

1 A bill to be entitled

2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 381.0065, F.S.;
4 requiring systems in certain areas of Monroe County to
5 comply with specified rules and standards; providing
6 that certain systems constitute compliance with
7 nitrogen standards; deleting a requirement for new,
8 modified, and repaired systems to meet specified
9 standards; providing that certain systems in Monroe
10 County are not required to connect to the central
11 sewer system until a specified date; authorizing
12 electronic submission of certain reports; authorizing
13 certain property owners to be approved and permitted
14 as maintenance entities for aerobic treatment unit
15 systems under certain conditions; providing
16 requirements for such maintenance entity service
17 agreements; prohibiting manufacturers from denying
18 certain septic tank contractors access to aerobic
19 treatment unit system training and spare parts;
20 authorizing certain replacement parts for aerobic
21 treatment unit systems; requiring maintenance entities
22 to maintain documentation for such replacement parts;
23 extending and providing for renewal of building
24 permits subject to certain expiration dates; limiting
25 certain development order extensions; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Paragraphs (l) and (u) of subsection (4) of
31 section 381.0065, Florida Statutes, are amended to read:

32 381.0065 Onsite sewage treatment and disposal systems;
33 regulation.—

34 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
35 not construct, repair, modify, abandon, or operate an onsite
36 sewage treatment and disposal system without first obtaining a
37 permit approved by the department. The department may issue
38 permits to carry out this section, but shall not make the
39 issuance of such permits contingent upon prior approval by the
40 Department of Environmental Protection, except that the issuance
41 of a permit for work seaward of the coastal construction control
42 line established under s. 161.053 shall be contingent upon
43 receipt of any required coastal construction control line permit
44 from the Department of Environmental Protection. A construction
45 permit is valid for 18 months from the issuance date and may be
46 extended by the department for one 90-day period under rules
47 adopted by the department. A repair permit is valid for 90 days
48 from the date of issuance. An operating permit must be obtained
49 prior to the use of any aerobic treatment unit or if the
50 establishment generates commercial waste. Buildings or
51 establishments that use an aerobic treatment unit or generate
52 commercial waste shall be inspected by the department at least
53 annually to assure compliance with the terms of the operating
54 permit. The operating permit for a commercial wastewater system
55 is valid for 1 year from the date of issuance and must be
56 renewed annually. The operating permit for an aerobic treatment

57 | unit is valid for 2 years from the date of issuance and must be
58 | renewed every 2 years. If all information pertaining to the
59 | siting, location, and installation conditions or repair of an
60 | onsite sewage treatment and disposal system remains the same, a
61 | construction or repair permit for the onsite sewage treatment
62 | and disposal system may be transferred to another person, if the
63 | transferee files, within 60 days after the transfer of
64 | ownership, an amended application providing all corrected
65 | information and proof of ownership of the property. There is no
66 | fee associated with the processing of this supplemental
67 | information. A person may not contract to construct, modify,
68 | alter, repair, service, abandon, or maintain any portion of an
69 | onsite sewage treatment and disposal system without being
70 | registered under part III of chapter 489. A property owner who
71 | personally performs construction, maintenance, or repairs to a
72 | system serving his or her own owner-occupied single-family
73 | residence is exempt from registration requirements for
74 | performing such construction, maintenance, or repairs on that
75 | residence, but is subject to all permitting requirements. A
76 | municipality or political subdivision of the state may not issue
77 | a building or plumbing permit for any building that requires the
78 | use of an onsite sewage treatment and disposal system unless the
79 | owner or builder has received a construction permit for such
80 | system from the department. A building or structure may not be
81 | occupied and a municipality, political subdivision, or any state
82 | or federal agency may not authorize occupancy until the
83 | department approves the final installation of the onsite sewage
84 | treatment and disposal system. A municipality or political

85 subdivision of the state may not approve any change in occupancy
86 or tenancy of a building that uses an onsite sewage treatment
87 and disposal system until the department has reviewed the use of
88 the system with the proposed change, approved the change, and
89 amended the operating permit.

90 (1) For the Florida Keys, the department shall adopt a
91 special rule for the construction, installation, modification,
92 operation, repair, maintenance, and performance of onsite sewage
93 treatment and disposal systems which considers the unique soil
94 conditions and water table elevations, densities, and setback
95 requirements. On lots where a setback distance of 75 feet from
96 surface waters, saltmarsh, and buttonwood association habitat
97 areas cannot be met, an injection well, approved and permitted
98 by the department, may be used for disposal of effluent from
99 onsite sewage treatment and disposal systems. The following
100 additional requirements apply to onsite sewage treatment and
101 disposal systems in Monroe County:

102 1. The county, each municipality, and those special
103 districts established for the purpose of the collection,
104 transmission, treatment, or disposal of sewage shall ensure, in
105 accordance with the specific schedules adopted by the
106 Administration Commission under s. 380.0552, the completion of
107 onsite sewage treatment and disposal system upgrades to meet the
108 requirements of this paragraph.

109 2. In areas not scheduled to be served by a central sewer,
110 onsite sewage treatment and disposal systems must, ~~cease~~
111 ~~discharge~~ by December 31, 2015, ~~or must~~ comply with department
112 rules and provide the level of treatment which, on a permitted

113 annual average basis, produces an effluent that contains no more
114 than the following concentrations:

- 115 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
116 b. Suspended Solids of 10 mg/l.
117 c. Total Nitrogen, expressed as N, of 10 mg/l. A system
118 that has been tested and certified to reduce nitrogen
119 concentrations by at least 70-percent shall be deemed to be in
120 compliance with this standard.

121 d. Total Phosphorus, expressed as P, of 1 mg/l.
122

123 In addition, onsite sewage treatment and disposal systems
124 discharging to an injection well must provide basic disinfection
125 as defined by department rule.

126 3. ~~On or after July 1, 2010, all new, modified, and~~
127 ~~repaired onsite sewage treatment and disposal systems must~~
128 ~~provide the level of treatment described in subparagraph 2.~~
129 ~~However,~~ In areas scheduled to be served by central sewer by
130 December 31, 2015, if the property owner has paid a connection
131 fee or assessment for connection to the central sewer system, an
132 onsite sewage treatment and disposal system may be repaired to
133 the following minimum standards:

- 134 a. The existing tanks must be pumped and inspected and
135 certified as being watertight and free of defects in accordance
136 with department rule; and
137 b. A sand-lined drainfield or injection well in accordance
138 with department rule must be installed.

139 4. Onsite sewage treatment and disposal systems must be
140 monitored for total nitrogen and total phosphorus concentrations

141 as required by department rule.

142 5. The department shall enforce proper installation,
143 operation, and maintenance of onsite sewage treatment and
144 disposal systems pursuant to this chapter, including ensuring
145 that the appropriate level of treatment described in
146 subparagraph 2. is met.

147 6. The authority of a local government, including a
148 special district, to mandate connection of an onsite sewage
149 treatment and disposal system is governed by s. 4, chapter 99-
150 395, Laws of Florida.

151 7. Notwithstanding any other provision of law, an onsite
152 sewage treatment and disposal system installed after July 1,
153 2010, that complies with the standards in subparagraph 2. is not
154 required to connect to a central sewer system until December 31,
155 2020.

156 (u)1. The owner of an aerobic treatment unit system shall
157 maintain a current maintenance service agreement with an aerobic
158 treatment unit maintenance entity permitted by the department.
159 The maintenance entity shall obtain a system operating permit
160 from the department for each aerobic treatment unit under
161 service contract. The maintenance entity shall inspect each
162 aerobic treatment unit system at least twice each year and shall
163 report quarterly to the department on the number of aerobic
164 treatment unit systems inspected and serviced. The reports may
165 be submitted electronically.

166 2. The property owner of an owner-occupied, single-family
167 residence may be approved and permitted by the department as a
168 maintenance entity for his or her own aerobic treatment unit

169 system upon written certification from the system manufacturer's
170 approved representative that the property owner has received
171 training on the proper installation and service of the system.
172 The maintenance entity service agreement must conspicuously
173 disclose that the property owner has the right to maintain his
174 or her own system and is exempt from contractor registration
175 requirements for performing construction, maintenance, or
176 repairs on the system but is subject to all permitting
177 requirements.

178 3. A septic tank contractor licensed under part III of
179 chapter 489 may not be denied access by the manufacturer to
180 aerobic treatment unit system training or spare parts for
181 maintenance entities. After the original warranty period,
182 component parts for an aerobic treatment unit system may be
183 replaced with parts that meet manufacturer's specifications but
184 are manufactured by others. The maintenance entity shall
185 maintain documentation of the substitute part's equivalency for
186 2 years and shall provide such documentation to the department
187 upon request.

188 4. The owner of an aerobic treatment unit system shall
189 allow the department to inspect during reasonable hours each
190 aerobic treatment unit system at least annually, and such
191 inspection may include collection and analysis of system-
192 effluent samples for performance criteria established by rule of
193 the department.

194 Section 2. Within the Florida Keys area of critical state
195 concern, any building permit and any permit issued by the
196 Department of Environmental Protection or by a water management

CS/CS/HB 375

2013

197 district pursuant to part IV of chapter 373, Florida Statutes,
198 that has an expiration date of January 1, 2012, through January
199 1, 2016, is extended and renewed for a period of 3 years after
200 its previously scheduled expiration date. This extension
201 includes any local government-issued development order or
202 building permit, including certificates of levels of service.
203 This section does not prohibit conversion from the construction
204 phase to the operation phase upon completion of construction and
205 is in addition to any permit extension. Extensions granted under
206 this section; section 14 of chapter 2009-96, Laws of Florida, as
207 reauthorized by section 47 of chapter 2010-147, Laws of Florida;
208 section 46 of chapter 2010-147, Laws of Florida; section 74 of
209 chapter 2011-139, Laws of Florida; or section 79 of chapter
210 2011-139, Laws of Florida, may not exceed 7 years in total.
211 Specific development order extensions granted pursuant to s.
212 380.06(19)(c) 2., Florida Statutes, may not be further extended
213 by this section.

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