



564856

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
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The Committee on Rules (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Delete lines 148 - 302
and insert:

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

381.0065 Onsite sewage treatment and disposal systems;
regulation.—

(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
construct, repair, modify, abandon, or operate an onsite sewage
treatment and disposal system without first obtaining a permit



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12 approved by the department. The department may issue permits to
13 carry out this section, except that the issuance of a permit for
14 work seaward of the coastal construction control line
15 established under s. 161.053 shall be contingent upon receipt of
16 any required coastal construction control line permit from the
17 department. A construction permit is valid for 18 months after
18 the date of issuance and may be extended by the department for
19 one 90-day period under rules adopted by the department. A
20 repair permit is valid for 90 days after the date of issuance.
21 An operating permit must be obtained before the use of any
22 aerobic treatment unit or if the establishment generates
23 commercial waste. Buildings or establishments that use an
24 aerobic treatment unit or generate commercial waste shall be
25 inspected by the department at least annually to assure
26 compliance with the terms of the operating permit. The operating
27 permit for a commercial wastewater system is valid for 1 year
28 after the date of issuance and must be renewed annually. The
29 operating permit for an aerobic treatment unit is valid for 2
30 years after the date of issuance and must be renewed every 2
31 years. If all information pertaining to the siting, location,
32 and installation conditions or repair of an onsite sewage
33 treatment and disposal system remains the same, a construction
34 or repair permit for the onsite sewage treatment and disposal
35 system may be transferred to another person, if the transferee
36 files, within 60 days after the transfer of ownership, an
37 amended application providing all corrected information and
38 proof of ownership of the property. A fee is not associated with
39 the processing of this supplemental information. A person may
40 not contract to construct, modify, alter, repair, service,



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

62 (h)1. The department may grant variances in hardship cases
63 which may be less restrictive than the provisions specified in
64 this section. If a variance is granted and the onsite sewage
65 treatment and disposal system construction permit has been
66 issued, the variance may be transferred with the system
67 construction permit, if the transferee files, within 60 days
68 after the transfer of ownership, an amended construction permit
69 application providing all corrected information and proof of



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70 ownership of the property and if the same variance would have
71 been required for the new owner of the property as was
72 originally granted to the original applicant for the variance. A
73 fee is not associated with the processing of this supplemental
74 information. A variance may not be granted under this section
75 until the department is satisfied that:

76 a. The hardship was not caused intentionally by the action
77 of the applicant;

78 b. A reasonable alternative, taking into consideration
79 factors such as cost, does not exist for the treatment of the
80 sewage; and

81 c. The discharge from the onsite sewage treatment and
82 disposal system will not adversely affect the health of the
83 applicant or the public or significantly degrade the groundwater
84 or surface waters.

85
86 Where soil conditions, water table elevation, and setback
87 provisions are determined by the department to be satisfactory,
88 special consideration must be given to those lots platted before
89 1972.

90 2. The department shall appoint and staff a variance review
91 and advisory committee, which shall meet monthly to recommend
92 agency action on variance requests. The committee shall make its
93 recommendations on variance requests at the meeting in which the
94 application is scheduled for consideration, except for an
95 extraordinary change in circumstances, the receipt of new
96 information that raises new issues, or when the applicant
97 requests an extension. The committee shall consider the criteria
98 in subparagraph 1. in its recommended agency action on variance



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99 requests and shall also strive to allow property owners the full
100 use of their land where possible.

101 a. The committee is composed ~~consists~~ of the following:

102 (I)~~a.~~ The Secretary of Environmental Protection or his or
103 her designee.

104 (II)~~b.~~ A representative from the county health departments.

105 (III)~~e.~~ A representative from the home building industry
106 recommended by the Florida Home Builders Association.

107 (IV)~~d.~~ A representative from the septic tank industry
108 recommended by the Florida Onsite Wastewater Association.

109 (V)~~e.~~ A representative from the Department of Health.

110 (VI)~~f.~~ A representative from the real estate industry who
111 is also a developer in this state who develops lots using onsite
112 sewage treatment and disposal systems, recommended by the
113 Florida Association of Realtors.

114 (VII)~~g.~~ A representative from the engineering profession
115 recommended by the Florida Engineering Society.

116 b. Members shall be appointed for a term of 3 years, with
117 such appointments being staggered so that the terms of no more
118 than two members expire in any one year. Members shall serve
119 without remuneration, but if requested, shall be reimbursed for
120 per diem and travel expenses as provided in s. 112.061.

121 3. The variance review and advisory committee is not
122 responsible for reviewing water well permitting. However, the
123 committee shall consider all requirements of law related to
124 onsite sewage treatment and disposal systems when making
125 recommendations on variance requests for onsite sewage treatment
126 and disposal system permits.

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128 ===== T I T L E A M E N D M E N T =====

129 And the title is amended as follows:

130 Delete lines 17 - 26

131 and insert:

132 amending s. 381.0065, F.S.; providing that the
133 Department of Environmental Protection's variance
134 review and advisory committee is not responsible for
135 reviewing water well permitting; requiring the
136 committee to consider certain requirements when making
137 recommendations on variance requests for onsite sewage
138 treatment and disposal system permits; making
139 technical changes;