

1                                   A bill to be entitled  
 2           An act relating to building and plumbing permits for  
 3           the use of onsite sewage treatment and disposal  
 4           systems; amending s. 381.0065, F.S.; revising  
 5           conditions under which municipalities and political  
 6           subdivisions are prohibited from issuing certain  
 7           building and plumbing permits for the use of onsite  
 8           sewage treatment and disposal systems; providing an  
 9           effective date.

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

12  
 13           **Section 1. Subsection (4) of section 381.0065, Florida**  
 14 **Statutes, is amended to read:**

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

17           (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not  
 18 construct, repair, modify, abandon, or operate an onsite sewage  
 19 treatment and disposal system without first obtaining a permit  
 20 approved by the department. The department may issue permits to  
 21 carry out this section, except that the issuance of a permit for  
 22 work seaward of the coastal construction control line  
 23 established under s. 161.053 shall be contingent upon receipt of  
 24 any required coastal construction control line permit from the  
 25 department. A construction permit is valid for 18 months after

26 | the date of issuance and may be extended by the department for  
27 | one 90-day period under rules adopted by the department. A  
28 | repair permit is valid for 90 days after the date of issuance.  
29 | An operating permit must be obtained before the use of any  
30 | aerobic treatment unit or if the establishment generates  
31 | commercial waste. Buildings or establishments that use an  
32 | aerobic treatment unit or generate commercial waste shall be  
33 | inspected by the department at least annually to assure  
34 | compliance with the terms of the operating permit. The operating  
35 | permit for a commercial wastewater system is valid for 1 year  
36 | after the date of issuance and must be renewed annually. The  
37 | operating permit for an aerobic treatment unit is valid for 2  
38 | years after the date of issuance and must be renewed every 2  
39 | years. If all information pertaining to the siting, location,  
40 | and installation conditions or repair of an onsite sewage  
41 | treatment and disposal system remains the same, a construction  
42 | or repair permit for the onsite sewage treatment and disposal  
43 | system may be transferred to another person, if the transferee  
44 | files, within 60 days after the transfer of ownership, an  
45 | amended application providing all corrected information and  
46 | proof of ownership of the property. A fee is not associated with  
47 | the processing of this supplemental information. A person may  
48 | not contract to construct, modify, alter, repair, service,  
49 | abandon, or maintain any portion of an onsite sewage treatment  
50 | and disposal system without being registered under part III of

51 chapter 489. A property owner who personally performs  
52 construction, maintenance, or repairs to a system serving his or  
53 her own owner-occupied single-family residence is exempt from  
54 registration requirements for performing such construction,  
55 maintenance, or repairs on that residence, but is subject to all  
56 permitting requirements. A municipality or political subdivision  
57 of the state may not issue a building or plumbing permit for any  
58 building that requires the use of an onsite sewage treatment and  
59 disposal system unless the owner or builder has applied for  
60 ~~received~~ a construction permit for such system from the  
61 department. A building or structure may not be occupied and a  
62 municipality, political subdivision, or any state or federal  
63 agency may not authorize occupancy until the department approves  
64 the final installation of the onsite sewage treatment and  
65 disposal system. A municipality or political subdivision of the  
66 state may not approve any change in occupancy or tenancy of a  
67 building that uses an onsite sewage treatment and disposal  
68 system until the department has reviewed the use of the system  
69 with the proposed change, approved the change, and amended the  
70 operating permit.

71 (a) Subdivisions and lots in which each lot has a minimum  
72 area of at least one-half acre and either a minimum dimension of  
73 100 feet or a mean of at least 100 feet of the side bordering  
74 the street and the distance formed by a line parallel to the  
75 side bordering the street drawn between the two most distant

76 | points of the remainder of the lot may be developed with a water  
77 | system regulated under s. 381.0062 and onsite sewage treatment  
78 | and disposal systems, provided the projected daily sewage flow  
79 | does not exceed an average of 1,500 gallons per acre per day,  
80 | and provided satisfactory drinking water can be obtained and all  
81 | distance and setback, soil condition, water table elevation, and  
82 | other related requirements of this section and rules adopted  
83 | under this section can be met.

84 |       (b) Subdivisions and lots using a public water system as  
85 | defined in s. 403.852 may use onsite sewage treatment and  
86 | disposal systems, provided there are no more than four lots per  
87 | acre, provided the projected daily sewage flow does not exceed  
88 | an average of 2,500 gallons per acre per day, and provided that  
89 | all distance and setback, soil condition, water table elevation,  
90 | and other related requirements that are generally applicable to  
91 | the use of onsite sewage treatment and disposal systems are met.

92 |       (c) Notwithstanding paragraphs (a) and (b), for  
93 | subdivisions platted of record on or before October 1, 1991,  
94 | when a developer or other appropriate entity has previously made  
95 | or makes provisions, including financial assurances or other  
96 | commitments, acceptable to the department, that a central water  
97 | system will be installed by a regulated public utility based on  
98 | a density formula, private potable wells may be used with onsite  
99 | sewage treatment and disposal systems until the agreed-upon  
100 | densities are reached. In a subdivision regulated by this

101 paragraph, the average daily sewage flow may not exceed 2,500  
102 gallons per acre per day. This section does not affect the  
103 validity of existing prior agreements. After October 1, 1991,  
104 the exception provided under this paragraph is not available to  
105 a developer or other appropriate entity.

106 (d) Paragraphs (a) and (b) do not apply to any proposed  
107 residential subdivision with more than 50 lots or to any  
108 proposed commercial subdivision with more than 5 lots where a  
109 publicly owned or investor-owned sewage treatment system is  
110 available. This paragraph does not allow development of  
111 additional proposed subdivisions in order to evade the  
112 requirements of this paragraph.

113 (e) The department shall adopt rules relating to the  
114 location of onsite sewage treatment and disposal systems,  
115 including establishing setback distances, to prevent groundwater  
116 contamination and surface water contamination and to preserve  
117 the public health. The rules must consider conventional and  
118 enhanced nutrient-reducing onsite sewage treatment and disposal  
119 system designs, impaired or degraded water bodies, domestic  
120 wastewater and drinking water infrastructure, potable water  
121 sources, nonpotable wells, stormwater infrastructure, the onsite  
122 sewage treatment and disposal system remediation plans developed  
123 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the  
124 recommendations of the onsite sewage treatment and disposal  
125 systems technical advisory committee established pursuant to

126 former s. 381.00652. The rules must also allow a person to apply  
127 for and receive a variance from a rule requirement upon  
128 demonstration that the requirement would cause an undue hardship  
129 and granting the variance would not cause or contribute to the  
130 exceedance of a total maximum daily load.

131 (f) Onsite sewage treatment and disposal systems that are  
132 permitted before June 21, 2022, may not be placed closer than:

- 133 1. Seventy-five feet from a private potable well.
- 134 2. Two hundred feet from a public potable well serving a  
135 residential or nonresidential establishment having a total  
136 sewage flow of greater than 2,000 gallons per day.
- 137 3. One hundred feet from a public potable well serving a  
138 residential or nonresidential establishment having a total  
139 sewage flow of less than or equal to 2,000 gallons per day.
- 140 4. Fifty feet from any nonpotable well.
- 141 5. Ten feet from any storm sewer pipe, to the maximum  
142 extent possible, but in no instance shall the setback be less  
143 than 5 feet.
- 144 6. Seventy-five feet from the mean high-water line of a  
145 tidally influenced surface water body.
- 146 7. Seventy-five feet from the mean annual flood line of a  
147 permanent nontidal surface water body.
- 148 8. Fifteen feet from the design high-water line of  
149 retention areas, detention areas, or swales designed to contain  
150 standing or flowing water for less than 72 hours after a

151 rainfall or the design high-water level of normally dry drainage  
152 ditches or normally dry individual lot stormwater retention  
153 areas.

154 (g) This section and rules adopted under this section  
155 relating to soil condition, water table elevation, distance, and  
156 other setback requirements must be equally applied to all lots,  
157 with the following exceptions:

158 1. Any residential lot that was platted and recorded on or  
159 after January 1, 1972, or that is part of a residential  
160 subdivision that was approved by the appropriate permitting  
161 agency on or after January 1, 1972, and that was eligible for an  
162 onsite sewage treatment and disposal system construction permit  
163 on the date of such platting and recording or approval shall be  
164 eligible for an onsite sewage treatment and disposal system  
165 construction permit, regardless of when the application for a  
166 permit is made. If rules in effect at the time the permit  
167 application is filed cannot be met, residential lots platted and  
168 recorded or approved on or after January 1, 1972, shall, to the  
169 maximum extent possible, comply with the rules in effect at the  
170 time the permit application is filed. At a minimum, however,  
171 those residential lots platted and recorded or approved on or  
172 after January 1, 1972, but before January 1, 1983, shall comply  
173 with those rules in effect on January 1, 1983, and those  
174 residential lots platted and recorded or approved on or after  
175 January 1, 1983, shall comply with those rules in effect at the

176 time of such platting and recording or approval. In determining  
177 the maximum extent of compliance with current rules that is  
178 possible, the department shall allow structures and  
179 appurtenances thereto which were authorized at the time such  
180 lots were platted and recorded or approved.

181 2. Lots platted before 1972 are subject to a 50-foot  
182 minimum surface water setback and are not subject to lot size  
183 requirements. The projected daily flow for onsite sewage  
184 treatment and disposal systems for lots platted before 1972 may  
185 not exceed:

186 a. Two thousand five hundred gallons per acre per day for  
187 lots served by public water systems as defined in s. 403.852.

188 b. One thousand five hundred gallons per acre per day for  
189 lots served by water systems regulated under s. 381.0062.

190 (h)1. The department may grant variances in hardship cases  
191 which may be less restrictive than the provisions specified in  
192 this section. If a variance is granted and the onsite sewage  
193 treatment and disposal system construction permit has been  
194 issued, the variance may be transferred with the system  
195 construction permit, if the transferee files, within 60 days  
196 after the transfer of ownership, an amended construction permit  
197 application providing all corrected information and proof of  
198 ownership of the property and if the same variance would have  
199 been required for the new owner of the property as was  
200 originally granted to the original applicant for the variance. A



201 fee is not associated with the processing of this supplemental  
 202 information. A variance may not be granted under this section  
 203 until the department is satisfied that:

204 a. The hardship was not caused intentionally by the action  
 205 of the applicant;

206 b. A reasonable alternative, taking into consideration  
 207 factors such as cost, does not exist for the treatment of the  
 208 sewage; and

209 c. The discharge from the onsite sewage treatment and  
 210 disposal system will not adversely affect the health of the  
 211 applicant or the public or significantly degrade the groundwater  
 212 or surface waters.

213  
 214 Where soil conditions, water table elevation, and setback  
 215 provisions are determined by the department to be satisfactory,  
 216 special consideration must be given to those lots platted before  
 217 1972.

218 2. The department shall appoint and staff a variance  
 219 review and advisory committee, which shall meet monthly to  
 220 recommend agency action on variance requests. The committee  
 221 shall make its recommendations on variance requests at the  
 222 meeting in which the application is scheduled for consideration,  
 223 except for an extraordinary change in circumstances, the receipt  
 224 of new information that raises new issues, or when the applicant  
 225 requests an extension. The committee shall consider the criteria

226 | in subparagraph 1. in its recommended agency action on variance  
 227 | requests and shall also strive to allow property owners the full  
 228 | use of their land where possible.

229 |       a. The committee is composed of the following:

230 |           (I) The Secretary of Environmental Protection or his or  
 231 | her designee.

232 |           (II) A representative from the county health departments.

233 |           (III) A representative from the home building industry  
 234 | recommended by the Florida Home Builders Association.

235 |           (IV) A representative from the septic tank industry  
 236 | recommended by the Florida Onsite Wastewater Association.

237 |           (V) A representative from the Department of Health.

238 |           (VI) A representative from the real estate industry who is  
 239 | also a developer in this state who develops lots using onsite  
 240 | sewage treatment and disposal systems, recommended by the  
 241 | Florida Association of Realtors.

242 |           (VII) A representative from the engineering profession  
 243 | recommended by the Florida Engineering Society.

244 |       b. Members shall be appointed for a term of 3 years, with  
 245 | such appointments being staggered so that the terms of no more  
 246 | than two members expire in any one year. Members shall serve  
 247 | without remuneration, but if requested, shall be reimbursed for  
 248 | per diem and travel expenses as provided in s. 112.061.

249 |       3. The variance review and advisory committee is not  
 250 | responsible for reviewing water well permitting. However, the

251 | committee shall consider all requirements of law related to  
252 | onsite sewage treatment and disposal systems when making  
253 | recommendations on variance requests for onsite sewage treatment  
254 | and disposal system permits.

255 |       (i) A construction permit may not be issued for an onsite  
256 | sewage treatment and disposal system in any area zoned or used  
257 | for industrial or manufacturing purposes, or its equivalent,  
258 | where a publicly owned or investor-owned sewage treatment system  
259 | is available, or where a likelihood exists that the system will  
260 | receive toxic, hazardous, or industrial waste. An existing  
261 | onsite sewage treatment and disposal system may be repaired if a  
262 | publicly owned or investor-owned sewage treatment system is not  
263 | available within 500 feet of the building sewer stub-out and if  
264 | system construction and operation standards can be met. This  
265 | paragraph does not require publicly owned or investor-owned  
266 | sewage treatment systems to accept anything other than domestic  
267 | wastewater.

268 |       1. A building located in an area zoned or used for  
269 | industrial or manufacturing purposes, or its equivalent, when  
270 | such building is served by an onsite sewage treatment and  
271 | disposal system, must not be occupied until the owner or tenant  
272 | has obtained written approval from the department. The  
273 | department may not grant approval when the proposed use of the  
274 | system is to dispose of toxic, hazardous, or industrial  
275 | wastewater or toxic or hazardous chemicals.

276           2. Each person who owns or operates a business or facility  
277 in an area zoned or used for industrial or manufacturing  
278 purposes, or its equivalent, or who owns or operates a business  
279 that has the potential to generate toxic, hazardous, or  
280 industrial wastewater or toxic or hazardous chemicals, and uses  
281 an onsite sewage treatment and disposal system that is installed  
282 on or after July 5, 1989, must obtain an annual system operating  
283 permit from the department. A person who owns or operates a  
284 business that uses an onsite sewage treatment and disposal  
285 system that was installed and approved before July 5, 1989, does  
286 not need to obtain a system operating permit. However, upon  
287 change of ownership or tenancy, the new owner or operator must  
288 notify the department of the change, and the new owner or  
289 operator must obtain an annual system operating permit,  
290 regardless of the date that the system was installed or  
291 approved.

292           3. The department shall periodically review and evaluate  
293 the continued use of onsite sewage treatment and disposal  
294 systems in areas zoned or used for industrial or manufacturing  
295 purposes, or its equivalent, and may require the collection and  
296 analyses of samples from within and around such systems. If the  
297 department finds that toxic or hazardous chemicals or toxic,  
298 hazardous, or industrial wastewater have been or are being  
299 disposed of through an onsite sewage treatment and disposal  
300 system, the department shall initiate enforcement actions

301 against the owner or tenant to ensure adequate cleanup,  
302 treatment, and disposal.

303 (j) An onsite sewage treatment and disposal system  
304 designed by a professional engineer registered in the state and  
305 certified by such engineer as complying with performance  
306 criteria adopted by the department must be approved by the  
307 department subject to the following:

308 1. The performance criteria applicable to engineer-  
309 designed systems must be limited to those necessary to ensure  
310 that such systems do not adversely affect the public health or  
311 significantly degrade the groundwater or surface water. Such  
312 performance criteria shall include consideration of the quality  
313 of system effluent, the proposed total sewage flow per acre,  
314 wastewater treatment capabilities of the natural or replaced  
315 soil, water quality classification of the potential surface-  
316 water-receiving body, and the structural and maintenance  
317 viability of the system for the treatment of domestic  
318 wastewater. However, performance criteria shall address only the  
319 performance of a system and not a system's design.

320 2. A person electing to use an engineer-designed system  
321 shall, upon completion of the system design, submit such design,  
322 certified by a registered professional engineer, to the county  
323 health department. The county health department may use an  
324 outside consultant to review the engineer-designed system, with  
325 the actual cost of such review to be borne by the applicant.

326 Within 5 working days after receiving an engineer-designed  
327 system permit application, the county health department shall  
328 request additional information if the application is not  
329 complete. Within 15 working days after receiving a complete  
330 application for an engineer-designed system, the county health  
331 department shall issue the permit or, if it determines that the  
332 system does not comply with the performance criteria, shall  
333 notify the applicant of that determination and refer the  
334 application to the department for a determination as to whether  
335 the system should be approved, disapproved, or approved with  
336 modification. The department engineer's determination shall  
337 prevail over the action of the county health department. The  
338 applicant shall be notified in writing of the department's  
339 determination and of the applicant's rights to pursue a variance  
340 or seek review under the provisions of chapter 120.

341 3. The owner of an engineer-designed performance-based  
342 system must maintain a current maintenance service agreement  
343 with a maintenance entity permitted by the department. The  
344 maintenance entity shall inspect each system at least twice each  
345 year and shall report quarterly to the department on the number  
346 of systems inspected and serviced. The reports may be submitted  
347 electronically.

348 4. The property owner of an owner-occupied, single-family  
349 residence may be approved and permitted by the department as a  
350 maintenance entity for his or her own performance-based

351 treatment system upon written certification from the system  
352 manufacturer's approved representative that the property owner  
353 has received training on the proper installation and service of  
354 the system. The maintenance service agreement must conspicuously  
355 disclose that the property owner has the right to maintain his  
356 or her own system and is exempt from contractor registration  
357 requirements for performing construction, maintenance, or  
358 repairs on the system but is subject to all permitting  
359 requirements.

360 5. The property owner shall obtain a biennial system  
361 operating permit from the department for each system. The  
362 department shall inspect the system at least annually, or on  
363 such periodic basis as the fee collected permits, and may  
364 collect system-effluent samples if appropriate to determine  
365 compliance with the performance criteria. The fee for the  
366 biennial operating permit shall be collected beginning with the  
367 second year of system operation.

368 6. If an engineer-designed system fails to properly  
369 function or fails to meet performance standards, the system  
370 shall be re-engineered, if necessary, to bring the system into  
371 compliance with the provisions of this section.

372 (k) An innovative system may be approved in conjunction  
373 with an engineer-designed site-specific system that is certified  
374 by the engineer to meet the performance-based criteria adopted  
375 by the department.

376 (1) For the Florida Keys, the department shall adopt a  
377 special rule for the construction, installation, modification,  
378 operation, repair, maintenance, and performance of onsite sewage  
379 treatment and disposal systems which considers the unique soil  
380 conditions and water table elevations, densities, and setback  
381 requirements. On lots where a setback distance of 75 feet from  
382 surface waters, saltmarsh, and buttonwood association habitat  
383 areas cannot be met, an injection well, approved and permitted  
384 by the department, may be used for disposal of effluent from  
385 onsite sewage treatment and disposal systems. The following  
386 additional requirements apply to onsite sewage treatment and  
387 disposal systems in Monroe County:

388 1. The county, each municipality, and those special  
389 districts established for the purpose of the collection,  
390 transmission, treatment, or disposal of sewage shall ensure, in  
391 accordance with the specific schedules adopted by the  
392 Administration Commission under s. 380.0552, the completion of  
393 onsite sewage treatment and disposal system upgrades to meet the  
394 requirements of this paragraph.

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

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



401           b. Suspended Solids of 10 mg/l.

402           c. Total Nitrogen, expressed as N, of 10 mg/l or a  
403 reduction in nitrogen of at least 70 percent. A system that has  
404 been tested and certified to reduce nitrogen concentrations by  
405 at least 70 percent shall be deemed to be in compliance with  
406 this standard.

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

408

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

412           3. In areas not scheduled to be served by a central  
413 sewerage system, onsite sewage treatment and disposal systems  
414 must, by December 31, 2015, comply with department rules and  
415 provide the level of treatment described in subparagraph 2.

416           4. In areas scheduled to be served by a central sewerage  
417 system by December 31, 2015, if the property owner has paid a  
418 connection fee or assessment for connection to the central  
419 sewerage system, the property owner may install a holding tank  
420 with a high water alarm or an onsite sewage treatment and  
421 disposal system that meets the following minimum standards:

422           a. The existing tanks must be pumped and inspected and  
423 certified as being watertight and free of defects in accordance  
424 with department rule; and

425           b. A sand-lined drainfield or injection well in accordance

426 with department rule must be installed.

427 5. Onsite sewage treatment and disposal systems must be  
428 monitored for total nitrogen and total phosphorus concentrations  
429 as required by department rule.

430 6. The department shall enforce proper installation,  
431 operation, and maintenance of onsite sewage treatment and  
432 disposal systems pursuant to this chapter, including ensuring  
433 that the appropriate level of treatment described in  
434 subparagraph 2. is met.

435 7. The authority of a local government, including a  
436 special district, to mandate connection of an onsite sewage  
437 treatment and disposal system is governed by s. 4, chapter 99-  
438 395, Laws of Florida.

439 8. Notwithstanding any other law, an onsite sewage  
440 treatment and disposal system installed after July 1, 2010, in  
441 unincorporated Monroe County, excluding special wastewater  
442 districts, that complies with the standards in subparagraph 2.  
443 is not required to connect to a central sewerage system until  
444 December 31, 2020.

445 (m) A product sold in the state for use in onsite sewage  
446 treatment and disposal systems may not contain any substance in  
447 concentrations or amounts that would interfere with or prevent  
448 the successful operation of such system, or that would cause  
449 discharges from such systems to violate applicable water quality  
450 standards. The department shall publish criteria for products

451 known or expected to meet the conditions of this paragraph. If a  
452 product does not meet such criteria, such product may be sold if  
453 the manufacturer satisfactorily demonstrates to the department  
454 that the conditions of this paragraph are met.

455 (n) Evaluations for determining the seasonal high-water  
456 table elevations or the suitability of soils for the use of a  
457 new onsite sewage treatment and disposal system shall be  
458 performed by department personnel, professional engineers  
459 registered in the state, or such other persons with expertise,  
460 as defined by rule, in making such evaluations. Evaluations for  
461 determining mean annual flood lines shall be performed by those  
462 persons identified in paragraph (2)(1). The department shall  
463 accept evaluations submitted by professional engineers and such  
464 other persons as meet the expertise established by this section  
465 or by rule unless the department has a reasonable scientific  
466 basis for questioning the accuracy or completeness of the  
467 evaluation.

468 (o) An application for an onsite sewage treatment and  
469 disposal system permit shall be completed in full, signed by the  
470 owner or the owner's authorized representative, or by a  
471 contractor licensed under chapter 489, and shall be accompanied  
472 by all required exhibits and fees. Specific documentation of  
473 property ownership is not required as a prerequisite to the  
474 review of an application or the issuance of a permit. The  
475 issuance of a permit does not constitute determination by the

476 department of property ownership.

477 (p) The department may not require any form of subdivision  
478 analysis of property by an owner, developer, or subdivider  
479 before submission of an application for an onsite sewage  
480 treatment and disposal system.

481 (q) This section does not limit the power of a  
482 municipality or county to enforce other laws for the protection  
483 of the public health and safety.

484 (r) In the siting of onsite sewage treatment and disposal  
485 systems, including drainfields, shoulders, and slopes, guttering  
486 may not be required on single-family residential dwelling units  
487 for systems located greater than 5 feet from the roof drip line  
488 of the house. If guttering is used on residential dwelling  
489 units, the downspouts shall be directed away from the  
490 drainfield.

491 (s) Notwithstanding subparagraph (g)1., onsite sewage  
492 treatment and disposal systems located in floodways of the  
493 Suwannee and Aucilla Rivers must adhere to the following  
494 requirements:

495 1. The absorption surface of the drainfield may not be  
496 subject to flooding based on 10-year flood elevations. Provided,  
497 however, for lots or parcels created by the subdivision of land  
498 in accordance with applicable local government regulations  
499 before January 17, 1990, if an applicant cannot construct a  
500 drainfield system with the absorption surface of the drainfield

501 at an elevation equal to or above 10-year flood elevation, the  
502 department shall issue a permit for an onsite sewage treatment  
503 and disposal system within the 10-year floodplain of rivers,  
504 streams, and other bodies of flowing water if all of the  
505 following criteria are met:

506 a. The lot is at least one-half acre in size;

507 b. The bottom of the drainfield is at least 36 inches  
508 above the 2-year flood elevation; and

509 c. The applicant installs a waterless, incinerating, or  
510 organic waste composting toilet and a graywater system and  
511 drainfield in accordance with department rules; an aerobic  
512 treatment unit and drainfield in accordance with department  
513 rules; a system that is capable of reducing effluent nitrate by  
514 at least 50 percent in accordance with department rules; or a  
515 system other than a system using alternative drainfield  
516 materials in accordance with department rules. The United States  
517 Department of Agriculture Soil Conservation Service soil maps,  
518 State of Florida Water Management District data, and Federal  
519 Emergency Management Agency Flood Insurance maps are resources  
520 that shall be used to identify flood-prone areas.

521 2. The use of fill or mounding to elevate a drainfield  
522 system out of the 10-year floodplain of rivers, streams, or  
523 other bodies of flowing water may not be permitted if such a  
524 system lies within a regulatory floodway of the Suwannee and  
525 Aucilla Rivers. In cases where the 10-year flood elevation does

526 not coincide with the boundaries of the regulatory floodway, the  
527 regulatory floodway will be considered for the purposes of this  
528 subsection to extend at a minimum to the 10-year flood  
529 elevation.

530 (t)1. The owner of an aerobic treatment unit system shall  
531 maintain a current maintenance service agreement with an aerobic  
532 treatment unit maintenance entity permitted by the department.  
533 The maintenance entity shall inspect each aerobic treatment unit  
534 system at least twice each year and shall report quarterly to  
535 the department on the number of aerobic treatment unit systems  
536 inspected and serviced. The reports may be submitted  
537 electronically.

538 2. The property owner of an owner-occupied, single-family  
539 residence may be approved and permitted by the department as a  
540 maintenance entity for his or her own aerobic treatment unit  
541 system upon written certification from the system manufacturer's  
542 approved representative that the property owner has received  
543 training on the proper installation and service of the system.  
544 The maintenance entity service agreement must conspicuously  
545 disclose that the property owner has the right to maintain his  
546 or her own system and is exempt from contractor registration  
547 requirements for performing construction, maintenance, or  
548 repairs on the system but is subject to all permitting  
549 requirements.

550 3. A septic tank contractor licensed under part III of

551 chapter 489, if approved by the manufacturer, may not be denied  
552 access by the manufacturer to aerobic treatment unit system  
553 training or spare parts for maintenance entities. After the  
554 original warranty period, component parts for an aerobic  
555 treatment unit system may be replaced with parts that meet  
556 manufacturer's specifications but are manufactured by others.  
557 The maintenance entity shall maintain documentation of the  
558 substitute part's equivalency for 2 years and shall provide such  
559 documentation to the department upon request.

560 4. The owner of an aerobic treatment unit system shall  
561 obtain a system operating permit from the department and allow  
562 the department to inspect during reasonable hours each aerobic  
563 treatment unit system at least annually, and such inspection may  
564 include collection and analysis of system-effluent samples for  
565 performance criteria established by rule of the department.

566 (u) The department may require the submission of detailed  
567 system construction plans that are prepared by a professional  
568 engineer registered in this state. The department shall  
569 establish by rule criteria for determining when such a  
570 submission is required.

571 (v) Any permit issued and approved by the department for  
572 the installation, modification, or repair of an onsite sewage  
573 treatment and disposal system shall transfer with the title to  
574 the property in a real estate transaction. A title may not be  
575 encumbered at the time of transfer by new permit requirements by

576 a governmental entity for an onsite sewage treatment and  
577 disposal system which differ from the permitting requirements in  
578 effect at the time the system was permitted, modified, or  
579 repaired. An inspection of a system may not be mandated by a  
580 governmental entity at the point of sale in a real estate  
581 transaction. This paragraph does not affect a septic tank phase-  
582 out deferral program implemented by a consolidated government as  
583 defined in s. 9, Art. VIII of the State Constitution of 1885.

584 (w) A governmental entity, including a municipality,  
585 county, or statutorily created commission, may not require an  
586 engineer-designed performance-based treatment system, excluding  
587 a passive engineer-designed performance-based treatment system,  
588 before the completion of the Florida Onsite Sewage Nitrogen  
589 Reduction Strategies Project. This paragraph does not apply to a  
590 governmental entity, including a municipality, county, or  
591 statutorily created commission, which adopted a local law,  
592 ordinance, or regulation on or before January 31, 2012.  
593 Notwithstanding this paragraph, an engineer-designed  
594 performance-based treatment system may be used to meet the  
595 requirements of the variance review and advisory committee  
596 recommendations.

597 (x)1. An onsite sewage treatment and disposal system is  
598 not considered abandoned if the system is disconnected from a  
599 structure that was made unusable or destroyed following a  
600 disaster and if the system was properly functioning at the time



601 of disconnection and was not adversely affected by the disaster.  
602 The onsite sewage treatment and disposal system may be  
603 reconnected to a rebuilt structure if:

604 a. The reconnection of the system is to the same type of  
605 structure which contains the same number of bedrooms or fewer,  
606 if the square footage of the structure is less than or equal to  
607 110 percent of the original square footage of the structure that  
608 existed before the disaster;

609 b. The system is not a sanitary nuisance; and

610 c. The system has not been altered without prior  
611 authorization.

612 2. An onsite sewage treatment and disposal system that  
613 serves a property that is foreclosed upon is not considered  
614 abandoned.

615 (y) If an onsite sewage treatment and disposal system  
616 permittee receives, relies upon, and undertakes construction of  
617 a system based upon a validly issued construction permit under  
618 rules applicable at the time of construction but a change to a  
619 rule occurs within 5 years after the approval of the system for  
620 construction but before the final approval of the system, the  
621 rules applicable and in effect at the time of construction  
622 approval apply at the time of final approval if fundamental site  
623 conditions have not changed between the time of construction  
624 approval and final approval.

625 (z) An existing-system inspection or evaluation and

626 assessment, or a modification, replacement, or upgrade of an  
627 onsite sewage treatment and disposal system is not required for  
628 a remodeling addition or modification to a single-family home if  
629 a bedroom is not added. However, a remodeling addition or  
630 modification to a single-family home may not cover any part of  
631 the existing system or encroach upon a required setback or the  
632 unobstructed area. To determine if a setback or the unobstructed  
633 area is impacted, the local health department shall review and  
634 verify a floor plan and site plan of the proposed remodeling  
635 addition or modification to the home submitted by a remodeler  
636 which shows the location of the system, including the distance  
637 of the remodeling addition or modification to the home from the  
638 onsite sewage treatment and disposal system. The local health  
639 department may visit the site or otherwise determine the best  
640 means of verifying the information submitted. A verification of  
641 the location of a system is not an inspection or evaluation and  
642 assessment of the system. The review and verification must be  
643 completed within 7 business days after receipt by the local  
644 health department of a floor plan and site plan. If the review  
645 and verification is not completed within such time, the  
646 remodeling addition or modification to the single-family home,  
647 for the purposes of this paragraph, is approved.

648 **Section 2.** This act shall take effect July 1, 2025.