



165628

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/17/2021	.	
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The Committee on Appropriations (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Between lines 131 and 132

insert:

Section 4. Paragraph (1) of subsection (4) of section 381.0065, Florida Statutes, as amended by section 7 of chapter 2020-150, Laws of Florida, is amended to read

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not



11 construct, repair, modify, abandon, or operate an onsite sewage
12 treatment and disposal system without first obtaining a permit
13 approved by the department. The department may issue permits to
14 carry out this section, except that the issuance of a permit for
15 work seaward of the coastal construction control line
16 established under s. 161.053 shall be contingent upon receipt of
17 any required coastal construction control line permit from the
18 department. A construction permit is valid for 18 months after
19 the date of issuance and may be extended by the department for
20 one 90-day period under rules adopted by the department. A
21 repair permit is valid for 90 days after the date of issuance.
22 An operating permit must be obtained before the use of any
23 aerobic treatment unit or if the establishment generates
24 commercial waste. Buildings or establishments that use an
25 aerobic treatment unit or generate commercial waste shall be
26 inspected by the department at least annually to assure
27 compliance with the terms of the operating permit. The operating
28 permit for a commercial wastewater system is valid for 1 year
29 after the date of issuance and must be renewed annually. The
30 operating permit for an aerobic treatment unit is valid for 2
31 years after the date of issuance and must be renewed every 2
32 years. If all information pertaining to the siting, location,
33 and installation conditions or repair of an onsite sewage
34 treatment and disposal system remains the same, a construction
35 or repair permit for the onsite sewage treatment and disposal
36 system may be transferred to another person, if the transferee
37 files, within 60 days after the transfer of ownership, an
38 amended application providing all corrected information and
39 proof of ownership of the property. A fee is not associated with



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40 the processing of this supplemental information. A person may
41 not contract to construct, modify, alter, repair, service,
42 abandon, or maintain any portion of an onsite sewage treatment
43 and disposal system without being registered under part III of
44 chapter 489. A property owner who personally performs
45 construction, maintenance, or repairs to a system serving his or
46 her own owner-occupied single-family residence is exempt from
47 registration requirements for performing such construction,
48 maintenance, or repairs on that residence, but is subject to all
49 permitting requirements. A municipality or political subdivision
50 of the state may not issue a building or plumbing permit for any
51 building that requires the use of an onsite sewage treatment and
52 disposal system unless the owner or builder has received a
53 construction permit for such system from the department. A
54 building or structure may not be occupied and a municipality,
55 political subdivision, or any state or federal agency may not
56 authorize occupancy until the department approves the final
57 installation of the onsite sewage treatment and disposal system.
58 A municipality or political subdivision of the state may not
59 approve any change in occupancy or tenancy of a building that
60 uses an onsite sewage treatment and disposal system until the
61 department has reviewed the use of the system with the proposed
62 change, approved the change, and amended the operating permit.

63 (1) For the Florida Keys, the department shall adopt a
64 special rule for the construction, installation, modification,
65 operation, repair, maintenance, and performance of onsite sewage
66 treatment and disposal systems which considers the unique soil
67 conditions and water table elevations, densities, and setback
68 requirements. On lots where a setback distance of 75 feet from



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69 surface waters, saltmarsh, and buttonwood association habitat
70 areas cannot be met, an injection well, approved and permitted
71 by the department, may be used for disposal of effluent from
72 onsite sewage treatment and disposal systems. The following
73 additional requirements apply to onsite sewage treatment and
74 disposal systems in Monroe County:

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

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

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

88 b. Suspended Solids of 10 mg/l.

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

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

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96 In addition, onsite sewage treatment and disposal systems
97 discharging to an injection well must provide basic disinfection



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98 as defined by department rule.

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

103 4. In areas scheduled to be served by a central sewerage
104 system by December 31, 2015, if the property owner has paid a
105 connection fee or assessment for connection to the central
106 sewerage system, the property owner may install a holding tank
107 with a high water alarm or an onsite sewage treatment and
108 disposal system that meets the following minimum standards:

109 a. The existing tanks must be pumped and inspected and
110 certified as being watertight and free of defects in accordance
111 with department rule; and

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

114 5. Onsite sewage treatment and disposal systems must be
115 monitored for total nitrogen and total phosphorus concentrations
116 as required by department rule.

117 6. The department shall enforce proper installation,
118 operation, and maintenance of onsite sewage treatment and
119 disposal systems pursuant to this chapter, including ensuring
120 that the appropriate level of treatment described in
121 subparagraph 2. is met.

122 7. The authority of a local government, including a special
123 district, to mandate connection of an onsite sewage treatment
124 and disposal system is governed by s. 4, chapter 99-395, Laws of
125 Florida.

126 8. Notwithstanding any other law, an onsite sewage



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127 treatment and disposal system installed after July 1, 2010, in
128 unincorporated Monroe County, excluding special wastewater
129 districts, that complies with the standards in subparagraph 2.
130 is not required to connect to a central sewerage system until
131 December 31, 2020.

132 9. The department may grant a waiver from the timeframe
133 specified in subparagraph 3. to the owner of an individual
134 septic system to install a new onsite sewage treatment and
135 disposal system and allow the owner to continue using his or her
136 current septic tank, provided that the individual septic systems
137 were identified in the original master plan and approved by the
138 permitting entities for the central sewerage system as being
139 excluded for service; the septic tanks are operated and
140 maintained on an annual basis; and when the owner's septic tank
141 is found to be failing, the new onsite sewage treatment and
142 disposal system as required by subparagraph 1. must be commenced
143 within 1 year.

144
145 ===== T I T L E A M E N D M E N T =====

146 And the title is amended as follows:

147 Delete line 23

148 and insert:

149 systems; amending s. 381.0065, F.S., as amended by s.
150 7 of chapter 2020-150, Laws of Florida; authorizing
151 the department to grant certain septic tank owners
152 waivers from specified requirements for onsite sewage
153 treatment and disposal systems under certain
154 circumstances; amending s. 381.0067, F.S.; conforming