



335594

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2013	.	
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The Committee on Environmental Preservation and Conservation  
(Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraphs (l) and (u) of subsection (4) of  
section 381.0065, Florida Statutes, are 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



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13 carry out this section, but shall not make the issuance of such  
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



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42 may not contract to construct, modify, alter, repair, service,  
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



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71 areas cannot be met, an injection well, approved and permitted  
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 at 70 percent. A system that  
92 has been tested and certified to reduce nitrogen concentrations  
93 by at least 70 percent is deemed to be in compliance with this  
94 standard.

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

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



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

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

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

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

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

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

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



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129 395, Laws of Florida.

130 8. Notwithstanding any other provision of law to the  
131 contrary, an onsite sewage treatment and disposal system  
132 installed after July 1, 2010, which meets the standards in  
133 subparagraph 2., is not required to connect to a sewer until  
134 December 31, 2020. This subparagraph does not apply to chapter  
135 28-19.310, F.A.C.

136 (u)1. The owner of an aerobic treatment unit system shall  
137 maintain a current maintenance service agreement with an aerobic  
138 treatment unit maintenance entity permitted by the department.  
139 The maintenance entity shall obtain a system operating permit  
140 from the department for each aerobic treatment unit under  
141 service contract. The maintenance entity shall inspect each  
142 aerobic treatment unit system at least twice each year and shall  
143 report quarterly to the department on the number of aerobic  
144 treatment unit systems inspected and serviced. The reports may  
145 be submitted electronically.

146 2. The department may approve and permit a property owner  
147 of an owner-occupied, single-family residence as a maintenance  
148 entity for the property owner's own aerobic treatment unit  
149 system if the system manufacturer's approved representative  
150 certifies in writing that the property owner has received  
151 training on the proper installation and service of the system.  
152 The maintenance entity service agreement must conspicuously  
153 disclose that the property owner has the right to maintain his  
154 or her own system and is exempt from contractor registration  
155 requirements for performing construction, maintenance, or  
156 repairs on the system. However, the property owner is subject to  
157 all permitting requirements.



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158           3. A manufacturer may not deny a septic tank contractor  
159 licensed under part III of chapter 489 access to aerobic  
160 treatment unit system training or spare parts for maintenance  
161 entities. After the original warranty period, component parts  
162 for an aerobic treatment unit system may be replaced with parts  
163 that meet manufacturer's specifications but are manufactured by  
164 others. The maintenance entity shall maintain documentation for  
165 a period of 2 years of the substitute part's equivalency and  
166 shall provide such documentation to the department upon request.

167           4. The owner of an aerobic treatment unit system shall  
168 obtain an annual system operating permit from the department and  
169 allow the department to inspect during reasonable hours each  
170 aerobic treatment unit system at least annually, and such  
171 inspection may include collection and analysis of system-  
172 effluent samples for performance criteria established by rule of  
173 the department.

174           Section 2. Within the Florida Keys area, which is an area  
175 of critical state concern, any building permit and any permit  
176 issued by the Department of Environmental Protection or by a  
177 water management district pursuant to part IV of chapter 373,  
178 Florida Statutes, which has an expiration date of January 1,  
179 2012, through January 1, 2016, is extended and renewed for a  
180 period of 3 years after its previously scheduled expiration  
181 date. This extension includes any local government-issued  
182 development order or building permit, including certificates of  
183 levels of service. This section does not prohibit conversion  
184 from the construction phase to the operation phase upon  
185 completion of construction and is in addition to any permit  
186 extension. Extensions granted under this section; s. 14, chapter



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187 2009-96, Laws of Florida, as reauthorized by s. 47, chapter  
188 2010-147, Laws of Florida; s. 46, chapter 2010-147, Laws of  
189 Florida; s. 74, chapter 2011-139, Laws of Florida; or s. 79,  
190 chapter 2011-139, Laws of Florida, may not exceed 7 years in  
191 total. Specific development order extensions granted pursuant to  
192 s. 380.06(19)(c)2., Florida Statutes, may not be further  
193 extended by this section. This section does not apply to an area  
194 subject to chapter 28-19.310, F.A.C.

195 Section 3. This act shall take effect July 1, 2013.

196

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

198 And the title is amended as follows:

199 Delete everything before the enacting clause  
200 and insert:

201 A bill to be entitled  
202 An act relating to onsite sewage treatment and  
203 disposal systems; amending s. 381.0065, F.S.;  
204 requiring onsite sewage treatment and disposal systems  
205 to comply with rules of the Department of  
206 Environmental Protection and provide a certain level  
207 of treatment; providing that certain onsite sewage  
208 treatment and disposal systems installed after a  
209 specified date are not required to connect to a sewer  
210 until a specified date; providing for  
211 nonapplicability; deleting a provision that requires a  
212 maintenance entity to obtain a system operating  
213 permit; authorizing the department to approve and  
214 permit a property owner of an owner-occupied, single-  
215 family residence as a maintenance entity for the





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216 property owner's own aerobic treatment unit system  
217 under certain circumstances; requiring the maintenance  
218 entity service agreement to conspicuously disclose  
219 that the property owner has the right to maintain his  
220 or her own system and is exempt from certain  
221 contractor registration requirements; prohibiting a  
222 septic tank contractor from being denied access by the  
223 manufacturer to aerobic treatment unit system training  
224 or spare parts for maintenance entities; providing  
225 that component parts for an aerobic treatment unit  
226 system may be replaced with parts that meet  
227 manufacturer's specifications; requiring the  
228 maintenance entity to maintain documentation for a  
229 specified period of time and to provide the  
230 documentation to the department upon request;  
231 requiring an owner of an aerobic treatment unit system  
232 to obtain an annual system operating permit and allow  
233 the department to annually inspect each aerobic  
234 treatment unit system; extending the expiration date  
235 of building permits and permits issued by the  
236 Department of Environmental Protection or by a water  
237 management district; providing that the extension of  
238 the expiration date does not prohibit conversion from  
239 the construction phase to the operation phase upon  
240 completion of construction; providing that certain  
241 extensions may not exceed a specified number of years;  
242 prohibiting certain extensions; providing for  
243 nonapplicability; providing an effective date.