department of Environmental Protection or by a water management
141 district pursuant to part IV of chapter 373, Florida Statutes,
142 that has an expiration date of January 1, 2012, through January
143 1, 2016, is extended and renewed for a period of 3 years after
144 its previously scheduled expiration date. This extension
145 includes any local government-issued development order or
146 building permit, including certificates of levels of service.
147 This section does not prohibit conversion from the construction
148 phase to the operation phase upon completion of construction and
149 is in addition to any permit extension. Extensions granted under
150 this section; section 14 of chapter 2009-96, Laws of Florida, as
151 reauthorized by section 47 of chapter 2010-147, Laws of Florida;
152 section 46 of chapter 2010-147, Laws of Florida; section 74 of
153 chapter 2011-139, Laws of Florida; or section 79 of chapter
154 2011-139, Laws of Florida, may not exceed 7 years. Specific
155 development order extensions granted pursuant to s.
156 380.06(19)(c)2., Florida Statutes, may not be further extended

485475

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Amendment No.

157 by this section. This section only applies in unincorporated
158 Monroe County, excluding special wastewater districts.

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

162 Remove line 13 and insert:
163 information; amending s. 381.0065, F.S.; providing
164 that certain systems constitute compliance with
165 nitrogen standards; requiring systems in certain areas
166 of Monroe County to comply with specified rules and
167 standards; deleting a requirement for new, modified,
168 and repaired systems to meet specified standards;
169 authorizing property owners in certain areas of Monroe
170 County to install certain tanks and systems; providing
171 that certain systems in Monroe County are not required
172 to connect to the central sewer system until a
173 specified date; providing an extension and renewal of
174 certain permits issued by the Department of
175 Environmental Protection, a water management district,
176 or a local government for areas to be served by
177 central sewer systems within the Florida Keys Area of
178 Critical State Concern; providing that certain
179 extensions may not exceed a specified number of years;
180 prohibiting certain extensions; providing for
181 applicability; providing an effective date.