

By Senator Bullard

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1 A bill to be entitled

2 An act relating to onsite sewage treatment and  
3 disposal systems; amending s. 381.0065, F.S.; revising  
4 the frequency of inspections that owners of aerobic  
5 treatment unit systems must provide for under service  
6 agreements with certain maintenance entities permitted  
7 by the Department of Health; providing an effective  
8 date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Paragraph (u) of subsection (4) of section  
13 381.0065, Florida Statutes, is amended to read:

14 381.0065 Onsite sewage treatment and disposal systems;  
15 regulation.—

16 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
17 construct, repair, modify, abandon, or operate an onsite sewage  
18 treatment and disposal system without first obtaining a permit  
19 approved by the department. The department may issue permits to  
20 carry out this section, but shall not make the issuance of such  
21 permits contingent upon prior approval by the Department of  
22 Environmental Protection, except that the issuance of a permit  
23 for work seaward of the coastal construction control line  
24 established under s. 161.053 shall be contingent upon receipt of  
25 any required coastal construction control line permit from the  
26 Department of Environmental Protection. A construction permit is  
27 valid for 18 months from the issuance date and may be extended  
28 by the department for one 90-day period under rules adopted by  
29 the department. A repair permit is valid for 90 days from the

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30 date of issuance. An operating permit must be obtained prior to  
31 the use of any aerobic treatment unit or if the establishment  
32 generates commercial waste. Buildings or establishments that use  
33 an aerobic treatment unit or generate commercial waste shall be  
34 inspected by the department at least annually to assure  
35 compliance with the terms of the operating permit. The operating  
36 permit for a commercial wastewater system is valid for 1 year  
37 from the date of issuance and must be renewed annually. The  
38 operating permit for an aerobic treatment unit is valid for 2  
39 years from the date of issuance and must be renewed every 2  
40 years. If all information pertaining to the siting, location,  
41 and installation conditions or repair of an onsite sewage  
42 treatment and disposal system remains the same, a construction  
43 or repair permit for the onsite sewage treatment and disposal  
44 system may be transferred to another person, if the transferee  
45 files, within 60 days after the transfer of ownership, an  
46 amended application providing all corrected information and  
47 proof of ownership of the property. There is no fee associated  
48 with the processing of this supplemental information. A person  
49 may not contract to construct, modify, alter, repair, service,  
50 abandon, or maintain any portion of an onsite sewage treatment  
51 and disposal system without being registered under part III of  
52 chapter 489. A property owner who personally performs  
53 construction, maintenance, or repairs to a system serving his or  
54 her own owner-occupied single-family residence is exempt from  
55 registration requirements for performing such construction,  
56 maintenance, or repairs on that residence, but is subject to all  
57 permitting requirements. A municipality or political subdivision  
58 of the state may not issue a building or plumbing permit for any

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59 building that requires the use of an onsite sewage treatment and  
60 disposal system unless the owner or builder has received a  
61 construction permit for such system from the department. A  
62 building or structure may not be occupied and a municipality,  
63 political subdivision, or any state or federal agency may not  
64 authorize occupancy until the department approves the final  
65 installation of the onsite sewage treatment and disposal system.  
66 A municipality or political subdivision of the state may not  
67 approve any change in occupancy or tenancy of a building that  
68 uses an onsite sewage treatment and disposal system until the  
69 department has reviewed the use of the system with the proposed  
70 change, approved the change, and amended the operating permit.

71 (u) The owner of an aerobic treatment unit system shall  
72 maintain a current maintenance service agreement with an aerobic  
73 treatment unit maintenance entity permitted by the department.  
74 The maintenance entity shall obtain a system operating permit  
75 from the department for each aerobic treatment unit under  
76 service contract. The maintenance entity shall inspect each  
77 aerobic treatment unit system at least twice each year for the  
78 initial 2 years of the maintenance service agreement and at  
79 least once a year thereafter and shall report semiannually  
80 ~~quarterly~~ to the department ~~on~~ the number of aerobic treatment  
81 unit systems inspected and serviced. Maintenance entity service  
82 agreements must conspicuously disclose that a property owner of  
83 an owner-occupied single-family residence is exempt from  
84 registration requirements for performing such construction,  
85 maintenance, or repairs on such residence, but is subject to all  
86 permitting requirements. The owner shall allow the department to  
87 inspect during reasonable hours each aerobic treatment unit

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88 system at least annually, and such inspection may include  
89 collection and analysis of system-effluent samples for  
90 performance criteria established by rule of the department.

91 Section 2. This act shall take effect July 1, 2013.