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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
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The Committee on Community Affairs (Trumbull) recommended the following:

Senate Amendment (with title amendment)

Delete lines 141 - 197

and insert:

Section 4. Paragraphs (e), (h), and (w) 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; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage



11 treatment and disposal system without first obtaining a permit
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



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40 not contract to construct, modify, alter, repair, service,
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 (e) The department shall adopt rules relating to the
63 location of onsite sewage treatment and disposal systems,
64 including establishing setback distances, to prevent groundwater
65 contamination and surface water contamination and to preserve
66 the public health. In adopting such rules, the department ~~rules~~
67 must:

68 1. Consider conventional and enhanced nutrient-reducing



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69 onsite sewage treatment and disposal system designs, impaired or
70 degraded water bodies, domestic wastewater and drinking water
71 infrastructure, potable water sources, nonpotable wells,
72 stormwater infrastructure, the onsite sewage treatment and
73 disposal system remediation plans developed pursuant to s.
74 403.067(7)(a)9.b., nutrient pollution, and the recommendations
75 of the onsite sewage treatment and disposal systems technical
76 advisory committee established pursuant to former s. 381.00652.

77 2. The rules must also Allow a person to apply for and
78 receive a variance from a rule requirement upon demonstration
79 that the requirement would cause an undue hardship and that
80 granting the variance would not cause or contribute to the
81 exceedance of a total maximum daily load.

82 3. In consultation with the water management districts,
83 allow a licensed water well contractor to apply for and receive
84 a variance for the installation of a private or public potable
85 water well from the applicable water management district within
86 the region of installation.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete line 17

91 and insert:

92 amending s. 381.0065, F.S.; requiring that certain
93 rules adopted by Department of Environmental
94 Protection relating to the location of onsite sewage
95 treatment and disposal systems allow licensed water
96 well contractors to apply for and receive from the
97 water management district within the region of



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98 installation a variance for private or public potable
99 well installations; deleting provisions