



709122

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2013	.	
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The Committee on Rules (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 71 and 72

insert:

Section 3. Paragraph (1) 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; 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



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14 permits contingent upon prior approval by the Department of  
15 Environmental Protection, except that the issuance of a permit  
16 for work seaward of the coastal construction control line  
17 established under s. 161.053 shall be contingent upon receipt of  
18 any required coastal construction control line permit from the  
19 Department of Environmental Protection. A construction permit is  
20 valid for 18 months from the issuance date and may be extended  
21 by the department for one 90-day period under rules adopted by  
22 the department. A repair permit is valid for 90 days from the  
23 date of issuance. An operating permit must be obtained prior to  
24 the use of any aerobic treatment unit or if the establishment  
25 generates commercial waste. Buildings or establishments that use  
26 an aerobic treatment unit or generate commercial waste shall be  
27 inspected by the department at least annually to assure  
28 compliance with the terms of the operating permit. The operating  
29 permit for a commercial wastewater system is valid for 1 year  
30 from the date of issuance and must be renewed annually. The  
31 operating permit for an aerobic treatment unit is valid for 2  
32 years from the date of issuance and must be renewed every 2  
33 years. If all information pertaining to the siting, location,  
34 and installation conditions or repair of an onsite sewage  
35 treatment and disposal system remains the same, a construction  
36 or repair permit for the onsite sewage treatment and disposal  
37 system may be transferred to another person, if the transferee  
38 files, within 60 days after the transfer of ownership, an  
39 amended application providing all corrected information and  
40 proof of ownership of the property. There is no fee associated  
41 with the processing of this supplemental information. A person  
42 may not contract to construct, modify, alter, repair, service,



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

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



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

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

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

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

89 b. Suspended Solids of 10 mg/l.

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

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

95  
96 In addition, onsite sewage treatment and disposal systems  
97 discharging to an injection well must provide basic disinfection  
98 as defined by department rule.

99 3. An area that is not scheduled to be served by a central  
100 sewer, onsite sewage treatment, and disposal systems must, by



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101 December 31, 2015, comply with department rules and provide the  
102 level of treatment described in subparagraph 2.

103 ~~4.3. On or after July 1, 2010, all new, modified, and~~  
104 ~~repaired onsite sewage treatment and disposal systems must~~  
105 ~~provide the level of treatment described in subparagraph 2.~~  
106 ~~However,~~ In areas scheduled to be served by central sewer by  
107 December 31, 2015, if the property owner has paid a connection  
108 fee or assessment for connection to the central sewer system,  
109 the property owner may install a holding tank with a high-water  
110 alarm or an onsite sewage treatment and disposal system that  
111 meets ~~may be repaired to~~ the following minimum standards:

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

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

117 ~~5.4.~~ Onsite sewage treatment and disposal systems must be  
118 monitored for total nitrogen and total phosphorus concentrations  
119 as required by department rule.

120 ~~6.5.~~ The department shall enforce proper installation,  
121 operation, and maintenance of onsite sewage treatment and  
122 disposal systems pursuant to this chapter, including ensuring  
123 that the appropriate level of treatment described in  
124 subparagraph 2. is met.

125 ~~7.6.~~ The authority of a local government, including a  
126 special district, to mandate connection of an onsite sewage  
127 treatment and disposal system is governed by s. 4, chapter 99-  
128 395, Laws of Florida.

129 8. Notwithstanding any other provision of law, an onsite



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130 sewage treatment and disposal system installed after July 1,  
131 2010, in unincorporated Monroe County, excluding special  
132 wastewater districts, which complies with the standards in  
133 subparagraph 2., is not required to connect to a central sewer  
134 system until December 31, 2020.

135 Section 4. For areas to be served by central sewer systems  
136 by December 2015 within the Florida Keys Area of Critical State  
137 Concern, any building permit and any permit issued by the  
138 Department of Environmental Protection or by a water management  
139 district pursuant to part IV of chapter 373, Florida Statutes,  
140 which expires January 1, 2012, through January 1, 2016, is  
141 extended and renewed for 3 years. This extension includes any  
142 local government-issued development order or local government-  
143 issued building permit, including certificates of levels of  
144 service. This section does not prohibit conversion from the  
145 construction phase to the operation phase upon completion of  
146 construction and is in addition to any permit extension.  
147 Extensions granted under this section; s. 14, chapter 2009-96,  
148 Laws of Florida, as amended by s. 47, ch. 2010-147, Laws of  
149 Florida; s. 46, chapter 2010-147, Laws of Florida; s. 74,  
150 chapter 2011-139, Laws of Florida; s. 79, chapter 2011-139, Laws  
151 of Florida, may not exceed 7 years. Specific development order  
152 extensions granted pursuant to s. 380.06(19)(c)2., Florida  
153 Statutes, may not be further extended by this section. This  
154 section applies only in unincorporated Monroe County, excluding  
155 special wastewater districts.

156  
157 ===== T I T L E A M E N D M E N T =====

158 And the title is amended as follows:



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159 Delete line 6  
160 and insert:  
161 development permits; amending s. 381.0065, F.S.;  
162 revising treatment standards for onsite sewage and  
163 disposal systems in Monroe County; requiring areas in  
164 Monroe County not served by certain sewage and  
165 disposal systems to comply with specified rules and  
166 standards; deleting a requirement for new, modified,  
167 and repaired systems in Monroe County to meet  
168 specified standards; authorizing certain property  
169 owners in Monroe County to install certain tanks and  
170 systems; providing that certain systems in Monroe  
171 County are not required to connect to the central  
172 sewer system until a specified date; providing an  
173 extension and renewal of certain permits issued by the  
174 Department of Environmental Protection or by a water  
175 management district for areas to be served by central  
176 sewer systems within the Florida Keys Area of Critical  
177 State Concern; providing that certain extensions may  
178 not exceed a specified number of years; prohibiting  
179 certain extensions; providing for applicability;  
180 amending chapter 2012-205, Laws