

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 authorizing licensed septic tank contractors to  
5 perform maintenance and repair on the drainfields of  
6 certain aerobic treatment unit systems; amending s.  
7 381.00655, F.S.; providing conditions under which the  
8 owners of existing onsite sewage treatment and  
9 disposal systems are allowed to use all or a portion  
10 of the systems as integral parts of sanitary sewer  
11 systems; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Paragraph (u) of subsection (4) of section  
16 381.0065, Florida Statutes, is amended to read:

17 381.0065 Onsite sewage treatment and disposal systems;  
18 regulation.—

19 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
20 not construct, repair, modify, abandon, or operate an onsite  
21 sewage treatment and disposal system without first obtaining a  
22 permit approved by the department. The department may issue  
23 permits to carry out this section, but shall not make the  
24 issuance of such permits contingent upon prior approval by the  
25 Department of Environmental Protection, except that the issuance  
26 of a permit for work seaward of the coastal construction control

27 | line established under s. 161.053 shall be contingent upon  
28 | receipt of any required coastal construction control line permit  
29 | from the Department of Environmental Protection. A construction  
30 | permit is valid for 18 months from the issuance date and may be  
31 | extended by the department for one 90-day period under rules  
32 | adopted by the department. A repair permit is valid for 90 days  
33 | from the date of issuance. An operating permit must be obtained  
34 | prior to the use of any aerobic treatment unit or if the  
35 | establishment generates commercial waste. Buildings or  
36 | establishments that use an aerobic treatment unit or generate  
37 | commercial waste shall be inspected by the department at least  
38 | annually to assure compliance with the terms of the operating  
39 | permit. The operating permit for a commercial wastewater system  
40 | is valid for 1 year from the date of issuance and must be  
41 | renewed annually. The operating permit for an aerobic treatment  
42 | unit is valid for 2 years from the date of issuance and must be  
43 | renewed every 2 years. If all information pertaining to the  
44 | siting, location, and installation conditions or repair of an  
45 | onsite sewage treatment and disposal system remains the same, a  
46 | construction or repair permit for the onsite sewage treatment  
47 | and disposal system may be transferred to another person, if the  
48 | transferee files, within 60 days after the transfer of  
49 | ownership, an amended application providing all corrected  
50 | information and proof of ownership of the property. There is no  
51 | fee associated with the processing of this supplemental  
52 | information. A person may not contract to construct, modify,

53 alter, repair, service, abandon, or maintain any portion of an  
54 onsite sewage treatment and disposal system without being  
55 registered under part III of chapter 489. A property owner who  
56 personally performs construction, maintenance, or repairs to a  
57 system serving his or her own owner-occupied single-family  
58 residence is exempt from registration requirements for  
59 performing such construction, maintenance, or repairs on that  
60 residence, but is subject to all permitting requirements. A  
61 municipality or political subdivision of the state may not issue  
62 a building or plumbing permit for any building that requires the  
63 use of an onsite sewage treatment and disposal system unless the  
64 owner or builder has received a construction permit for such  
65 system from the department. A building or structure may not be  
66 occupied and a municipality, political subdivision, or any state  
67 or federal agency may not authorize occupancy until the  
68 department approves the final installation of the onsite sewage  
69 treatment and disposal system. A municipality or political  
70 subdivision of the state may not approve any change in occupancy  
71 or tenancy of a building that uses an onsite sewage treatment  
72 and disposal system until the department has reviewed the use of  
73 the system with the proposed change, approved the change, and  
74 amended the operating permit.

75 (u)1. The owner of an aerobic treatment unit system shall  
76 maintain a current maintenance service agreement with an aerobic  
77 treatment unit maintenance entity permitted by the department.  
78 The maintenance entity shall inspect each aerobic treatment unit

79 system at least twice each year and shall report quarterly to  
80 the department on the number of aerobic treatment unit systems  
81 inspected and serviced. The reports may be submitted  
82 electronically.

83 2. The property owner of an owner-occupied, single-family  
84 residence may be approved and permitted by the department as a  
85 maintenance entity for his or her own aerobic treatment unit  
86 system upon written certification from the system manufacturer's  
87 approved representative that the property owner has received  
88 training on the proper installation and service of the system.  
89 The maintenance entity service agreement must conspicuously  
90 disclose that the property owner has the right to maintain his  
91 or her own system and is exempt from contractor registration  
92 requirements for performing construction, maintenance, or  
93 repairs on the system but is subject to all permitting  
94 requirements.

95 3. A septic tank contractor licensed under part III of  
96 chapter 489, if approved by the manufacturer, may not be denied  
97 access by the manufacturer to aerobic treatment unit system  
98 training or spare parts for maintenance entities. After the  
99 original warranty period, component parts for an aerobic  
100 treatment unit system may be replaced with parts that meet  
101 manufacturer's specifications but are manufactured by others.  
102 The maintenance entity shall maintain documentation of the  
103 substitute part's equivalency for 2 years and shall provide such  
104 documentation to the department upon request.

105 4. The owner of an aerobic treatment unit system shall  
106 obtain a system operating permit from the department and allow  
107 the department to inspect during reasonable hours each aerobic  
108 treatment unit system at least annually, and such inspection may  
109 include collection and analysis of system-effluent samples for  
110 performance criteria established by rule of the department.

111 5. This paragraph does not prohibit a septic tank  
112 contractor licensed under part III of chapter 489 from  
113 performing maintenance or repair on the drainfield of an aerobic  
114 treatment unit system that is not a performance-based treatment  
115 system.

116 Section 2. Paragraph (c) is added to subsection (1) of  
117 section 381.00655, Florida Statutes, to read:

118 381.00655 Connection of existing onsite sewage treatment  
119 and disposal systems to central sewerage system; requirements.-

120 (1)

121 (c) The owner of an existing onsite sewage treatment and  
122 disposal system may, with the approval of the Department of  
123 Environmental Protection or the department's designee, use all  
124 or a portion of the existing onsite sewage treatment and  
125 disposal system, including the drainfield, as an integral part  
126 of a sanitary sewer system. Before such use is approved by the  
127 department, the existing septic tank must be evaluated by a  
128 registered septic tank contractor to ensure that the tank is not  
129 in failure at the time of transition.

130 Section 3. This act shall take effect July 1, 2014.